

5:30 2nd public hearing - Milford Municipal Code, Title 5 Health & Safety, Chapter 5.35 Savage Well Superfund Groundwater Management Zone - Community Development Director Lincoln Daley



**PUBLIC NOTIFICATION OF PROPOSED**

**MILFORD MUNICIPAL CODE – TITLE 5 HEALTH AND SAFETY  
CHAPTER 5.35 SAVAGE MUNICIPAL WATER SUPPLY SUPERFUND  
GROUNDWATER MANAGEMENT ZONE**

**FOR**

**SAVAGE MUNICIPAL WATER SUPPLY SUPERFUND SITE  
ELM STREET AREA**

**EPA PROJECT ID: NHD980671002, NHDES Site #198505002**

In consultation with the United State Environmental Protection Agency (US-EPA) and the New Hampshire Department of Environmental Services (NH-DES) in regards to the Savage Municipal Water Supply Superfund Site, the Town of Milford (Town) is hereby providing notice [per the New Hampshire Code of Administrative Rule Env-Or 607.02 (b)(2)] that your property is proposed for inclusion within a Groundwater Management Zone (“GMZ”). A GMZ is an area within which groundwater use must be controlled and/or monitored due to the presence of groundwater contaminants that exceed the State’s Ambient Groundwater Quality Standards (“AGQS”). The Town is proposing to fulfill the requirement for institutional controls on the use of groundwater at the subject site via a Municipal Ordinance under the existing Health and Safety Chapter 5.35 Savage Municipal Water Supply Superfund Groundwater Management Zone.

Due to the number of parcels affected by the GMZ, the Town, in consultation with US-EPA and NH-DES, determined that it was more efficient to establish a Municipal Ordinance in lieu of acquiring a Groundwater Management Permit (Permit), whereby it is required to record a notice of the Permit in the chain of title for each property located within the GMZ. The purpose of the Municipal Ordinance is to protect the public health and to meet the requirements of New Hampshire’s “Groundwater Protection Act,” (RSA 485-C:4 XI) and associated administrative rules (Env-Or 607). The Municipal Ordinance will remain in effect until such time as groundwater is restored to drinking water quality (below AGQS) within the GMZ and the US-EPA and NH-DES approve release of the ordinance prohibitions.

Attached is the draft Municipal Ordinance with associated figure that shows the properties that are proposed for inclusion within the GMZ.

On August 9<sup>th</sup>, the Board of Selectmen will hold a Public Hearing at Town Hall, Board of Selectmen Meeting Room, 1 Union Square to discuss and seek to adopt the proposed Groundwater Management Zone. Your participation is encouraged.

This meeting will be a hybrid meeting where people may attend in person at Town Hall or by Zoom. All appropriate mask and social distancing rules will be in place for in person attendees.

For remote participation, call in on your phone at 1-646-558-8656 and enter the meeting ID# - 821 0579 8174. The password is 344086. You may also join the Zoom Meeting at:

<https://us02web.zoom.us/j/82105798174?pwd=dDIlc1IwS0NYUmJaL1ZDSGZaVXNMdz09>. Please log in five minutes before the meeting’s scheduled start time in case there are any technical difficulties.

Please contact Lincoln Daley, Community Development Director at [ldaley@milford.nh.gov](mailto:ldaley@milford.nh.gov) or 603-249-0620 with any questions and/or comments.

**SAVAGE MUNICIPAL WATER SUPPLY SUPERFUND SITE  
GROUNDWATER MANAGEMENT ZONE**

Adopted \_\_\_\_\_ by the Town of Milford (“Town”) Board of Selectmen (hereafter “Board”).

**I. AUTHORITY AND PURPOSE**

Pursuant to RSA 147:1, Local Regulations, and RSA 31:39, Power to Make Bylaws, the Board adopts a Groundwater Management Zone in consultation with the United States Environmental Protection Agency (US-EPA) and New Hampshire Department of Environmental Services (NH-DES) to be entitled, “Savage Municipal Water Supply Superfund Site Groundwater Management Zone” (SMWS-GMZ).

Objectives of the SMWS-GMZ are:

- A. To prevent use of groundwater drawn from within a designated federal Superfund site, as defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 *et seq.*, until the cleanup goals required under CERCLA decision documents for the Savage Municipal Water Supply Superfund Site are achieved.
- B. To protect the public health and safety of the residents of Milford in the vicinity of the Savage Municipal Water Supply Superfund Site by preventing the possible use of contaminated groundwater as drinking water.

**II. ZONE BOUNDARIES**

- A. The SMWS-GMZ is superimposed over the existing underlying zoning districts and comprises of twenty-eight (28) parcels, those being shown on a plan entitled “Savage Municipal Water Supply Groundwater Management Zone / Town Ordinance Area”, dated \_\_\_\_\_, and shall extend to any newly-created lot and map numbers created as a result of a legal subdivision or other change of the designated parcels within the defined area. The extent of the boundary of the SMWS-GMZ shall be reviewed as necessary based on the results of sampling but no less frequently than every five years. Subsequent to such review, lots may be removed from or added to the SMWS-GMZ after consultation with US-EPA and NH-DES.
- B. When the actual boundary of the SMWS-GMZ is in dispute by any owner or abutter affected by such boundary, the Town will engage, at the owner or abutter's expense, a professional geologist or hydrogeologist to determine more accurately the precise boundary of the SMWS-GMZ. The Town shall consult with the US-EPA and NH-DES, before making any modification to the SMWS-GMZ.

### **III. PROHIBITED USES**

- A. Additional to the prohibited uses of the underlying zoning district in which the SMWS-GMZ is located, all use of groundwater for any purpose whatsoever in this district is prohibited without prior written approval from the Town, US-EPA and the NH-DES. No wells of any nature whatsoever shall be dug, installed, or otherwise created within the district without prior written approval from the Town, US-EPA and the NH-DES. No groundwater shall be drawn or captured by any means whatsoever or for any use whatsoever from within the Zone without prior written approval from the Town, US-EPA and the NH-DES.
- B. No disturbance of wetlands within the SMWS-GMZ shall be permitted except in accordance with applicable local, state, and federal laws and regulations.
- C. These restrictions do not apply to activities authorized under CERCLA for the Savage Municipal Water Supply Superfund Site within the GMZ, undertaken by US-EPA, NH-DES, and Settling Defendants under the Consent Decree executed by Hitchiner Manufacturing Company, Hendrix Wire & Cable, US-EPA and the State of New Hampshire in February 1994 and approved by the United States District Court for the District of New Hampshire in or about May 1994, Civil Action No. 94-174-JD.
- D. Nothing in this regulation shall prohibit a property owner from developing property within the SMWS-GMZ, provided that any development proposal requiring on-site water shall demonstrate the ability to connect to town water or another acceptable water supply located outside of the boundaries of the SMWS-GMZ at the applicant's expense.
- E. Temporary dewatering activities for construction or maintenance activities within the SMWS-GMZ are permissible with prior written approval by the Town, US-EPA, and NH-DES.

### **IV. ADMINISTRATION**

- A. The provisions of the SMWS-GMZ shall be administered by the Board acting through the Code Enforcement or Health Officer.
- B. Any element of this ordinance may be waived upon application to, and written approval by the Board, US-EPA, and NH-DES, provided that the granting of such waiver does not adversely affect any adjoining property or the performance of the remedy in the groundwater.
- C. The Town shall conduct annual review of SMWS-GMZ property transfers and provide notice of the ordinance to new property owners.

**Milford Municipal Code - Title 5 Health & Safety**  
**Chapter 5.35 Savage Municipal Water Supply Superfund Site Groundwater Management Zone**

**V. ENFORCEMENT**

The Board shall be responsible for enforcement of the provisions of the SMWS-GMZ and may pursue all legal and equitable remedies to ensure compliance with this ordinance.

**VI. EFFECTIVE DATE**

This Article shall become effective upon passage.

The SMWS-GMZ shall remain in effect until the cleanup goals required under CERCLA decision documents for the Savage Municipal Water Supply Superfund Site are achieved. Except for any modifications allowed by the ordinance, the Town shall consult with the US-EPA and NH-DES before modifying or terminating the SMWS-GMZ.

Adopted \_\_\_\_\_.

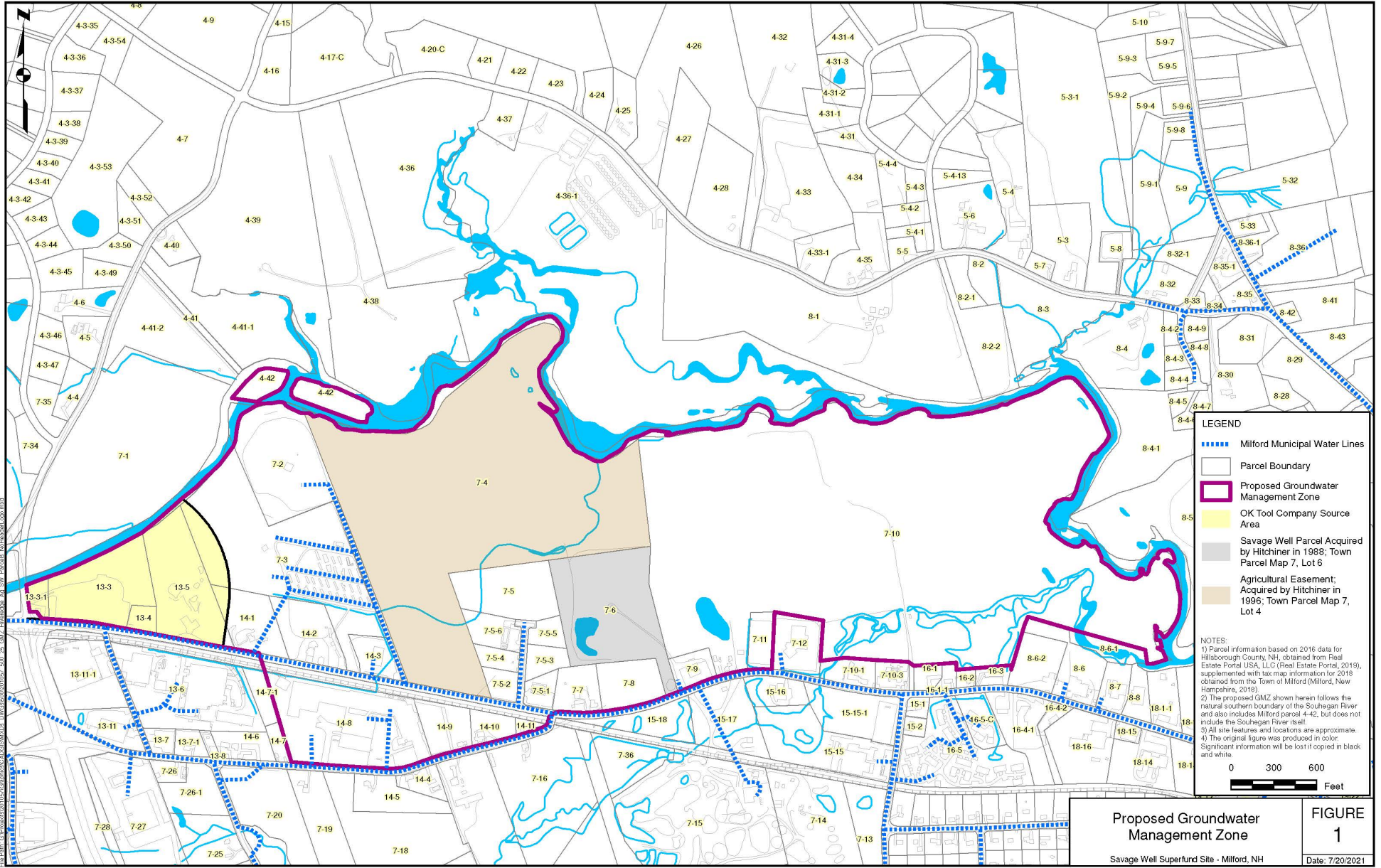
\_\_\_\_\_  
Gary Daniels, Chairman

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Paul Dargie, Vice Chairman

\_\_\_\_\_  
Laura Dudziak, Member

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Christopher Labonte, Member

\_\_\_\_\_  
David Freel, Member



**FIGURE 1**

Date: 7/20/2021

## **Savage Municipal Water Supply Superfund Site Fact Sheet**

### **Overview**

In order to continue a comprehensive remediation program related to soil and groundwater contamination at and around the former OK Tool Company property, the United States Environmental Protection Agency (US EPA) and New Hampshire Department of Environmental Services (NHDES) are working with the Town of Milford to create a "Groundwater Management Zone" (GMZ) that would apply to portions of the Savage Well Superfund Site and immediately surrounding area.

**A GMZ does NOT change the existing uses of any property, but instead, strengthens the limitations designed to protect the public and continue progress made over the last four decades.**

Through the issuance of a Town ordinance, the proposed GMZ would:

- Protect the public health and safety of the residents of Milford by preventing the use of groundwater in the GMZ, while preserving existing water use conditions, until the cleanup goals are achieved.
- Establish a protective measure to ensure continued health and safety of those who live or work on these properties.

The properties encompassed within the proposed ordinance will continue to have access to clean, public water provided by the Milford Water Utilities Department.

### **Institutional Controls and the Proposed GMZ**

Institutional Controls (ICs) and the proposed GMZ are non-engineered instruments such as administrative and legal controls that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy. The following existing ICs help minimize exposure to impacted groundwater:

- NHDES regulation prohibits siting of a community water system in contaminated areas.
- The GMZ is largely zoned industrial/commercial and falls within the Town of Milford's Groundwater Protection District; and
- Large portions of the GMZ are owned or controlled by the State or entities involved in the remediation.

