

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

March 25, 2024

**PRESENT:** Tim Finan, Chair Lincoln Daley, Town Administrator  
Paul Dargie, Vice Chair Susan Mallett, Executive Assistant  
David Freel, Member  
Chris Labonte, Member  
Tina Philbrick, Member

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

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

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

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

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

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

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

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

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

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

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

**Selectman Freel made a motion to approve Chief Flaherty to apply for the SAFER Grant and we will plan a work session in April. Seconded by Selectwoman Philbrick. The motion passed 4/1**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**6:55 p.m. – Approval of Judy Hohenadel as a member to the Heritage Commission with term expiring 2027**

Judy introduced herself, she has lived here for 50 years, worked at Hampshire Hills in their nursery, in the library. She knows and enjoys history of the Town, she has taken pictures of graves and put them with the family information. Selectman Finan read the letter from David Palance Chair of the Heritage Commission that highly recommended her for the position as a member. He also explained Sarah Brown has decided to step down leaving this position open. Many thanks to Sarah Brown for her time on the Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **3. PUBLIC COMMENTS – None**

### **4. DECISIONS**

#### **a. CONSENT CALENDAR**

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

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

**Selectman Labonte made a motion to approve the consent calendar Items 1 through 7. Seconded by Selectwoman Philbrick. All were in favor. The motion passed 5/0.**

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

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

**b. OTHER DECISIONS**

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

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

**2. Request for Update to the Board of Selectmen Representative's Listing for 2024 – 2025 Boards, Commissions, Etc.**

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



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

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

## **5. TOWN STATUS REPORT –**

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

Two RFPs will be issued by tomorrow.

Proposal for replacing LED lights in Town Buildings.

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

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

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

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

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

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

### **2. Keyes Memorial Park**

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

## **6. DISCUSSIONS**

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

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

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

## **8. PUBLIC COMMENTS –**

None

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

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

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

## **11. NOTICES.** Notices were read.

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

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

- b. The next Board of Selectmen’s meeting is April 8, 2024 at 5:30 in the Board of Selectmen’s meeting room, 1 Union Square, Milford NH at 5:30pm. This will be a HYBRID meeting. Information to access ZOOM will be posted on the Town’s website on or before April 5th, 2024.

**12. NON-PUBLIC SESSION – None**

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

\_\_\_\_\_  
Tim Finan, Chairman

\_\_\_\_\_  
Paul Dargie, Vice-Chairman

\_\_\_\_\_  
Dave Freel, Member

\_\_\_\_\_  
Chris Labonte, Member

\_\_\_\_\_  
Tina Philbrick, Member