

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

December 28, 2020

This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to Executive Order 2020-04, temporary modification of public access to meetings under RSA 91-A. As such, the meeting was conducted online using these connection instructions that were listed on the posted meeting agenda: "The Public is encouraged to participate remotely, call in on your phone @ 1-646-558-8656 and enter the meeting ID# 865 0671 3534 and the password is 202056 or join the Zoom Meeting @ <https://zoom.us/j/81556027838>. Please try to log in 5 minutes before the meeting's scheduled start time in case you run into any technical difficulties".

PRESENT:	Gary Daniels, Chairman (Zoom)	John Shannon, Town Administrator (Zoom)
	Paul Dargie, Vice Chairman (Zoom)	Tina Philbrick, Executive Assistant (Zoom)
	Laura Dudziak, Member (excused)	
	Chris Labonte, Member (Zoom)	
	David Freel, Member (Zoom)	

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

Chairman Daniels declared that an emergency exists and he was invoking the provisions of RSA 91-A: 2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to the community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, he also finds that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location. Information for accessing this meeting can be found on the Town web site in the red banner.

Chairman Daniels welcomed members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Public comments will be limited to five minutes per person. Any person found to be disrupting this meeting will be asked to cease the disruption. If the disruptive behavior continues thereafter, that person will be removed from the meeting.

All votes that are taken during this meeting must be done by Roll Call vote. Members from home were asked to state their name and state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

Roll call attendance: Selectman Dargie, yes, (zoom) no one is present. Selectman Labonte yes, present in the BOS room, and Chairman Daniels yes, (zoom) no one is present. Selectman Freel, yes, (zoom) no one is present.

2. APPOINTMENTS: (Approximate times)

5:30 p.m. - Proclamation for Clare Callahan

Clare Callahan is retiring from the Town Clerks' office. Chairman Daniels read a Proclamation.

WHEREAS, Clare Callahan has served with distinction as a Deputy Town Clerk for the Town of Milford for 15 years; and
WHEREAS, the Town of Milford is most sincerely appreciative of Clare Callahan's long and faithful service to the Town of Milford

WHEREAS, Clare Callahan has made many lasting contributions to the Town Clerk's Office.

WHEREAS, Clare Callahan is recognized for her unmatched loyalty, unparalleled dedication, and outstanding service;

NOW, THEREFORE, BE IT RESOLVED, that the Milford Board of Selectmen recognize the special efforts and contributions of Clare Callahan, and congratulate her by presenting this proclamation on her 15 years of Service to the Town of Milford,

BE IT FURTHER RESOLVED, the Board wishes Clare Callahan much success in her retirement.

Given under our hand and seal this 28th day of December 2020

Selectmen Dargie made a motion to approve the proclamation for Clare Callahan. Seconded by Selectman Labonte. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 4/0.

5:35 p.m. - Water Utility's Permit Upgrade Project 2023 - Water Utilities Director, Kevin Stetson

In summary: Kevin Stetson gave a brief powerpoint presentation to the Board of Selectmen on future Wastewater Treatment Facility Upgrade Projects.

Chairman Daniels asked who would be paying for the warrant articles. Kevin said tax-payers. Milford's newly issued permit requirements were effective on November 1, 2020. Water Utilities will need to process improvement upgrades; they have three years to become compliant. The construction project is being planned for 2023.

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The original plan would have been \$11,737,000 but the Water Commissioners have completed several projects over time which lessened the cost. Even after the upgrades, several additional projects will need to be completed in the amount of \$1,174,000

- In 2021 \$190,240 will be taken from the Sewer Capital Reserve Account for Evaluation of Treatment Alternatives for the final design.
- In 2022 there will be a warrant article for approximately \$450,000 for Final Design/Project Bidding.
- In 2023 there will be a warrant article for approximately \$5,977,000 for Project Construction.
- Total project will be \$6,447,000.
- 2023 Plant upgrade project estimated taxpayers costs:
 - Project Cost \$6,447,000
 - Percentage rate 2.5% over 20 years
 - Payments: monthly \$ 34,056.86
 - Payments: Quarterly \$102,170.58
 - Payments: Annually \$408,682.32
 - There are 5,633 water utility customers
 - Semi-Annual Amount per customer is \$36.28

Selectman Freel asked when the warrant articles would be presented. Kevin repeated the above information. Dale White, Water Commissioner said so far, the Sewer users have paid for all upgrades. We are required by law to upgrade the system. They could find savings during the engineering process. This is too much money to ask of just the sewer users. The sewer treatment plant benefits the whole town of Milford and we feel that the taxpayers should share the burden.

Selectman Labonte asked about parcels. Kevin said it was a rough estimate. Selectman Labonte asked what the difference would be if you had to adjust it to user rates and dumping fees. Kevin said the water treatment plant was originally paid for by the town's taxpayers. We will get a low-interest loan and some principle forgiveness is available to us.

Selectman Dargie said this should be translated to a tax rate calculation and Finance can help with that. He gave some suggestions on how to present this to the taxpayers when the time comes.