The GMZ would function as an additional IC, implemented through a Town ordinance that would prohibit the withdrawal and use of groundwater and the installation of wells within the GMZ without prior written approval from the Town of Milford, US EPA, and NHDES.

### **Background**

The "Savage Well" is a former Town of Milford municipal water supply well. In 1983 certain industrial chemical solvents including, primarily, a volatile organic compound (VOC) known as tetrachloroethylene (commonly referred to as PCE or PERC), were detected in the Savage Well. The Town of Milford stopped using the Savage Well immediately after the contamination was discovered and the impacted area became a federal Superfund Site in 1984.

PCE, an industrial cleaning solvent commonly used in the past, is the main contaminant of concern in the GMZ. The former OK Tool Company used PCE and other solvents in the fabrication of metal machinery before it went out of business in the 1980s. OK Tool disposed of the solvents to the ground, which resulted in heavily contaminated soil and groundwater at its property. Contaminated groundwater eventually spread beyond the OK Tool property. The operation of industrial water supply wells, which are no longer in use, contributed to this migration to some extent.

The highest levels of contaminated groundwater are present in the OK Tool Source Area. The remaining area of groundwater contamination that has migrated east/northeast of the OK Tool Source Area, which has significantly lower levels of PCE, is referred to as the "Extended Plume Area."

US EPA and NHDES are actively remediating the OK Tool Source Area. The current remedy includes an underground containment system (referred to as a slurry wall) to prevent further spreading of PCE in groundwater. Groundwater treatment in the OK Tool Source Area has been ongoing since the early 1990s to contain and reduce the concentrations of VOCs remaining within the slurry wall. Overall, the remedy has been largely successful in reducing and controlling the concentrations of PCE and other VOCs in groundwater.

Shallow soil above the groundwater table in the Extended Plume Area is not impacted. Groundwater in the Extended Plume Area has been remediated by use of a pump and treat system, which operated from October 2004 to December 2015, and successfully reduced PCE concentrations in groundwater. Groundwater continues to be monitored on a regular basis.

Though significant progress has been made, PCE contamination is still present in groundwater, primarily within the OK Tool Source Area slurry wall, and in groundwater within the deep bedrock. Groundwater PCE concentrations exceed State and federal drinking water standards. The goal of the proposed GMZ is to ensure that no one is exposed to PCE via drinking the groundwater before groundwater cleanup standards are met, and to ensure the proper functioning of the ongoing remedy.

### **Public Meetings**

A series of public meetings will be held to discuss the proposed GMZ ordinance and to solicit citizen feedback. The Milford Board of Selectmen will then vote on the proposed ordinance. The public meeting schedule is as follows:

- Monday, August 9, 2021 at 5:30 p.m.
- Monday, August 23, 2021 at 5:30 p.m.
- Monday, September 13, 2021 at 5:30 p.m.

## MEMORANDUM

DATE: August 23, 2021

TO: Board of Selectmen

CC: John Shannon

FROM: Marti Noel, Assessor

RE: Value impacts in the Groundwater Management Zone (GMZ)

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Property owners in the affected area of the proposed DMZ are rightfully concerned about valuation impacts on their properties. The concern is the existing plume, deep in the ground at the bedrock level, and that it is the expectation that this will eventually, over time, clear itself. If I understood the presentation at the last BOS meeting, a monitoring program has already indicated this is occurring naturally, albeit slowly.

There have been dozens of contaminated sites in NH since the 1970's that have been discovered and remediated. The general consensus is that the impact of a contaminated site is significant only until remediation can be implemented. Once remediation has been implemented the impact becomes nominal.

A current example of this is the PFC's found in well water in nearby communities from industrial or government contamination. Remediation, in the form of providing potable water to the effected sites, sufficed to alleviate any valuation impact on those homes.

In Milford, a previous case, the Fletcher site clean-up showed no impact on property values at all, in large part, I believe, because the remediation solution of providing potable water was already in place.

As I understand it, the only limitation on the properties located in this proposed zone is that property owners cannot drill wells. I don't believe any of these properties have existing wells, and most of these properties are already on town water, so there is no impact to the pot-ability of the water, and no perceived impact to the property values.

The two larger properties that are undeveloped are both in an agricultural classification. To my knowledge, these properties have operated for years without irrigation, which is the case for most of our agricultural properties in town. Their assessed value is already minimal as they are enrolled in the Current Use program and are assessed without the benefit of irrigation. For these properties then, the question might be: how is the development potential of these sites affected? It is my understanding that any wide-scale development would require connection to town water as part of the requirements. Now, with the implementation of this zone, any development would require connection to town water. Realistically, there is minimal impact to any development.

In summary, there is no anticipated valuation impact to the affected properties as remediation is already in place.



MEMORANDUM

DATE: August 23, 2021  
TO: Board of Selectmen  
CC: John Shannon  
FROM: Marti Noel, Assessor  
RE: 2021 Revaluation Highlights – A Brief Update

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For 2021, Milford has 5,892 parcels, slightly up from 5,865 in 2020. This is attributable to new subdivisions coming on line between April 1 2020 and March 31, 2021.

**How Assessments were determined:** Over 300 qualified sales involving almost every type of property were analyzed. Locally adjusted costs were developed and compared with industry recognized cost tables such as Marshall and Swift. Income and Expense Inquiries were mailed to all commercial and industrial property owners, and their responses were used in conjunction with published data surveys for Commercial and Industrial properties as well as reviewing known sales of similar properties outside of Milford's municipal boundaries.

The following statistics involve assessed value changes from April 1 2020 to April 1, 2021:  
The 2021 preliminary total gross assessed value, which includes exempt properties, is \$2,197,694,675.  
The mid-year gross assessed value (for the July tax bill) was \$1,817,451,959.  
The 2020 gross assessed value was 1,779,993,097.

From this data, we can calculate the year over year assessed value change to be 23.5%, of which 2.1% is attributable to new parcels, building permits, and physical property changes, and 21.4% is attributable to market appreciation.

Substrata data analysis reveals the following:

Of the roughly 3100 **single family homes**,  
71% of the properties increased 20% or less,  
20% rose between 21 & 30%, and  
9% rose more than 30%

Of the roughly 885 **Condominiums**,  
28% increased 20% or less  
50% rose between 21 & 30%, and  
22% rose more than 30%

Of the roughly 300 **Manufactured homes**,  
79% increased 20% or less  
8% rose between 21 & 30%, and  
13% rose more than 30%

Of the roughly 260 **2 to 3 unit multi-family properties**,

47% increased 20% or less  
25% rose between 21 & 30%, and  
28% rose more than 30%

Of the roughly 70 **multi-family properties with more than 3 units**,

60% increased 20% or less  
20% rose between 21 & 30%, and  
20% rose more than 30%

Of the roughly 360 **commercial and industrial properties**,

The average increase was 29%  
The commercial property types with the largest increases include:  
Mobile Home Parks  
Assisted Care Facilities  
Self-Storage Units  
Apartment Complexes

In summary, the vast majority of individual properties had an increase in assessment that was below the level the total year over year increase. Please note that property types **not included** in this summary include: vacant land including Current Use properties, Exempt properties, and Utility properties.

Revaluation letters were mailed August 17 to every property owner in Milford, showing the old and new values, and providing instructions to address concerns, questions and objections. I believe most property owners have a pretty good idea of their property's market value, and this revaluation will not take them by surprise. However, in the interest of giving tax payers a rough gauge of how this might affect their taxes, I offer the following:

Recognizing that Assessed Value is only one component of the tax rate equation, **and with the caveat that as of this date it is not known what total 2021 budget increases for the town or the school system will be**, I would estimate that properties in the 20% or less increase category might expect to see nominal to minor tax increases, those in the mid-range might expect to see minor to moderate tax increases and those in the greater than 30% increased category will see moderate to significant tax increases.

**The Revaluation and the Elderly Exemption:** After isolating those properties which are benefitted by the elderly exemption, the statistics revealed that the average assessed value increase was 15%, but that there were approximately 30% of those properties that exceeded the 20% increase. There has been no change to the elderly exemption amounts and benefits, so folks receiving the exemption benefit should be aware that there may be some tax burden increase. As always, the Assessing Department, and the Board of Selectmen, will review each application on its merits; however, it is important to emphasize this shift now so that affected parties can be aware of the changes and have time to prepare.

HR Overview 2021

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**Main Projects**

**Completed 2021**

- 2020 Salary Survey completed and Wage Schedule updated for 2021
- All information from HR Connection moved to Town website under HR section

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**Main Projects**

**In process 2021**

- **Manpower study** under way – Dept Heads will be returning their portion of the study
- **Insurance Overview** – Reaching out to insurance companies to come in to discuss their product (would like to include a BOS representative this year). Plan to schedule in September
- **Wage and Benefit study (2022)** estimates range from \$15,000-\$40,000. Send formalized RFP out by Oct 1 for 11/30 return date.

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### Main Projects

In process (cont'd)

- **Legal/Personnel issues**
- **Handbook Updates/Policy updates; Incorporate Gender Neutral Language**
- **Teamster negotiations (Expires 3/31/2022)**

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### Succession Planning

- Succession Planning is critical over the next 5+ years.
- Recommend Department Head's take steps to mitigate the impact of transitions.
- Recommend that the BOS are receptive to step systems, incentives, improving benefits, etc.

Age	# of EE's	% of EE's
20's	12	11%
30's	22	20%
40's	27	25%
50's	23	21%
60's	25	23%
70's	109	100%

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### Bringing to BOS in 2021

- Volunteer process
  - Committees/Commissions – no change/same form
  - Other Volunteering (Still Good Shed, Library, etc.)
    - New Form
    - Track Volunteer hours
- Criminal Record Checks – revise policy
- Separate Social Media Policy from Telephone and Electronic Communications Policy

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Questions

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4. a) 1) Request to appoint Paul Calabria as Deputy Tax Collector - Term Expires when recinded.

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**MEMORANDUM**

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To: Board of Selectmen  
Cc: John Shannon

From: Kathy Doherty, Tax Collector

Date: August 17, 2021

Subject: Appointment of Deputy Tax Collector

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Please accept this memo as my formal request to appoint Paul Calabria as the Deputy Tax Collector.

The two previous Finance Directors were also the Deputy Tax Collector, however it seems were not sworn into office as required.

Per RSA 41:38 "The tax collector shall appoint a deputy, with the approval of the selectmen, who shall be sworn, give bond, have the powers of tax collectors and may be removed at the pleasure of the tax collector."

Respectfully,  
Kathy Doherty

4. a) 2) Request for Approval of Multi-year Property Abatement, Map 12 Lot 10-1

MEMORANDUM

DATE: August 23, 2021

TO: Board of Selectmen

CC: John Shannon

FROM: Marti Noel, Assessor

RE: **Multi-year property abatement  
Map 12 Lot 10-1**

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The tax collector has requested abatement for 3 years on the above referenced property. In performing due diligence, it was discovered that the listed owner for the property was not the actual owner. Deed research revealed that the property belongs to the State of NH, as noted in Deed 1307, page 182.

The property owner listed has not paid taxes for multiple years, and the property was going to lien when this was discovered.

The abatement allows the tax collector to clear unpaid taxes and remove the tax lien.

Thank You

4. a) 3) Approval of Final Authority to list the Swing Bridge on the NH State Register of Historic Sites

**Tina Philbrick**

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**From:** david palance <cemeterymapping@comcast.net>  
**Sent:** Wednesday, August 18, 2021 12:40 PM  
**To:** Jason Cleghorn; Lincoln Daley; Tina Philbrick  
**Cc:** Chris Thompson; Chuck Worcester (Contact); CPH'  
**Subject:** State and Federal Register listings for Milford Suspension Bridge  
**Attachments:** 2017-Suspension-Bridge-NR.pdf

Tina and Jason,

As you may know, the Commission worked to get the Swinging Bridge onto the National and State registers of historic sites in 2017. However, we had been unable to confirm its status on those registries until now. We have now confirmed that the Swinging Bridge is indeed on the National Register, but it appears that the final steps needed to secure the bridge's standing on the State registry were never taken.

With help from the State Division of Historical Resources, we were able to track down the missing "piece," which is attached. In 2017, a letter was sent to then-Board Chairman Mark Fougere, asking for final approval to add the Swinging Bridge to the State Register. We believe that this form was not completed, or if a vote was taken, it was not returned to the State. In any event, the State has no record of receiving our response.

Could we please add the attached to the Board's consent calendar for this week? The state simply needs final authority to list the bridge on the NH State Register. The Commission would very much like to finalize the status of this important local landmark.

Let me know if this will fit on the agenda for the Selectmen

David Palance  
Chairman, Town of Milford Heritage Commission  
603-321-6068

Hi Jim and David-

Jim is correct that I did not receive owner permission to list the Milford Suspension Bridge to the NH State Register. If the Town would sign the letter that Jim included in his previous email and provide me with a current digital image of the bridge, it can be placed on the agenda for our next State Historic Resources Council meeting at the end of October for approval. Let me know if you need me to resend the letter.

As far as the NR listing, the bridge is on the NR. Unfortunately, I find the NPS database very finicky and inconsistent when doing searches. I have had trouble finding nominations I know exist too. I actually often look for nominations using Wikipedia. They have links to the NPS for each listed property. I did just try to look up the Milford Suspension Bridge that way, and again the NPS link doesn't work. There must be a website issue with NPS at the moment. But for future reference:

[https://en.wikipedia.org/wiki/National\\_Register\\_of\\_Historic\\_Places\\_listings\\_in\\_Hillsborough\\_County,\\_New\\_Hampshire](https://en.wikipedia.org/wiki/National_Register_of_Historic_Places_listings_in_Hillsborough_County,_New_Hampshire)

I hope I have helped clarify things here, but please let me know if you have any additional questions.



Best,

Megan

Megan Rupnik

National Register & State Survey Coordinator

New Hampshire Division of Historical Resources

19 Pillsbury Street, 2<sup>nd</sup> Floor

Concord, NH 03301

603-271-6435



**NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES**

State of New Hampshire, Department of Natural and Cultural Resources 603-271-3483  
19 Pillsbury Street, Concord, NH 03301-3570 603-271-3558  
TDD Access Relay NH 1-800-735-2964 FAX 603-271-3433  
[www.nh.gov/nhdhr](http://www.nh.gov/nhdhr) [preservation@dcr.nh.gov](mailto:preservation@dcr.nh.gov)

August 23, 2021

Gary Daniels, Chairmain  
Milford Board of Selectmen  
One Union Square  
Milford, NH 03055

Dear Mr. Daniels,

The Milford Suspension Bridge was officially listed to the National Register of Historic Places on July 17, 2017, and the Milford Heritage Commission is now seeking recognition of the bridge with listing to the New Hampshire State Register of Historic Places. To officially list the resource on the New Hampshire State Register, the town's legally-appointed representative will need to check and sign this letter below and return it to our office at the address noted above. With a returned signed letter, we will place it on the agenda for final approval by the State Historical Resources Council at its quarterly meeting on October 2021. More information on the State Register and its benefits is enclosed.

Thank you for your stewardship of this important piece of New Hampshire history. Please feel free to call me with questions at (603) 271-6435 or email me at [megan.rupnik@nh.gov](mailto:megan.rupnik@nh.gov).

Sincerely,

  
Megan R. Rupnik  
State Survey Coordinator

Encl.

c.c. D. Palance  
J. Garvin

I certify that I am the legal property owner or legally-appointed representative of the above property.

Please list my property on the New Hampshire State Register, pending approval by the State Historical Resources Council

Please do NOT list my property on the New Hampshire State Register at this time:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Date



#### 4. b) 1) Foster Road Maintenance

July 21st, 2021

**RE: Seeking approval by the Board of Selectmen for modest improvements to Class VI portion of Foster Road by abutting property owner**

Dear Board of Selectmen,

The intent of this letter is to seek approval by the Board of Selectmen for **modest and seasonal** improvements to be made by myself, the owner of 115 Wallingford Road and an abutting property to the unmaintained portion of Foster Road (Class VI roadway). More specifically, I am seeking approval to trim the tall grass and weeds that grow on the portion of Foster Road that abuts our property (at most quarterly) and to leaf blow this same section (at most bi-annually).

The purpose of these modest and seasonal improvements is to improve the aesthetics of the portion of the road that abuts our property, to prevent overgrowth from the road onto our property, to reduce tick activity in the area, reduce fire potential in the area and increase visibility of approaching bears (we have plenty around this area). This maintenance would be similar to the annual activity the town does to the overgrowth that abuts our town streets (see attached videos including one specific to the area in front of this portion of Foster Road below).

The intent of this work is **not** to provide or encourage any further access to motorized vehicles or pedestrians to this portion of Foster Road. I do not desire there to be more activity on this road than currently exists; however, there is very minimal activity that exists now. I have cameras that capture activity on this portion of Foster Road and there has been zero motorized or non-motorized vehicle activity detected and very limited pedestrian traffic detected on the section of Foster Road relevant to this request over the past 6 months (see still images of what video cameras pick up below). Since moving into this property in 2006, I can only recall a handful of times a dirt bike or snow mobile accessed this portion of Foster Road and there have been limited times when mountain bikers used this road, as well. We had one situation when a large truck traveled down this section of Foster Road from Federal Hill Road, but that was approximately 10 years ago. There is limited pedestrian traffic, but my understanding is that this is allowed.

I know others in the surrounding neighborhood enjoy hiking on this road. Based on my conversations they would also appreciate the opportunity to cut back weeds from the other areas of Foster Road in order to better hike and cross country ski; however, the section of the road they tend to access is not part of this request. This request is only to cut back weeds and grass that abuts the 115 Wallingford Road property line.

This work would not be done with heavy machinery, but just with a typical homeowner's weed trimmer and leaf blower. I am not seeking to remove any grown trees or shrubs; however, would pick up sticks and branches that have fallen due to normal weathering of the forest. Again, the intent would not be to increase pedestrian or vehicle access to the road.

My family and I have filled up multiple bags full of trash, broken glass, beer and soda cans and even removed an old box spring and an old rusted stove off of this road over the past 15 years. We enjoy the road and have endearingly named it "the path" ever since my boys were toddlers. We picked up this trash as we have great pride in our town, our environment and enjoy hiking on the road. We have no real concerns if others also find pleasure in hiking this trail, but the intent of this maintenance is not to

increase the likelihood of others hiking. I believe a majority of this section of Foster Road is easy to hike regardless of whether this work is completed or not (please see videos of what this hike looks now).

Sincerely,

Ryan Emerson

115 Wallingford Road

Milford NH, 03055

603-732-8094

[ryanfrost\\_emerson@hotmail.com](mailto:ryanfrost_emerson@hotmail.com)

**Area in scope for this request:**



**Views from video cameras that capture activity on Foster Road:**



**Annual brush removal by town at and around the entrance of Foster Road:**

<https://vimeo.com/574433985>

<https://vimeo.com/574433162>

<https://vimeo.com/574434701>

<https://vimeo.com/574435201>

<https://vimeo.com/574435604>

Videos of what hiking this section of Foster Road looks like now:

<https://vimeo.com/577596224>

This above video shows my favorite bush that has grown over the years which, in conjunction with the steep hill, discourages vehicle traffic from entering Foster Road from Wallingford Road.

<https://vimeo.com/577597015>

<https://vimeo.com/577597478>

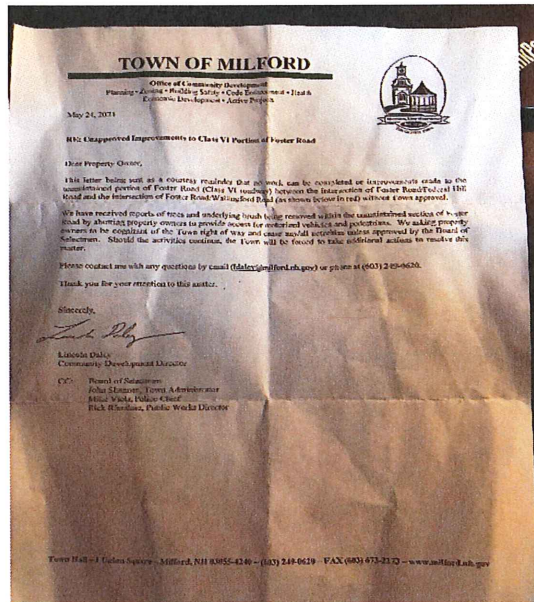
<https://vimeo.com/577597868>

<https://vimeo.com/577598273>

<https://vimeo.com/577598669>

<https://vimeo.com/577599087>

Letter prompting this request:



Resources:

<https://www.nhmunicipal.org/town-city-article/class-vi-roads-and-maintenance-issues>

<https://alfanolawoffice.com/road-law-guide/class-vi-roads/>

<http://chathamnh.org/wp-content/uploads/2014/09/A-Hard-Road-to-Travel.pdf>

## Tina Philbrick

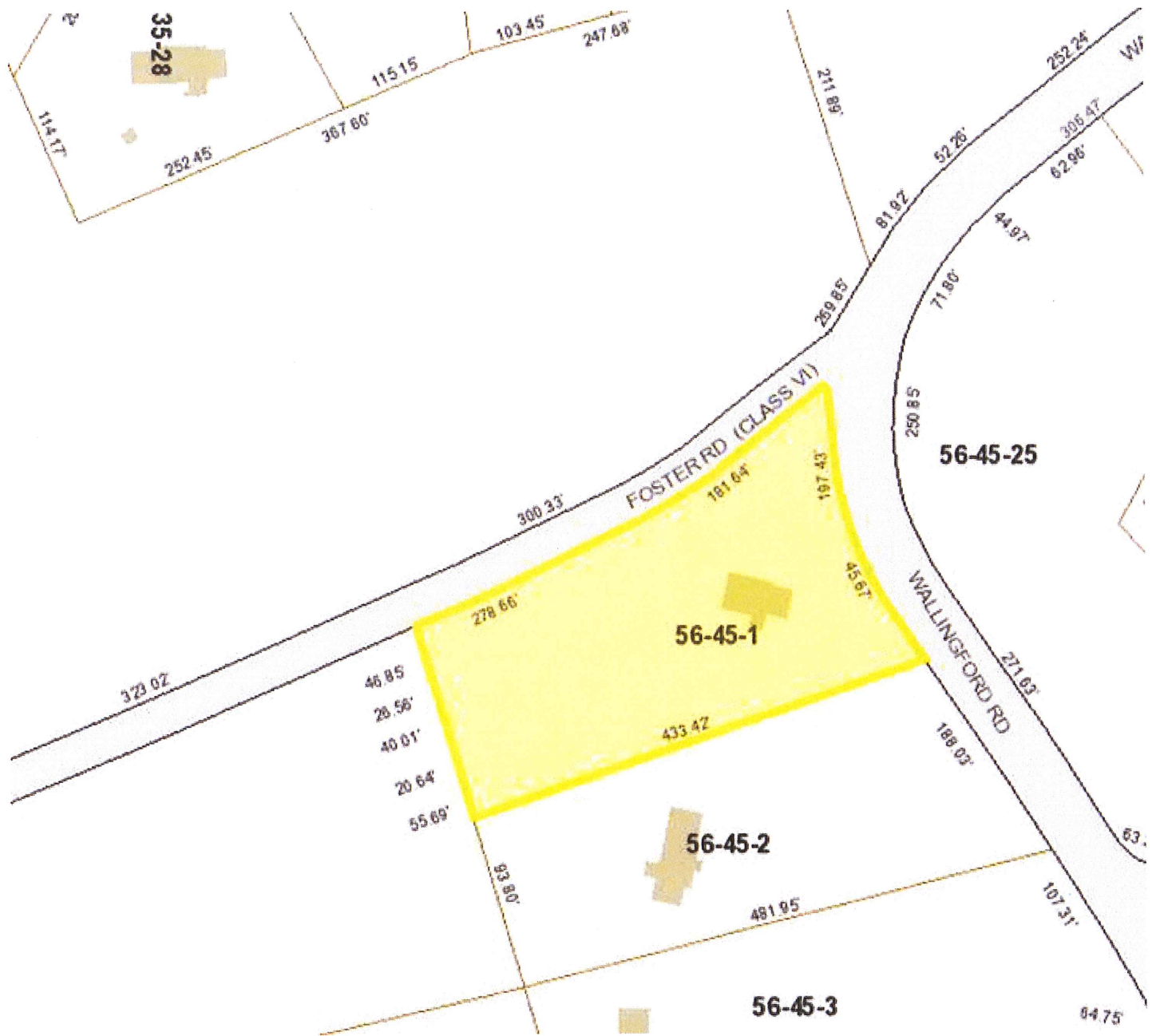
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**From:** Lincoln Daley  
**Sent:** Friday, July 30, 2021 4:20 PM  
**To:** John Shannon  
**Cc:** Rick Riendeau; Gary Daniels  
**Subject:** RE: Mr. Emerson

Good Afternoon John,

Following up on our discussion, based on the roadway and land use files, the section of Foster Road abutting Mr. Emerson's property (115 Wallingford Road, Tax Map 56-45-1) appears to be a Class VI Roadway. As you may be aware, pursuant to RSA 229:5, a Class VI roads include those that have been discontinued subject to gates and bars, as well as those that have "not been maintained and repaired by the town in suitable condition for travel" for five successive years or more. In reviewing the Land Researcher's roadway files, however, the determination of the Class VI designation is not entirely clear and dates back to an action in 1924 to discontinue this section of Foster Road. More information may be needed to clarify this discrepancy.

Under the presumption that the said section of Foster Road is a Class VI roadway, in accordance with State statutes, a private party/resident can maintain or repair a Class VI roadway with permission of the municipality. [RSA 236:9](#) prohibits anyone from excavating or disturbing the ditches, embankments or traveled surface of any town road, including a Class VI road, without the written permission of the municipality's governing body (Board of Selectmen) or the road agent. [RSA 236:10](#) provides that the municipality may regulate such private road work and may require a bond for the satisfactory restoration of the road. [RSA 236:11](#) requires anyone who excavates or disturbs town roads to restore them to the satisfaction of the authorized local official.



As detailed in Mr. Emerson's email, the proposal would include minor maintenance and would not necessarily disturb the unmaintained Class VI portion of Foster Road. However, it is recommended that as standard policy, said improvements receive Board approval. The Board should ask Mr. Emerson to detail the extent of the work and stress that the purpose and intent is not to encourage pedestrian/vehicular traffic on Foster Road. Any further improvements or expansion of the maintenance would require approval by the Selectmen.

Please contact me and or Ricky with any further questions.

Regards

Lincoln Daley  
 Director of Community Development  
 Town of Milford, NH  
 1 Union Square, Milford, NH 03055  
 603-249-0620  
[ldaley@milford.nh.gov](mailto:ldaley@milford.nh.gov)

## Town Status Report – August 23, 2021

1. **Labor Day Parade** – The Labor Day Parade has been scheduled for Monday, September 6, 2021 at 1pm. The assembly area for the parade shall be at the Milford High School, 100 West Street, New Hampshire and the parade route shall be limited as follows: from West Street, to the Milford Oval via Elm Street, around the Oval, and then proceed to the Harley Sanford Veterans of Foreign Wars (VFW) Post 4368, One VFW Way, Milford, NH. Further details will be released to the public if needed. Any questions or concerns about the project can be directed to the Town Administrator’s Office.
  
2. **Town 2022 Budget Cycle** – The Town’s 2022 Budget preparation begin this month when the initial budget proposals are sent out to all necessary departments. A timeline for the entire budget process has been established. Please note that the timeline may be adjusted if needed. Any questions or concerns about the 2022 budget can be directed to the Town Administrator’s Office.

2022 Budget Cycle Timeline		
Est. Start Date	Budgetary Step	Completion Date
8/2/2021	Proposed 2022 expenses email goes out to Dept. Heads	
8/23/2021	Individual meetings with Finance Director and DHs	
9/3/2021	First overall Admin review of 2022 proposed budget	
9/10/2021	Review % increases by departments/find efficiencies/make changes	
9/24/2021	Prepare proposed budget for delivery to Budget Advisory Committee	
10/11/2021	Delivery of Draft Budget to BOS and BAC	
11/13/2021	Joint Saturday budget meeting with BAC and BOS	
12/13/2021	Final proposed 2022 Budget	
1/10/2022	Budget and Bond Meeting	
2/5/2022	Deliberative Session	
3/8/2022	Town Vote	



9. Approval of Final Minutes July 26, 2021

DRAFT  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
July 26, 2021

**PRESENT:** Gary Daniels, Chairman John Shannon, Town Administrator  
Chris Labonte, Vice Chairman Tina Philbrick, Executive Assistant  
Laura Dudziak, Member Nate Addonizio, Videographer  
Paul Dargie, Member  
David Freel, Member

**1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:**  
Chairman Daniels called the public meeting to order at 5:30 p.m., introduced Board members, and then led the audience in the Pledge of Allegiance. Chairman Daniels indicated that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

Chairman Daniels welcomed members of the public accessing this meeting remotely. He intends to continue using zoom at the Board meetings because there is more participation using this tool.

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

**5:30 p.m. – Moose Plate Grant Permission – Conservation Commission**

Chris Costantino, a Conservation member, said that Conservation would like to apply for Moose Plate Grant to pay for the BROX conservation easement, she needs the Boards permission to do this. She assumes the easement will be part of the conditions for the AoT permit.

Selectman Labonte asked if the AoT permit doesn't get approved, could we use the grant somewhere else. Chris said she will request a deadline of 2022 and if we don't get the AoT permit there would have to be an amendment to make a change to the contract but they could lose the grant and the money would go to fund something else.

Selectman Dargie asked what the value of the grant was. Chris said she wasn't sure of the cost, they may ask for \$50,000 to cover both the easement and survey, but she may go to \$75,000. When they asked for it last year, it was \$15,000 because they didn't know what the Stewardship would be. She just needs permission to go forward, the application is due mid-September.

**Selectman Dudziak made a motion for the Conservation Commission to apply for the Moose Plate Grant. Seconded by Selectman Dargie. All were in favor. The motion passed 4/0.**

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

Kathrine Kokko, a Milford Resident asked why discussions with 2 Way radio communications were not on the agenda. Chairman Daniels said they will be talking about dollar amounts with them in non-public. Ms. Kokko questioned the basis for going into non-public. Chairman Daniels replied, (RSA 91-A:3, II(dl)) – Land Acquisition. Ms. Kokko asked the Chairman to identify the specific parties. Chairman Daniels said no, for one party to disclose their price gives them a disadvantage when we go out to bid. Ms. Kokko asked if this concept will be put out to bid or is it undecided. Chairman Daniels said undecided. Ms. Kokko objects to going into non-public based on (RSA 91-A:3, II(dl)) – Land Acquisition.

**4. DECISIONS – Selectman Labonte asked that 4. a) 4 be removed from the consent calendar for discussion. Selectman Dudziak made a motion to accept the consent calendar except for 4. a) 4. Seconded by Selectman Labonte. All were in favor. The motion passed 4/0.**

**a) CONSENT CALENDAR**

- 1) Approval of one (1) Petition and Pole License – Armory Road, Milford NH.
- 2) Approval of Intent to Cut Wood or Timber Map 53 Lot 67-3 Federal Hill Road
- 3) NH RSA (31:95(b)) Request for Acceptance and Appropriation of Unanticipated Revenues under \$10,000 –
  - Donation of 40 bags of oil dry (Speedy Dry) from Kent's Towing to the Milford Fire Department - \$720.00
  - Donation of cleaning supplies from Lowes to the Milford Fire Department - \$1,496.
- 4) Re-approval of Final Minutes for January 25, 2021, February 8, 2021, March 22, 2021, April 12, 2021, April 26, 2021, May 10, 2021, May 24, 2021, June 14, 2021 and June 28, 2021.

Selectman Labonte asked why these minutes have to be approved again. Chairman Daniels said it was brought to our attention that several public minutes from 2021 were not noted that minutes were sealed when we came out of nonpublic. They were sealed, it was our mistake for not noting it in the public minutes. The minutes were adjusted to reflect that the non-

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 7/26/2021**

61 public minutes were sealed. There are a couple of sets of minutes that are not sealed, it's now noted and they are posted on  
62 the website. This is correcting the lack of notation.

63  
64 Ms. Kokko thanked the Board for making the corrections and asked that the videos be maintained. Tina Philbrick, Execu-  
65 tive Assistant clarified that all of these nonpublic minutes were noted as sealed on the nonpublic form that they were di-  
66 rected to use. That information was just not redundantly put on the public sets of minutes because we were not directed to  
67 do so. She will make sure they are put on both sets of minutes in the future for clarification. We did not make a mistake; we  
68 did it exactly as we were directed to do. Chairman Daniels said he stands corrected. Selectman Labonte asked for a vote  
69 correction on line 517 to be made on the minutes of January 25, 2021.

70  
71 **Selectman Dudziak made a motion to accept 4. a) 4 from the consent calendar. Seconded by Selectman Dargie. All**  
72 **were in favor. The motion passed 4/0.**

73  
74 **b) OTHER DECISIONS**

75 1) Employee Policy Review  
76 **RSA 659:44-a Electioneering by Public Employees** – Chairman Daniels said a complaint was filed with the Attorney  
77 Generals' office about Electioneering. The Town Administrator has been working with the AG's office on specific things  
78 that needed to be done as corrective action. Everything has been corrected to date. The AG's office has now said that the  
79 "case is closed". The information is posted on the Towns website. Part of the process was to update the employee manual.

80  
81 Administrator Shannon said they developed training and sent it to all employees. There are only a handful of people that  
82 can post to the town's social media sites. We also removed what we could find on those sites. Changes were made to the  
83 electioneering policy. Chairman Daniels said this would be an amendment to the employee policy.

84  
85 **Selectman Dudziak made a motion to amend the Electioneering section of the employee manual. Seconded by Se-**  
86 **lectman Dargie. All were in favor. The motion passed 5/0.**

87  
88 **Appeal Procedure** - Chairman Daniels said there are two different procedures in the appeal, one for department heads and  
89 one for employees. Town employees end up appealing with the Town Administrator and Department Heads and the Town  
90 Administrator end up appealing at the Board level. He feels they should be consistent and all employees should be able to  
91 appeal to the Board. We are not taking anything away from the process, just adding a section.

92  
93 Karen Blow, Human Resource Director recommended that the Board not vote on this process tonight until they receive  
94 more information and advice on how other towns do this.

95  
96 Selectman Dargie asked what advice Karen was referring to? Administrator Shannon said advice from the Labor Attorney  
97 from our Town Councils' office.

98  
99 Chairman Daniels asked if people thought it wasn't fair for employees to not be able to go to the Board so they can get their  
100 side heard. Selectman Dudziak asked how this new one differs from the old one.

101  
102 Administrator Shannon said he's the end if things are appealed to him. Chairman Daniels wants appeals to be allowed to  
103 elevate to the Board for everyone, not just department heads.

104  
105 Selectman Dargie asked if our labor Attorney has seen this document. Ms. Blow said no. She would like to get it squared  
106 away with legal instead of doing this multiple times. She still has questions that she isn't clear on. She mentioned that  
107 some of the timelines are different.

108  
109 Chairman Daniels reviewed the timeline that employees have. His intent was not to take away anything from the process  
110 that people already have. Selectman Labonte said he doesn't see the harm in giving someone another step up in the pro-  
111 cess. It gives everyone the same playing field.

112  
113 Selectman Dargie is in favor but would like the labor attorney to review it first. It isn't urgent that it be done today. Se-  
114 lectman Dudziak agrees. Selectman Freel said he didn't feel an attorney is needed to review this. Selectman Dudziak said  
115 you can run into problems if you have a policy that doesn't support the law. Selectman Freel said he wasn't hearing that we

116 were not conforming to the law. Selectman Dargie said there was another issue that isn't as clean as what is on this paper.  
117 All the pieces should match up with the law.

118  
119 Chairman Daniels said he's fine with it, he's not looking to change the whole policy. Selectman Freel said basically what  
120 you are looking for is for someone to sign off on what we already have in writing. Chairman Daniels said he's hesitant to  
121 say that because he doesn't feel we need to spend \$250 an hour for someone to tell us that it's ok for someone to appeal to  
122 one higher level.

123  
124 Selectman Freel said the Board has been elected to make these decisions everyone should have the same process to get to  
125 the outcome. Selectman Labonte said if new information comes in, it can always come back to the Board.

126  
127 **Selectman Labonte made a motion to make an amendment to the appeal procedure. Seconded by Selectman Freel.**  
128 **The motion passed 3/2 with Selectman Dargie and Selectman Dudziak opposed.**

129  
130 **5. TOWN STATUS REPORT – Town Administrator, John Shannon**

131 **1) BROX Alteration of Terrain (AoT) Permit** – The Town has been working to get a new AoT permit approved for the  
132 Brox property to re-start some suspended work in the pit area. The town is currently working under another extension  
133 granted by the state due to some outstanding, required items from other government entities. The Town will continue to  
134 work with the appropriate state partners to ensure the project is done under all appropriate regulations and best practices.  
135 Any questions or concerns about the project can be directed to the Town Administrator's Office.

136  
137 Selectman Labonte asked how long is the appeal, don't you only have a year. Administrator Shannon said we are not ap-  
138 pealing, we are applying. We are on our 5<sup>th</sup> extension so he doesn't know if it runs out, we are currently up to September  
139 30<sup>th</sup>.

140  
141 Selectman Freel asked if we could get longer extensions like for 6 months. Administrator Shannon said he will check, the  
142 current one is the one that Mr. Maucks sent to us to sign and send back. Chairman Daniels said the state budget that passed  
143 adds another 3 or 4 people that can be hired for fish and game which is where the holdup is right now. They are hoping  
144 that will help take care of the log jam.

145  
146 Selectman Labonte asked what it cost for the extensions for attorney fees. Administrator Shannon he isn't aware of the cost  
147 for extensions, Mr. Maucks sends us the paperwork, we sign and send it back, lawyers are not involved. Selectman La-  
148 bonte said he sees bills come in for the AoT. Administrator Shannon said they are not related, he thinks they are for Con-  
149 servation or something else. He will look into it.

150  
151 **6. DISCUSSIONS**

152 **1) American Rescue Plan Act Funding (ARPA)** – Administrator Shannon said the state gave the town the first half of the  
153 ARPA Funding, \$859,030.90. We will receive the other half next year. We will formally accept the money at the August  
154 9<sup>th</sup> meeting. He asked the Board to prioritize the list received from the Department heads. After some minor discussion,  
155 the Board decided to review the list and prioritize it at the next meeting when the money is accepted. It was determined that  
156 the money can't be used with federally matched funds.

157  
158 Selectman Labonte asked for the formula used to determine the dollar amounts of the town's lost revenue, he's still con-  
159 fused about that because the Finance Director has told us that we didn't lose money. Administrator Shannon said he will  
160 get that information. Just because we were fiscally responsible last year and did a good job, we still had to use the federal  
161 formula. It's either 4.1 for the next 4 years counting this year or your last 3 years before COVID which is 2017, 2018, and  
162 2019. Whichever one is greater, the Department of Treasury said is the one you should use. Chairman Daniels asked if the  
163 CARES Act factors into that. Administrator Shannon said no.

164  
165 **7. PUBLIC COMMENTS. (Regarding items that are not on the agenda)**

166  
167 Katherine Kokko, Milford resident, is still having issues about the non-public descriptions and asked if the non-public  
168 meeting includes a discussion of non-public minutes and releasing them. Chairman Daniels said he heard Tina say that  
169 there wasn't anything wrong with the non-public minutes but the notation didn't show up in the public minutes.

170  
171 Ms. Kokko feels that there were three places that the minutes were not sealed properly under the description allowed to seal  
172 minutes. Those have been formally requested as were ones that were not sealed.

173  
174 Tina said March 8, 2021 minutes were not sealed. She went through them several times and the Board was distracted in  
175 many other conversations so they didn't get sealed. These minutes pertain to a resident in town and should not be left un-  
176 sealed which is why they are on the non-public agenda for sealing.  
177

178 Chairman Daniels said he thinks the three that Ms. Kokko is talking about pertaining to April 12, May 10, and June 28.  
179 Ms. Kokko said yes Chairman Daniels explained what they were sealed under. Ms. Kokko feels they are not valid reasons  
180 for sealing minutes so in her opinion, they are not technically sealed. It's not ok to go back and seal minutes once they've  
181 been formally requested. She also wants the basis that all minutes that have been sealed be reconsidered by this Board.  
182

183 Chairman Daniels said the spirit of the law lays out conditions in which the public can see sets of minutes under the right-  
184 to-know law. We may not have had things in the place where you are looking for them, if you are talking about someone's  
185 reputation, personnel issues, acquisition, and legal, they are not subject to the right to know the law.  
186

187 Ms. Kokko claims there are three exemptions for sealing minutes that are separate for going into non-public. When asking  
188 for the minutes when they are sealed, they have to conform to one of the three reasons. She didn't have the statute available  
189 that she was referring to. Selectman Freel said the three things that Ms. Kokko is asking about should not be available to  
190 the public and he will not vote to unseal them. He doesn't know why she is pushing for this. Ms. Kokko is concerned with  
191 transparency.  
192

193 Ms. Kokko said if you go into non-public to protect vendor pricing outside of an RFP process, you have no basis for non-  
194 public. She also commented that there were a large number of people at the last meeting that were staying for the non-  
195 public meeting and she said there should be as few non-board members in a non-public session. The outside public is not  
196 subject to the same rules in non-public as the Board members are subject to.  
197

198 **8. SELECTMEN'S REPORTS/DISCUSSIONS**

199  
200 Chairman Daniels said the Recycling Committee review the Transfer Station and will be discussing changes in the future.  
201 They are trying to shift focus from plastic recycling to compost recycling. Selectman Labonte asked about the top being  
202 closed off. Chairman Daniels will look into it; he's unclear of what the plans are.  
203

204 Selectman Labonte said that Granite Town Media meet last week and they are working on trying to stay on top of the sound  
205 issues.  
206

207 Captain Frye said MACC Base is getting ready to start working on the Budget. Milford and Wilton received their surplus  
208 money back. Mont Vernon is going to keep some of their money up there to work on a channel for them, FCC licensing.  
209 There may be a budget meeting on August 3.  
210

211 Selectman Freel asked if it was normal for MACC Base to do the frequency. Captain Frye said they have been trying to get  
212 a frequency for their Fire Department; they are still on the low band, they need to go to a narrow band. Selectman Freel  
213 asked if MACC Base does that for the towns. Captain Frye said if they want them to, yes.  
214

215 Selectman Labonte said a question was asked if MACC Base had interest, meaning the rest of the towns, in doing Crown  
216 Castle. Captain Frye said they do and it would be individually by each town.  
217

218 **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES**

219 **a. OTHER ITEMS (that are not on the agenda)**

220 **9. APPROVAL OF FINAL MINUTES - Selectman Dargie moved to approve the minutes of July 12, 2021, as**  
221 **amended. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.**  
222

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

224 1. N/A

225 **11. NOTICES.** Notices were read.  
226

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 7/26/2021**

227 **12. NON-PUBLIC SESSION** a motion made by Selectman Dudziak to enter into a non-public session in accordance  
228 with (RSA 91-A:3, II(d)) – Land Acquisition, (RSA 91-A:3, II(l)) – Legal Advice Provided by Legal Counsel, and  
229 approval of non-public minutes RSA 91-A:3, II(a)) Personnel and RSA 91-A:3, II(b)) Personnel - July 12, 2021 and  
230 sealing of non-public minutes RSA 91-A:3,II(c)) Reputation – March 8, 2021. Seconded by Selectmen Dargie. A roll  
231 call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Selectman Freel yes,  
232 and Chairman Daniels yes. The motion passed 4/1 with Selectman Labonte opposed.  
233

234 **At this point, the Board determined that part of their non-public discussion did not need to be done in non-public.**  
235 **These are the minutes from that section:**  
236

237 **(RSA 91-A:3, II (d)) Land Acquisition** – Bill Bartlett, 2 Way Communications, provided the Board with 1 summary sheet  
238 and three **CONFIDENTIAL** pricing sheets to review as a scaled-back version of the larger picture. The intent is to get a  
239 foundation for improvement.  
240

241 Chairman Daniels said they previously talked about a process to implement a solution, the first being what to do with infra-  
242 structure then switching out other equipment. Mr. Bartlett said it included doing some of what you just said at the same  
243 time. Some of the equipment is obsolete or end-of-life and needs to be replaced. The lack of infrastructure also needs to be  
244 addressed.  
245

246 Chairman Daniels asked what the figures would be if we ended up going with Crown Castle. Mr. Bartlett said he’s helped  
247 with the initial process but he doesn’t know the fees for Crown Castle.  
248

249 Administrator Shannon referred the Board to the memo. If the Fire Department receives a grant for around \$230,000 the  
250 price will be \$453,083 and without the grant, the price will be \$681,888, to put phase I into effect. This includes the lease  
251 on Crown Castle.  
252

253 Selectman Labonte asked why we were focusing on 4 departments when the issue is with the Police Department. Adminis-  
254 trator Shannon said we have 4 departments that need the fix and we have the opportunity to do that now. It’s better to do  
255 them all at once. Mr. Bartlett said that’s true if the goal is to get everyone on the same platform. Piecemeal will be more  
256 expensive in the long run. Developing all 4 at once saves a lot of steps.  
257

258 Selectman Labonte said funding is a problem. Administrator Shannon said he doesn’t see it as a problem right now with  
259 this price and ARPA funding. Town Council said if we needed to go into the fund balance, we need to send a letter to the  
260 DRA, no town meeting is required. We have many options. We have an opportunity with ARPA that we didn’t have in the  
261 past. The lower number in phase I makes it feasible to move forward.  
262

263 Selectman Dargie asked was the probability of getting the grant money and when will we find out. Chief Ken Flaherty said  
264 he’s been 100% on his grant writing but they can’t tell him if he will get it. He feels good about it. It was supposed to be  
265 awarded by now but there was a technical glitch so it’s been pushed to August or September.  
266

267 Selectman Freel asked what the grant was for. Chief Flaherty said it’s a federal grant for radio replacement for the Milford  
268 Fire Department. The grant will cover just the fire department radios, no infrastructure. Selectman Freel asked if we were  
269 at \$200,000 for just the fire department radios. Chief said \$228,000 it's strictly end user radios, not repeaters. In 2004 all  
270 of our radios were at end of life. We have to do a 5% match of about \$15,000. This doesn’t address Federal Hill where his  
271 mobile repeater system sits and they have to keep fixing because rodents and kids keep breaking in. Crown Castle is a  
272 more secured site with one platform and we can keep Federal Hill as a backup site for the town so we don’t lose it and that  
273 will start the second phase for the town.  
274

275 Selectman Labonte clarified that he isn’t against all of this. Selectman Freel asked, “why wouldn’t you use the grant money  
276 to put it towards the fire department radios?”. Selectman Labonte said we can use the grant money towards the radios even if  
277 we do a 1 site system. Chief Flaherty said his grant is digital platform P25. If he applies for a grant, it has to be compliant.  
278

279 Selectman Freel said it's a wash to get the Fire Department on board because they are using their grant money, why take it  
280 out. Selectman Labonte asked if the grant was applied for in March or April. Chief Flaherty said it was applied for in No-  
281 vember. Selectman Labonte said so, it was before any of this.  
282

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 7/26/2021**

283 Selectman Labonte said he's all for upgrading everything but it's a transparency issue to the town to do this behind closed  
284 doors. He said that it's obvious by what Administrator Shannon said, that there is no intention of doing an RFP process.  
285 Administrator Shannon said that Selectman Labonte is putting words in his mouth. Selectman Labonte said the implication  
286 was there when the Town Administrator said we could work a deal with 2 Way with half this year and a half next year.  
287 Administrator Shannon said it was suggested as an option. The last time we did an RFP, it took a month or two to write it,  
288 it was open for about 4 weeks and then it's awarded. So now you are waiting until Christmas.  
289

290 Selectman Labonte said Jeff Marshall said RFP could be written in no time. Chief Flaherty said that Jeff has never been  
291 awarded any grants so he isn't sure why he would say that without asking him first. He should know better and he is speak-  
292 ing out of turn. Selectman Labonte said Jeff never made any indication that he could write it, he said it could be written in  
293 no time. Chief Flaherty said he knows that his grant could be awarded at any time. This would solve all of our problems  
294 and put everyone all on the same frequency. We keep going back and forth with dispatch being the problem but this ad-  
295 dresses everything to fix Milford's problems. We can now move forward. Selectman Freel said we are not 100% sure it  
296 will fix everything, but it will be way better.  
297

298 Mr. Bartlett said we are not expecting this to fix 100% of the problems, but it will fix a big piece of it and make improve-  
299 ments that will rapidly increase safety. As for the procurement, he wants to make it clear that the equipment that he pro-  
300 posed is Motorola geared. You went through an RFP process and based on the size and complexity of your system that  
301 was proposed through that process and there are only two real manufactures that could answer the call, and they did. In the  
302 end, Motorola turned out to be the best answer. He believes that the Town wants to work with Motorola. What was pro-  
303 posed was Motorola equipment that was on that RFP process. You won't be buying this equipment from 2 Way, all he did  
304 was put together the equipment list. The invoice will come from Motorola. 2 Way would likely be the choice of vendor to  
305 implement this solution, but because it's Motorola there are other options.  
306

307 Selectman Labonte asked Mr. Bartlett to elaborate on what he suspects the next phases to be and the time frames that they  
308 should happen. Mr. Bartlett said he can speculate and give his opinion. In the short term, he would see a site being neces-  
309 sary downtown. He doesn't know what the future is. Is there going to be a dispatch component to this, or is Milford going  
310 to dispatch for themselves? He feels that this not only helps to improve the level of service that Milford gets from the in-  
311 frastructure, it's also an opportunity to increase the services that are being performed by MACC Base. It may lead to better  
312 service from MACC Base and ease the tension so they can go on serving the town. This system is something that can be  
313 expanded on to where it serves Milford and all other MACC Base agencies.  
314

315 Selectman Labonte said if something happens to the signal, the MACC Base Director said it would be tough to go back to  
316 the old way. Mr. Bartlett said yes it would, for the coverage you have today. You would have to revert to the way things  
317 are currently and he doesn't think anyone wants to do that. Redundancy is important so maybe in Phase II we decide that is  
318 the best route to go and attack it first. He doesn't know how to answer that. He isn't paranoid about the loss of resources  
319 because the equipment will be new and supportable. What is Phase II can be weighted in our decision making.  
320

321 Selectman Labonte said phase I is laid out but we don't know what the cost of phase II is, what happens if it becomes an-  
322 other half a million dollars. It's a money thing. Why is the whole plan not being laid out in the beginning instead of just  
323 phase by phase?  
324

325 Mr. Bartlett said he wouldn't view it as a money pit, it's about priorities. His job as an advisor is to sit with you and weigh  
326 the cost versus the benefit. We can put dollars to it and he would duplicate Crown Castle downtown and you already know  
327 what those numbers are. We know that we have challenges downtown; there is no tower and no way to get height so we  
328 have to factor in that cost. There are different options, it won't be inexpensive. We can spend money wisely; we don't  
329 have to burn it. He doesn't see us building out what was in the RFP especially with the fate of MACC Base being in the  
330 balance. Milford is looking for a quality of service out of MACC Base and if that can be achieved then he doesn't see why  
331 the cost of moving would be a benefit. The RFP was soup to nuts, everything that Milford would need, and then some to be  
332 standalone, efficient, and safe. His target would be to duplicate the RFP but some pieces may not be needed.  
333

334 Chairman Daniels said they need to decide whether or not to go sole source as it's been presented to us or go out with an  
335 RFP. If we are going to go sole source, there isn't any reason to be in non-public. Mr. Bartlett agreed. You have to go  
336 through a vetting process. For him to get the best value out of a design would be to avoid the RFP process. You've seen  
337 the complications. RFPs become about what you've published and answering that critique. You get what you ask for and  
338 nothing else. He recommends a strong vetting process, which you've done. Motorola was the choice. He suggests having  
339 someone keep an eye on the project, an independent consultant, or someone who can evaluate what we put forward.

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Selectman Dargie clarified that what Mr. Bartlett was proposing was a subset of the proposal of part of the winning bid. Chairman Daniels said yes. Selectman Dargie said we kind of went through an RFP process and this is a result of the RFP process. He would be in favor of hiring CTA to review this and come up with a plan with where we are headed. One question would be if we want to stick with a public grade system or not. Warrant Article 3 was to make it to NFPA 1221, if we drop that as a requirement, and stick with working in the town hall, what would the implications be. He trusts CTA and they did a quality job and know what they are doing.

Selectman Freel doesn't feel that is necessary to hire CTA. CTA stood to make money off of this. Maybe hire someone else. Chairman Daniels questions taking someone else's numbers and giving them to someone else and saying, "what can you do with these"?

Mr. Bartlett said he thinks the firm that did the RFP was certainly qualified but there are local people that we can trust that we have worked with before. We can find local industry experts that can guide us.

Selectman Labonte said he doesn't see backup generators on the list. Mr. Bartlett said battery backup is included. A generator would be a good long-term goal. Selectman Freel asked how long the battery last. Mr. Bartlett said it can be scaled for a couple of hours, long enough to get a generator in place. The equipment can be programmed longer. It's something short-term.

Selectman Labonte said he assumes there will be no backup generator at Federal Hill. Captain Flaherty said they already have one up there. Selectman Labonte said you will need a backup generator at Crown Castle. Selectman Freel asked if you lost power up there for more than 3 or 4 hours, you're out. Captain Flaherty said they have batteries on their equipment. Captain Frye said MACC Base has a generator here and on Pead Hill. The other three antennas are all battery-operated. Mr. Bartlett could price it out to configure longer-lasting batteries.

Mr. Bartlett would recommend adding a generator and there is grant funding available for that. Generators are important to this type of project.

Chairman Daniels asked if there was anyone on the Board that feels that the presentation given to us is not workable. Selectman Freel and Selectman Dudziak are fine with the presentation. Selectman Labonte said any number is workable. This is workable as step one, he would like to see what step 2 is and what the projection would be. The price could be bigger.

Chairman Daniels's question is do we need to go out with another RFP to get a quote. Selectman Freel and Selectman Dudziak said no.

**Selectman Dudziak made a motion to go sole source with 2 Way. Seconded by Selectman Freel.** There were questions on whether this should be continued in public.

Selectman Freel said he still had questions on how it would be funded. Administrator Shannon said we have the ARPA funding. Selectman Freel said Water Utilities needed \$510,000. Administrator Shannon said we have \$860,000. This leaves \$350,000 for other projects. Selectman Labonte objected to any additional conversation on this in a non-public meeting.

**Selectman Freel made a motion to come out of non-public. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.**

Selectman Dargie said he would like to make copies of what we have and distribute them to the public after the motion is approved. Chairman Daniels said they would post it on the website and take it up in further detail. Selectman Labonte asked how will this be funded should the motion pass. Selectman Dudziak said they have to vote on the motion first. Administrator Shannon said that is another decision that the Board has to make. Chairman Daniels said there are numerous decisions that have to be made. We are trying to take a step so that the public can know what is going on.

Selectman Dargie said what has been presented is a subset of CTA's proposal. All this equipment selection is consistent with that RFP process. For him, that is an important consideration in regards to sole sourcing. Selectman Labonte said it's

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396 a partial subset; there are still many features not in the equipment list. Selectman Dargie said by definition, a subset is partial.  
397  
398

399 **Selectman Dudziak made a motion to go sole source with 2 Way. Seconded by Selectman Freel. The motion passed**  
400 **4/1 with Selectman Labonte opposed.**  
401

402 Chairman Daniels said at this point, he would like to set this aside. They will put the information on the website and when  
403 we meet next time, everyone will have the same figures and we can continue. Administrator Shannon said some of the  
404 sheets are marked confidential and he would like to check first before posting that information. We need a clean copy that  
405 doesn't have confidential written across the front of it.  
406

407 Selectman Freel said he believes they concurred that the Crown Castle Emergency Management Communications Antenna  
408 in the ARPA list for \$130,000 would be part of the 2 Ways quote. Administrator Shannon said yes. The ARPA listing will  
409 be updated for the next meeting.  
410

411 Selectman Labonte asked what number did the motion approved. Selectman Dargie said it deepens if we get the grant or  
412 not. Selectman Freel said we approved the quote that 2 Way gave us for \$681,885 and if we get the grant for \$238,000 then  
413 that is a bonus.  
414

415 **The Board went back into non-public to finish other business under RSA 91-A:3, II(l) Consideration of legal advice**  
416 **provided by legal counsel.**  
417

418 In non-public, under RSA 91-A:3, II(b) Personnel and RSA 91-A:3, II(c) Reputation, the Board made decisions to approve  
419 minutes. There were two items under the RSA 91-A:3, II(l) Consideration of legal advice provided by legal counsel, the  
420 first item did not need to be addressed because it had already been made public. Under the second RSA 91-A:3, II(l) Consideration  
421 of legal advice provided by legal counsel the Board made one decision. A motion was made by Selectman Dargie to  
422 seal the minutes of July 26, 2021 under RSA 91-A:3, II(l) Consideration of legal advice provided by legal counsel Seconded  
423 by Selectman Freel, because it is determined that the divulgence of this information likely would affect adversely the  
424 reputation of any person other than a member of this board. A roll call vote was taken, Selectman Dargie yes, Selectman  
425 Dudziak, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed  
426 5/0. The Board did not seal the section of minutes that pertained to RSA 91-A:3, II(d) Legal.  
427

428 **13. ADJOURNMENT: Selectman Dudziak moved to adjourn at 7:40 pm. Seconded by Selectman Freel. A roll call**  
429 **vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and**  
430 **Chairman Daniels yes. All were in favor. The motion passed 5/0.**  
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434 \_\_\_\_\_  
Gary Daniels, Chairman

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Paul Dargie, Member

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437 \_\_\_\_\_  
438 Chris Labonte, Vice-Chairman

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David Freel, Member

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441 \_\_\_\_\_  
442 Laura Dudziak, Member



9. Approval of Final Minutes August 9, 2021

DRAFT  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
August 9, 2021

**PRESENT:** Gary Daniels, Chairman (ZOOM) John Shannon, Town Administrator  
Chris Labonte, Vice Chairman Tina Philbrick, Executive Assistant  
Laura Dudziak, Member (ZOOM) Nate Addonizio, Videographer  
Paul Dargie, Member  
David Freel, Member

**1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:**  
Chairman Daniels called the public meeting to order at 5:30 p.m., introduced Board members, and then led the audience in the Pledge of Allegiance. Chairman Daniels indicated that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

Chairman Daniels welcomed members of the public accessing this meeting remotely. He intends to continue using zoom at the Board meetings because there is more participation using this tool.

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

**5:30 p.m. – 1st Public Hearing - Milford Municipal Code, Title 5 Health & Safety, Chapter 5.35 Savage Well Superfund Groundwater Management Zone – Community Development Director, Lincoln Daley, and Robin Mongeon**

In summary, the proposed ordinance seeks to protect the public health and safety of residents/property owners in the vicinity of the Savage Municipal Water Supply Superfund Site by preventing the possible use of contaminated groundwater as drinking water. The GMZ is necessary due to groundwater contamination from the former OK Tool Company. GMZ is a defined area where contamination exceeds drinking water standards. Having the GMZ in place will prevent the use of groundwater within the GMZ, provide long-term protection of human health and the environment, ensure the remedy remains effective, and preserve existing water use beyond the GMZ.

The ordinance creates an overlay on approximately 47 properties mainly between the Souhegan River/Elm Street and is based on the well test data results monitored for the area. The ordinance will not prohibit a property owner from developing their property provided that they can demonstrate the ability to connect to a water supply (e.g. municipal water, private well) outside of the Groundwater Management Zone. The majority of properties are currently serviced by municipal water and wastewater. EPA, DES, and the Town have been working on this together. This ordinance will need two public hearings and then a decision. The next public hearing is scheduled for Monday, August 23, 2021.

The Board of Selectmen adopted a similar Groundwater Management Zone ordinance in 2018 involving the Fletcher Paint Superfund site not the current location of the pocket park and granite performance stage. (See Municipal Code, Chapter 5.33 Fletcher Paint Superfund Site Groundwater Mgmt. Zone). The proposed ordinance uses similar language and restrictions as previously adopted by the Board.

Public comments can be submitted to Robin Mongeon, NHDES [robin.mongeon@des.nh.gov](mailto:robin.mongeon@des.nh.gov), or Gerardo Millan-Ramos, US EPA [Millan-ramos.gerardo@epa.gov](mailto:Millan-ramos.gerardo@epa.gov).

Selectman Freel asked if there were any private wells on any of those sites. Ms. Mongeon said she wasn't aware of any.

Selectman Dargie asked why the properties westerly along Elm Street are not allowed to have wells. Ms. Mongeon said the idea is to prevent the pumping of groundwater in or around the contamination. We have enough data showing that those properties could pull the plume in or have had contamination in the past. Selectman Dargie questioned two properties side by side but only one is allowed to have a well. Ms. Mongeon said it's data-driven and explained that at some point they have to drop off the properties that are along Elm Street.

Chairman Daniels asked how the water is tested. Ms. Mongeon said the consultants will take samples once or twice a year. Chairman Daniels said he understood that the contamination was in the bedrock; doesn't it need to be pumped out? Ms. Mongeon said they are not currently doing any pumping from bedrock, although they could later. Chairman Daniels asked if Hitchners is still using the Savage Well for washing their castings. Ms. Mongeon said they own it but they don't use it, once the ordinance is established, they can't use the well. Chairman Daniels said we made arrangements years ago that Hitchners could use the well and now we will be saying they can't use it. Has anyone discussed this with Hitchners?

Tim Sullivan, a representative from Hitchners Manufacturing, said they have never used the Savage well and they haven't pumped from their production well for two decades. They are also on board with this proposal.

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63 Chairman Daniels said most of the pollution was cleared up through aeration, if someone wanted to use that to water their  
64 lawns, why would it not be helpful. Ms. Mongeon said they don't want anyone pumping groundwater because of contami-  
65 nated groundwater, they want to protect public health, and they don't want people spreading the contamination. Pumping  
66 could pull the plume and make it bigger.  
67

68 Selectman Freel said groundwater is always moving, how is not using the water going to slow the contamination spread.  
69 Ms. Mongeon explained the process in more detail for Selectman Freel. Ms. Mongeon said the plume is shrinking because  
70 of the mediation that's been done.  
71

72 Chairman Daniels asked if aeration was used when the mediation was started. Ms. Mongeon said at the treatment plant at  
73 OK Tools they use aeration. It was done in a treatment building, not in someone's yard.  
74

75 Selectman Freel asked if they know how long this will take. Ms. Mongeon said it could be decades.  
76

77 Kevin Boette, A Representative from Marmon Utilities, had questions about how this will affect their property. He gave a  
78 list of the questions to Ms. Mongeon.

- 79 • What is the proposed schedule for the US-EPA and NH-DES to formally approve Monitored Natural Attenuation  
80 (MNA) for the Extended Plume Area (OU2)?
- 81 • What is the schedule for making the OU2 temporary suspension permanent and the basis for resumption?
- 82 • Is the proposed Institutional Control (IC) required for only for the bedrock water use in the OU2?
- 83 • Why was Marmon Utility, which is south of the rail line, highway, and the former injections wells remedy includ-  
84 ed in the proposed GMZ?
- 85 • The July 2020 Groundwater Quality Monitoring Data for OU2, prepared by Gradient, reports that the groundwater  
86 quality continues to improve after the remedy suspension. What is the technical basis that the observed reductions  
87 in plume contaminate concentrations will not continue?
- 88 • The proposed IC restrictions on non-potable use need to be further developed to allow non-contact cooling and/or  
89 lawn irrigation giving historical water use restrictions.
- 90 • What is the present and proposed increased frequency of additional Groundwater Monitoring of the OU2?
- 91 • What is the schedule for periodic critical reviews of the continued need for the GMZ?  
92

93 Chairman Daniels said with Kevin, they have now opened the public hearing.  
94

95 Dale White, Milford Resident and Water Sewer Commissioner, has concerns for the property owners and what this does to  
96 the value of their property. They are trying to find future water sources for Milford. There are lots of water sources but we  
97 can't get them because of this. Access to potential water sources could be shut off for years and they will be unable to get  
98 water which is concerning to him. He also has concerns about the farms in that area and lawn watering. He doesn't feel  
99 that a small well will pull that plume far. This needs to be reviewed in detail because it will put a burden on homeowners  
100 for future resale of their properties. Is this going to impact these homeowners forever? Milford needs a future water source  
101 and to have this completely shut off is concerning. Once this is signed, it doesn't get taken back.  
102

103 Selectman Labonte asked what would happen if the Board doesn't vote on this. Ms. Mongeon said EPA and DES would  
104 have to discuss it. We are doing the ordinance so that we don't have to get a groundwater management permit. If we have  
105 to get that permit, a deed notice will have to be recorded in the chain of title for each property located within the GMZ. The  
106 ordinance is a better idea.  
107

108 Gerardo Millan-Ramos, a Representative of US EPA, said the ordinance is the easiest and more straightforward option.  
109 This ordinance does allow for exceptions about Mr. White's concerns. A small well may not have an impact on this plume  
110 but for them to determine that they would need to know a few things about the well. There are mechanisms to establish the  
111 exceptions.  
112

113 A resident, whose name I couldn't hear asked if there would be any tax impact to their properties, would it cost the home-  
114 owners anything to do the testing. Ms. Mongeon said no.  
115

116 Ted Arcidi, a resident, said that they mentioned in the extended plume that it was more of the deep bedrock pollution and it  
117 didn't affect the higher groundwater. Ms. Mongeon said deeper groundwater, she didn't mean just bedrock. She explained  
118 in a bit more detail. Ted said he didn't see any harm in doing a small well for watering areas on a farm you could use a  
119 filtration system. Ms. Mongeon repeated the reasons they don't want anyone to pump from wells again. There is liability

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120 involved, it could make the plume worse, and you could become a responsible party. Ted said he can't see how that would  
121 happen if you don't pump down and you are using a filtration unit. Ms. Mongeon repeated that the ordinance allows for  
122 exceptions on a case-by-case basis.

123  
124 Chairman Daniels closed the 1st public hearing and we will host the 2nd public hearing on August 23rd.

125  
126 Selectman Dargie asked if they have any experience on the impact of property values on this type of thing. Ms. Mongeon  
127 said no, especially where there is town water. It would be a town issue; they don't do assessing and taxing.

128  
129 Selectman Freel asked about the chemicals that were found. Ms. Mongeon explained what they were as well as the drink-  
130 ing water standard that they follow in New Hampshire. She will bring additional information to the next meeting. Select-  
131 man Freel asked if there was a way they could shrink the plume. Ms. Mongeon said they will look at it every five years and  
132 if we have enough data, we can drop some properties out to shrink the GMZ.

133  
134 Selectman Dargie asked Ms. Mongeon if she could do some research on property valuation that has occurred on other sites.  
135 Selectman Freel said if you are in this GMZ area and you are on town water, he doesn't see how it will decrease the value  
136 of your home. Selectman Dargie said it could just be perception.

137  
138 Selectman Freel said his only problem is that you are tying the hands of people that may want to drill on their land for wa-  
139 ter. Selectman Labonte said the perception could be that if you are trying to sell your property, you are now listed in a con-  
140 taminated site.

141  
142 Dale White said the farms can't afford to buy town water to water their land, there are 100 acres there. This year hasn't  
143 been bad but what happens in the future when you can't get water to take care of the crops. Buying water is too costly.

144  
145 Celeste Barr, a Milford resident, thanked Ms. Mongeon for her presentation. It was very clear and protective of the future.

146  
147 **5:40 p.m. – Public Hearing for the Acceptance for Expenditure of Unanticipated Funds over \$10K NH (RSA**  
148 **(31:95)b) – American Rescue Plan Act Funding (ARPA) - \$859,030.90**

149 Funding from the American Rescue Plan Act (ARPA) -COVID-19 Local Fiscal Recovery Funds (LFRF) for the following  
150 purposes: A) Support public health expenditures, B) Address negative economic impacts caused by the public health emer-  
151 gency, C) Replace lost public sector revenue, D) Provide premium pay for essential workers, E) Invest in water, sewer, and  
152 broadband infrastructure. The grant period is from January 1, 2021 through December 31, 2024.

153  
154 Chairman Daniels opened the public hearing. Chairman Daniels closed the public hearing.

155  
156 **Selectman Dargie made a motion to accept the expenditure of unanticipated funds for the American Rescue Plan**  
157 **Act Funding (ARPA) of \$859,030.90. Seconded by Selectman Dudziak. A roll call vote was taken with Selectman**  
158 **Dargie, yes, Selectman Dudziak, yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The**  
159 **motion passed 5/0.**

160  
161 **5:45 p.m. - Recycling/Solid Waste Overview – Celeste Barr**

162  
163 Celeste gave an overview of the Recycling/Solid Waste Committee:

- 164  
165 1) Goal of Increasing organics /Food composting. This is a goal of the Town of Milford as well as the State of NH DES &  
166 Legislature.  
167 2) Increasing participation in textile recycling. The largest waste diversion currently possible will be the redirection of  
168 these materials into alternative areas and out of the waste stream.  
169 3) Since Recycling markets are down and some are gone entirely, we have been working on educational efforts at Plastics  
170 reduction.  
171 4) Aim to reopen Still Good Shed to additionally diverting material from the waste stream. Volunteer support is necessary  
172 for this. Waiting for new Town policy and protocols on volunteers.  
173 5) Revision of Recycling Ordinance-still requires Selectmen input on penalty and violation section  
174 6) Part of Education is maintaining up-to-date information on the Town website.

175

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176 Chairman Daniels asked Ms. Barr to let the public know about the website for recycling. Ms. Barr said the recycling and  
177 solid waste website has its own button on the town's website.

178  
179 Selectman Labonte asked about the percentage of compliance on recycling. Ms. Barr said you can't quantify that. You  
180 would have to have transparent bags.

181  
182 Selectman Dargie asked about pay as you throw. Ms. Barr said it would have to be re-examined. There is a report from a  
183 few years ago on the town's website for people to look at. She feels that we should consider it.

184  
185 Selectman Labonte asked if there has been a bounce back as far as revenues. Ms. Barr said no, it doesn't look that they will  
186 come back. Sorting bottles does give us more money for materials.

187  
188 **3. PUBLIC COMMENTS (regarding items that are not on the agenda)**

189  
190 Lori Lindgren, a Milford resident, has issues with fireworks being set off every day in her area. They are out of control.  
191 There is trash coming in their yards from this and it affects everyone and the animals. A neighbor's dog had seizures so  
192 bad that it had to be put down. She would like to know what can be done about it.

193  
194 Selectman Labonte asked if there was an ordinance on fireworks. Chief Viola said they got rid of the ordinance in 2012 or  
195 2013. Time is the biggest thing, if it's during the day there isn't much they can do, if it's at night it's disturbing the peace  
196 but it depends on the hour. The other issue is when we get out there, it's done and we don't see or hear it. We may have to  
197 look at the ordinance again.

198  
199 Selectman Freel asked if the fireworks have gotten worse after the ordinance was lifted and if there have been neighbor  
200 changes. Ms. Lindgren said yes to both. Selectman Freel said when the ordinance was in place was it "no fireworks allowed  
201 in the Town of Milford". Chief Viola said yes he doesn't know the entire background but he believes that people wanted to  
202 be able to do fireworks which are why they got rid of the ordinance.

203  
204 Selectman Freel said he doesn't have a problem respecting the neighbors but he feels that if you want to light fireworks,  
205 you have the right to do so as long as it's reasonable. What's a reasonable time? Ms. Lindgren said it's all day. Selectman  
206 Freel said if you try to put a time on it, how will you be able to police it. Ms. Lindgren said maybe the Town should be the  
207 only ones doing this. People are abusing this. There was some discussion about when they could allow fireworks.

208  
209 Claire Brewer, Milford resident, said she was the one that had to put her dog down. The stress is getting too much for pet  
210 owners and other people. People are afraid to speak up because they will be bashed by the pro fireworks people. It's out of  
211 control and it's all around us.

212  
213 Katherine Kokko, Milford resident, is responding to a statement made by Captain Frye, the Board of Governors Repre-  
214 sentative at the last Board meeting. Captain Frye's response when asked if the other towns would be interested in a pro-  
215 posed solution at Dram Cup, he said they are interested, but he said, "This would be done separately". Ms. Kokko said  
216 both towns have expressed interest in working collaboratively with Milford on Dram Cup and any other solution. Select-  
217 man Dargie was in the room when Mont Vernon expressed this and Wilton said that "their hope for Dram Cup was that it  
218 be approached collaboratively". The statement that it would be done separately implies that the communications infrastruc-  
219 ture needs to be handled separately and that, that is what the other towns are looking for. In her opinion, the reality is that  
220 Milford has not chosen to do the communications solution collaboratively even when asked that it might be a good idea and  
221 she thinks that is a major loss for the taxpayers.

222  
223 Captain Frye said that is a Crown Castle decision, not a town decision, they are in it to make money. He spoke to them  
224 about it already.

225  
226 **4. DECISIONS – Selectman Dargie made a motion to accept the consent calendar. Seconded by Selectman Labonte.**  
227 **All were in favor. The motion passed 5/0.**

228 **a) CONSENT CALENDAR**

229 **1) NH RSA (31:95(b)) Request for Acceptance and Appropriation of Unanticipated Revenues under \$10,000 – Dona-**  
230 **tion to the Town of Milford for restoration/repairs for the Scout House, from Ricciardi Hartshorn Post No. 23 -**  
231 **\$2,000.**

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- 232 2) Approval of Application for Reimbursement to Towns and Cities in which Federal and State Forest Land is situated
- 233 2021.
- 234 3) Request for Approval to renew One (1) Taxi Cab License – Milford Taxi LLC
- 235 4) Approval of Intent to Cut Wood or Timber Map 3 Lot 10, 637 North River Road.

236 b) **OTHER DECISIONS**

- 237 1) N/A

238

239 **5. TOWN STATUS REPORT – Town Administrator, John Shannon**

240 **1) Town Pool Closing** – The Milford Recreation Department is announcing the Keyes Memorial Pool will be closing for

241 the summer on August 20, 2021. Any questions or concerns about the pool can be directed to the Recreation Office.

242

243 **2) Labor Day Parade** – The Labor Day Parade has been scheduled for Monday, September 6, 2021, at 1 pm. The assem-

244 bly area for the parade shall be at the Milford High School, 100 West Street, New Hampshire, and the parade route shall be

245 limited as follows: from West Street to the Milford Oval via Elm Street, around the Oval, and then proceed to the Harley

246 Sanford Veterans of Foreign Wars (VFW) Post 4368, One VFW Way, Milford, NH. Further details will be released to the

247 public if needed. Any questions or concerns about the project can be directed to the Town Administrator’s Office.

248

249 **6. DISCUSSIONS**

250 **1) Proposed Milford Projects (Preliminary List)** – Chairman Daniels said the first half of the ARPA Funding of,

251 \$859,030.90 was approved tonight. Department Heads were asked to put together a list of needs. Administrator Shannon

252 asked the Board to prioritize the list.

253

254	1. Admin/Fire/Police/Ambulance	Crown Castle Emergency Mgmt. Communications Antenna	\$ 453K-\$682K	#2
255	2. Ambulance/Fire	N95 & SCBA Quantitative Fit Testing Device	\$ 19K	
256	3. Community Dev.	MSRF & GAP Fund Programs	\$ 300K	
257	4. Fire Dept.	Health/Environmental Officer	\$ 313K	
258	5. Human Resources	Manpower, Wage & Benefit Survey	\$ 40K	
259	6. IT Dept.	Fiber Run Town Hall to Water Utilities	\$ 55K	
260	7. IT Dept.	Cyber Security Eval, Install & 1 Year	\$ 87K	
261	8. Wadleigh Mem. Library	1 of 1 HVAC System	\$ 750K	
262	9. Water Utilities	Wastewater Treatment FAC Nutrient & Metals Upgrade	\$ 510K	#1
263	10. Water Utilities	Brookiew Water Booster Pump Station Upgrade	\$ 250K	
264	11. Water Utilities	WWTF Influent Pump Station Screenings Upgrade	\$ 390K	
265	12. Water Utilities	Pennichuck Interconnection Improvements Design	\$ 100K	
266	13. Recreation Dept.	Recreation Revolving Fund – Lost Revenues	\$ 86K	

267

268 Administrator Shannon said the one that was time-sensitive is the Wastewater Treatment FAC Nutrient & Metals Upgrade

269 for \$510K. The others can be done at a later date. We should get an additional \$859,000 next July.

270

271 Selectman Labonte said there used to be a rating process; he feels we should be rating these. Chairman Daniels said the

272 Department Heads identified what was a need and included the year they were needed. Some are more urgent than others.

273 There has been no formal process like the CIP. He feels there are a couple of projects that need to be addressed.

274

275 Selectman Labonte said we have until 2024 to spend this money; we don't need to spend this all tonight. We don't know

276 where we are going with COVID. We need to look into future requests.

277

278 Selectman Dargie said two projects are more urgent than anyone else. The first being the \$510K for Water Utilities, he’s in

279 favor of funding that. He thinks the balance should be used for Communications as it’s a life safety issue.

280

281 Chairman Daniels asked Dale White to speak to the Interconnection Improvement Design for \$100,000. Dale said they

282 would love to have an additional \$100,000 but they realize that there are other needs. Next year it will be time to negotiate

283 their inter-municipal water connection with Pennichuck. The town is growing and there is a water situation in the center of

284 town. We need to work with Pennichuck because they are our future and backup water supply. We will negotiate the

285 amount of water the town may need. Engineering is needed to determine the size of water lines we may need and we want

286 to guarantee Pennichuck so much water per day. This will give us a better rate per gallon than what we have now. That is

287 where the \$100,000 comes in. We may be able to work within the \$510,000 and make that happen and get additional mon-

288 ies next year.

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 8/09/2021**

289 Selectman Dudziak agrees with Selectman Dargie on the \$510K with the balance going towards Communications they are  
290 the most critical projects and they would get her vote.

291  
292 Selectman Labonte questioned the request form for Communication. Administrator Shannon it goes under loss of revenue  
293 for us to be able to use this money, so the wrong box was checked. Selectman Labonte also questioned if the project was  
294 identified in the long-range plan, CIP, it's checked no and the correct answer should be yes. Chairman Daniels said if he's  
295 talking about Crown Castel, he doesn't know that it was. Selectman Labonte said it was in CTA's report. Chairman Dan-  
296 iels said CTA isn't in our long-range plan. Selectman Labonte said Communications is in the CIP plan and the box should  
297 be checked yes. Chairman Daniels said if we go forward, we can get the boxes checked out correctly. Selectman Labonte  
298 thought we should have it corrected first. Chairman Daniels said everyone understands how they want the money used. It  
299 doesn't change the intent. The intent is to get communications going to a satisfactory condition; we can make the amend-  
300 ments later. We don't need to continue to delay things if that is what the Board chooses to do. Selectman Labonte said he  
301 isn't looking to delay it. The number on this is going to be forced upon us; it's the cost that the taxpayers are going to bur-  
302 den. He doesn't understand why there isn't a number in here on how much more this will cost the taxpayers. The initial cost  
303 is paid out of ARPA, the operating cost is not.

304  
305 Chairman Daniels said the plan presented was to improve communications and most of the Board voted to sole source.  
306 That is what we are committing to do. He asked Selectman Labonte if he was proposing that we wait until sometime after  
307 March. Selectman Labonte said that isn't what he's proposing, but he would like to see that. The voters voted no on this.  
308 He isn't trying to delay this; he's trying to have the numbers put upfront. We have numbers that were not included in this.  
309 This week's manifest had another \$5,500 check written to Crown Castle for an engineering study, is that included in the  
310 whole thing?

311  
312 Chief Viola said we spoke about this before, we said some expenditures needed to be taken care of now to get the process  
313 going. He was able to afford it out of his budget. Selectman Labonte said he doesn't remember that conversation. Why  
314 don't we just reduce the original number to reflect the money taken from the Police budget? Chief Viola said the number  
315 you were given was the final number that we are not going to exceed; we could go below that number. Selectman Labonte  
316 questioned another line that stated that "something" isn't included in this. Is this included in the top numbers? Administra-  
317 tor Shannon said without seeing it, we can't answer that question. Selectman Labonte questioned if the \$3,000 for the FCC  
318 was include in the original number, it's all part of the package. Captain Frye said it isn't included in the number. Selectman  
319 Labonte said what is the difference in that charge versus the engineering on the tower. Captain Frye said one is FCC li-  
320 censing and the other is engineering on the tower for the equipment. The \$3,000 has already been done, it isn't in the fig-  
321 ures.

322  
323 Bob Labonte, a Milford resident, referenced the last Board meeting and sole sourcing. He was told that anything that the  
324 town buys should be on the town's website and a municipal site when soliciting bids. This was sole-sourced and wasn't put  
325 on the website. This is about town vehicles and he was told it should be put out to bid, not sole sourced. Chairman Daniels  
326 said we did have that conversation. This Board talked about things in non-public and felt that under the circumstances that  
327 we were dealing with in this situation, it was better to get started on it when we had a proposal that was acceptable to us.  
328 We followed the rules set forth by the Selectmen where when we go out to bid, there are exceptions and the Board can vote  
329 to sole source and that is what we did.

330  
331 Mr. Labonte asked how they know it was a good bid. Chairman Daniels said they have had multiple plans put forward in  
332 the last few years and the town has turned them down. They came in with a different type of proposal and we chose to go  
333 sole source so that we could make it public participate rather than have to keep it secret and have it be blasted by certain  
334 people for transparency. Mr. Labonte said then everything that comes to this Board has to follow a procedure, this Board  
335 can eliminate it and do what you want. Chairman Daniels said if the Board feels that a sole source is better, we can do that.

336  
337 Mr. Labonte referred back to his truck conversation, if you never heard the name of a truck, how can you sign off on it.  
338 That is what this Board did to communications.

339  
340 Chairman Daniels said he wasn't going to get into a discussion about trucks. The proposal brought forward is for \$510,000  
341 for Wastewater Treatment FAC Nutrient & Metals Upgrade with the remainder going to the Crown Castle Emergency  
342 Management Communications antenna. Selectman Labonte had questions and they were discussed. He doesn't want to get  
343 into a public comment discussion; he wants to keep the discussion on the business before us.

344

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 8/09/2021**

345 Selectman Freel asked Chief Flaherty if he has heard anything about the grant money. Chief Flaherty said no, should be  
346 anytime. Selectman Freel said after we give Water Utilities \$510,000, we have \$349,000 for communications, there is still a  
347 difference of \$104,000 that we need, where are we going to get that. Do we fund half now and the remaining monies in  
348 2022? Administrator Shannon said our options are; we can look in the operating budget, we can use the fund balance ac-  
349 count which requires a letter to DRA outlining why we need it, or we can see what kind of surplus we may have at the end  
350 of the year, you can put a warrant article on in March or wait until next July when the remaining ARPA funds come in.  
351

352 Selectman Freel said Bruce Dickerson said that the fiber optic cables were important for 2021. He asked Mr. White if he  
353 needed the whole \$510,000 expended in 2021. Do we need all the funds this year to be used out of the \$859,000 or is there  
354 a way we can give some area a little bit and get the remaining amounts next year? Administrator Shannon said these other  
355 projects can wait. There isn't an overwhelming need for fiber optics this year. Selectman Freel said if some things can  
356 wait until 2022, they should be listed as such. How are we going to fund communications? He's on board with Selectman  
357 Dargie and Selectman Dudziak about the two main items to be funded but if it isn't needed 100%, then we could fund other  
358 things.  
359

360 Selectman Labonte said that is part of where he was going on the request form. There are discrepancies on all of the forms.  
361 Selectman Freel said he isn't saying there is a discrepancy on all of them. He asked Mr. White if the \$510,000 was needed  
362 between now and July 2022. Mr. White said yes if they didn't need it, they wouldn't have asked for it. There is a process  
363 they have to follow. Soon they will need a plan of what it is going to cost to do a mandated process by EPA.  
364

365 **Selectman Dargie made a motion to allocate \$510K to be managed by the Water and Wastewater Commissioners in**  
366 **a way that it's compatible with the ARPA funding requirements and the balance of \$349,000 from ARPA money be**  
367 **allocated towards communications. Seconded by Selectman Dudziak.**  
368

369 Selectman Labonte asked if there would be a warrant article for communications in March. Chief Viola said they are not  
370 planning on one. Selectman Freel said if we don't qualify for the grant that the Fire Department applied for, we will be  
371 short money for communications. Administrator Shannon said we should know about the grant in the next few weeks.  
372

373 **A roll call vote was taken with Selectman Dargie, yes, Selectman Dudziak, yes, Selectman Labonte no, Selectman**  
374 **Freel yes, and Chairman Daniels yes. The motion passed 4/1 with Selectman Labonte opposed.**  
375

376 **Selectman Dudziak made a motion to submit a request to the New Hampshire Department of Revenue pursuant to**  
377 **RSA 32:11 requesting authorization to use money from the town's fund balance to fix the town's emergency com-**  
378 **munications system and that amount would be the project amount less the ARPA Funds. Seconded by Selectman**  
379 **Dargie.**  
380

381 Chairman Daniels said we need to wait to find out if we get the fire grant. Administrator Shannon said the letter to DRA  
382 needs a specific number on it, not a range. Selectman Dudziak asked if we could submit it with the amount not considering  
383 the grant and not use the funds if they don't need them. She understands that it could take weeks to get approval. Paul  
384 Calabria, Finance Director, said he believes Selectman Dudziak is correct, but he will follow up with DRA tomorrow.  
385

386 Selectman Labonte said three years in a row this has been on a warrant article, once changed to a study and voted down two  
387 times, and by going into fund balance you are locking the taxpayers. Using ARPA money is one thing, not directly taking  
388 it out of the taxpayer's pocket. He feels that by taking from fund balance it is directly pulling from the taxpayer, so he is  
389 voting no. Chairman Daniels said for clarification, this letter seeks authority to do this, it doesn't say we are going to do it.  
390 Selectman Labonte said then if this passes, we then have to take another vote to expend the money. Chairman Daniels said  
391 no. Selectman Labonte said then the motion is to get DRAs approval, take it from the fund balance and then spend it.  
392 Chairman Daniels said if DRA permits us to take it out of fund balance, we already have the authority to spend it. Admin-  
393 istrator Shannon said it puts the option on the table, it doesn't mean we have to do it.  
394

395 **A roll call vote was taken with Selectman Dargie, yes, Selectman Dudziak, yes, Selectman Labonte no, Selectman**  
396 **Freel yes, and Chairman Daniels yes. The motion passed 4/1 with Selectman Labonte opposed.**  
397

398 **2) Communications** – Chairman Daniels said this was covered in the first discussion.  
399

400 **7. PUBLIC COMMENTS. (Regarding items that are not on the agenda)**  
401

402 Katherine Kokko, Milford resident said the solution from 2 Way has a lot in common with the prior and current proposals  
403 that currently exist with MACC Base. This Board despite having turned those proposals down many times as being insuffi-  
404 cient is now moving ahead with almost the same type of approach. The difference is that this infrastructure will be owned  
405 by Milford and she presumes that it is so that Milford could exit MACC Base at any time because in her opinion that is  
406 what this Administration wants to do. The voters have voted twice to not separate from MACC Base. She understands that  
407 this proposal is slightly different but it still appears to be in the same spirit. She asked if this proposed communication sys-  
408 tem was compared to what was put together by MACC Base and how does sole sourcing directly to 2 Way benefits the tax-  
409 payers.

410  
411 Chairman Daniels told Ms. Kokko that her comments were her opinion, not this Board's position. We made our decision  
412 based on what we were given in the past and what we felt was the best way going forward that will fix the communications  
413 problem that currently puts our officers in danger.

414  
415 Ms. Kokko said during the last meeting the Board specifically called out the possibility of this turning into an RFP process  
416 and it was clear to her, despite that comment that there wasn't any intention of doing an RFP. Chairman Daniels said once  
417 again, her comments are her own; she doesn't speak for this Board.

418  
419 Selectman Labonte said there was some sort of conversation saying that MACC Base had gotten a proposal but it was never  
420 discussed to this Board.

421  
422 Bobby Jones, AFSME Council 93, asked if the two actions that the Board took tonight, in regards to the ARPA funds and  
423 the DRA letter, does that not entertain the serious life-threatening issues of communications with the Milford Police De-  
424 partment and has nothing to do with the Dispatch Center of MACC Base. Chairman Daniels said we see that it does. The  
425 whole issue of with or without MACC Base is still outstanding but we are trying to address our communications deficiency.

426  
427 Mr. Jones said if the 2 Way plan goes forward and communications are restored to a level where there is no longer a life-  
428 threatening issue for the officers of Milford, then we will have achieved our goal and we are not looking at dismantling  
429 MACC Base. In the past two months since he's been in this room, there has been no discussion of leaving MACC Base,  
430 was he wrong. Chairman Daniels said we have not talked about dismantling or keeping MACC Base.

431  
432 Mr. Jones said his last question is directed to Selectman Labonte, what is the price that you put on a Police Officer's life in  
433 the Town of Milford. Selectman Labonte said it's not the case of putting a number on it, it comes down to the process. He  
434 understands the problem and the solution. He isn't questioning the severity of it, but the same solution has been put forward  
435 three times. Where was this plan two years ago? To sit there and say, he isn't in favor of anything is a misstatement in his  
436 opinion that isn't his position. He's always been in favor of fixing it and moving forward. There have been many opportu-  
437 nities to put something in front of MACC Base and it hasn't been. Why haven't you pushed on that level? Chairman Dan-  
438 iels said we will not be getting into a debate.

439  
440 **8. SELECTMEN'S REPORTS/DISCUSSIONS**

441  
442 Administrator Shannon said the Department Heads have been asking about the new Federal Holiday, Juneteenth. We ha-  
443 ven't taken a position on that. Selectman Dargie said it wasn't a federal holiday; the state hasn't taken a position on it. The  
444 RSA encourages everyone to recognize the day.

445  
446 **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES**

447 **a. OTHER ITEMS (that are not on the agenda)**

448 **9. APPROVAL OF FINAL MINUTES - Approval of the minutes of July 26, 2021.** Selectman Labonte said the minutes  
449 didn't reflect the actual meeting. There is a public section that is missing when we came out of non-public. Tina Philbrick,  
450 Executive Assistant said that the public section will be reviewed in non-public because that was where it was in the begin-  
451 ning of the meeting. She asked the Chairman to postpone the approval of the minutes of July 26, 2021, until the other sec-  
452 tions of the minutes are reviewed. Selectman Labonte said we went into non-public, out of non-public, had a discussion,  
453 went back into non-public, and then out again, this should be reflected in these minutes. Ms. Philbrick said again, she just  
454 suggested that we do that. This was the first time that this Board was so overwhelmingly crazy about how you were going  
455 in and out of non-public so it was very difficult to do the minutes. She wants to make sure they were done correctly. She  
456 will put them back on for approval at the meeting on August 23<sup>rd</sup>.

457



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

459 1. N/A

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

461  
462 Selectman Labonte asked that if the non-public minutes of July 26<sup>th</sup> would we wait to be approved at the next meeting if  
463 Tina is going to swap them? Ms. Philbrick said they should be looked at to make sure they were done properly because she  
464 had to continuously review them. After all, it was hard to understand what the Board was saying.

465  
466 Selectman Labonte asked about the sealing of the minutes of March 8<sup>th</sup> and that they have been publically requested. Ms.  
467 Philbrick said yes but handing out those minutes per this request adversity affects the reputation of a citizen in Milford. The  
468 minutes were not sealed because everyone was talking all at once in that meeting and they were approved but not sealed.  
469 They should have been sealed. To release them to the public would set us up for a lawsuit.

470  
471 Selectman Labonte said can be sealed at any time but if they have been requested while not sealed we could also violate the  
472 law by not releasing them. Ms. Philbrick said she could be in violation of giving the Board something that would set us up  
473 for a lawsuit. Ultimately it's the Boards decision. If you want to give out non-public minutes to someone who's requested  
474 them for no apparent reason then you can do that, she just suggests that you don't.

475  
476 Administrator Shannon said it isn't a lawsuit. Selectman Labonte said we have a law that we have to follow. Ms. Philbrick  
477 said we could be sued either way; you pick which way you would like that to happen. Chairman Daniels said if someone  
478 wanted to sue us over anything, they could. There is a motion to go into non-public.

479  
480 **12. NON-PUBLIC SESSION a motion made by Selectman Freel to enter into a non-public session in accordance**  
481 **with (RSA 91-A:3, II(a)) Personnel and approval of non-public minutes of July 26, 2021. Seconded by Selectmen**  
482 **Dargie. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Se-**  
483 **lectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.**

484  
485 **In non-public, the Board made three decisions regarding minutes.**

486  
487 **Selectman Dudziak made a motion to approve the approve non-public minutes of July 26, 2021, as amended. Se-**  
488 **conded by Selectman Freel. A roll call vote was taken with Selectman Dargie, yes, Selectman Dudziak, yes, Select-**  
489 **man Labonte no, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.**

490  
491 **Selectman Freel made a motion to leave the non-public session. Seconded by Selectmen Dudziak. A roll call vote**  
492 **was taken, Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chair-**  
493 **man Daniels yes. All were in favor. The motion passed 5/0.**

494  
495 **In public a motion was made by Selectman Dargie to seal the minutes of March 8, 2021. Seconded by Selectman**  
496 **Dudziak, because it is determined that the divulgence of this information likely would affect adversely the reputa-**  
497 **tion of any person other than a member of this board. A roll call vote was taken, Selectman Dargie yes, Selectman**  
498 **Dudziak yes, Selectman Labonte abstained, Selectman Freel yes, and Chairman Daniels yes. The motion passed**  
499 **4/0/1 with Selectman Labonte abstaining.**

500  
501 **In public a motion was made by Selectman Dargie to seal the non-public minutes of August 8, 2021. Seconded by**  
502 **Selectman Dudziak, because it is determined that the divulgence of this information likely would affect adversely the**  
503 **reputation of any person other than a member of this board. A roll call vote was taken, Selectman Dargie yes, Se-**  
504 **lectman Dudziak, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The**  
505 **motion passed 5/0.**

506  
507 **13. ADJOURNMENT: Selectman Dudziak moved to adjourn at 8:10 pm. Seconded by Selectman Freel. A roll call**  
508 **vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and**  
509 **Chairman Daniels yes. All were in favor. The motion passed 5/0.**

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DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 8/09/2021

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\_\_\_\_\_  
Gary Daniels, Chairman

\_\_\_\_\_  
Paul Dargie, Member

\_\_\_\_\_  
Chris Labonte, Vice-Chairman

\_\_\_\_\_  
David Freel, Member

\_\_\_\_\_  
Laura Dudziak, Member