Bob Courage, Water Commissioner, reiterated what Keven and Dale said. The Town of Wilton will also have to pay 14.89% of this as they benefit from the services. We are also looking at State and Federal Grant Funding and we are on a high priority list to get some of that funding. We currently have a bond item on the warrant for next year. We will have a final number prior to the Deliberative Session. That bond will be paid for by our user fees.

Selectman Freel asked how long the new permit was good for. Bob said five years. The last one lasted fifteen years. Dale said the upgrades need to be done during the next three years with the new permit even though it's good for five years. Selectman Freel said what happens if the warrant article fails. Why can't we just put it in the water utility budget? Bob said if we are not in compliance we could get fined daily and we still have to do the upgrades. This isn't unique to Milford. We need a warrant article to bond the funding. We need to have a 20-year bond so we can afford the payments.

Mike Thornton, a Milford resident, agrees that the town should do this. He has concerns about paying an equal share with the users of the system when he doesn't use it. It's a five-year permit and you want us to do a 20-year bond. Bob said we have to have these improvements completed or will be subject to fines. We only have 3,000 sewer customers in the system.

Selectman Labonte said with Wilton paying a percentage of it, will they have to have a warrant article. Bob said yes. Peter Basiliere, Milford resident, said if the warrant article fails we could hold a special meeting. He asked how long will the equipment last. Bob said the equipment could last 40 years. We should clarify who gets to vote on the warrant articles. Chairman Daniels asked if the \$6.4 million included Wilton's share. Bob said yes.

5:55 p.m. - Route 101A/Route 13 Oval Improvement Project - Community Development Director, Lincoln Daley (tabled from December 14, 2020)

In summary: Funding for the project originally came in 2006. This is an update to the Route 101A/Route 13 Oval Improvement Project scheduled to begin in 2021. Phase I was completed in 2018. Phase II consists of two projects and the town 20% match is \$412,250.21 to be funded by the previously appropriated matching balance. The project would begin in 2021 with construction to begin in mid/late 2022. Lincoln requested that the Board authorize Administrator Shannon to sign the agreement.

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Project 1: Nashua Street/Clinton Street/Tonella Road Improvements - This is to widen Nashua Street to accommodate a turning lane and connect sidewalks to the above streets.

Project 2: Milford Downtown Oval Improvements - This is to enhance pedestrian safety/access and improvement vehicular throughout the Oval area along Nashua Street, Elm Street, and Mont Vernon Street, and South Street and provide parking opportunities.

Chairman Daniels asked if it will come back to the Board for review before proceeding. Lincoln said yes. The final sign off will include the Board. Selectman Labonte asked about a traffic light next to CVS. Lincoln said originally they didn't meet the criteria to include a light. CVS contributed \$175,000 for a light and those funds will terminate in 2022. It's still TBD for the design.

Selectman Labonte asked for more information in the second project. Lincoln said the second project would focus on the Oval area along Middle Street, School Street, and Union Street. Selectman Labonte asked how we can get out of the agreement if we don't like it. Lincoln said we already have the 20% match for these two projects. This is relying on stakeholder involvement and he would be surprised if it doesn't go forward.

Selectman Labonte said if the Board doesn't feel it's a fit for Milford, they have no way to stop this. Lincoln said the design should meet the needs of the town and the Board. Selectman Freel is against a traffic light. Selectman Freel said the \$400,000 could be used for something else; there are other priorities for the town. Lincoln said the money has already been appropriated, we are not asking for additional funding. The community has desired this for many years.

Chairman Daniels asked about the light at CVS. Lincoln said the light may not be warranted at that intersection. We have funds if needed but we won't know until we evaluate it further. Chairman Daniels asked about public hearings during the evaluation phase. Lincoln said yes, it will be a year-long process. Chairman Daniels asked if we were going to deal with the same construction company that engineered the Oval changes. Lincoln said no.

Chairman Daniels asked if Lincoln was looking for approval to start the engineering phase. Lincoln said he needs the approval to start the overall process, phases 1 through 3. Selectman Freel said if this was to be approved, we can't get the \$400,000 back. Lincoln said the warrant articles were specifically for this project. Chairman Daniels said unused money will go back to where ever it came from and this remaining money would go back to the tax-payers.

Selectman Labonte clarified that this doesn't authorize the construction. Lincoln said this is to use the \$2,000,000 in all four phases. The Board has to sign off on the final design. This covers authorizing construction.

Selectmen Dargie made a motion to move forward as proposed by the Community Development Director with the understanding that this will come before the Board before the construction stage. Seconded by Chairman Daniels.

Pete Basiliere said all the warrant articles for this project were approved by voters. Some of these funds will be helping local workers and contractors that will be participating in the project. Selectman Labonte still has concerns about it being an acceptable plan for the Board.

A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0.

Selectmen Dargie made a motion to authorize Town Administrator Shannon to sign the documents. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0.

6:05 p.m. - BROX Community Land Conservation Easement - Conservation Chair, Andy Hughes and Conservation Member, Chris Costantino

In summary: An Alteration of Terrain Updated Permit (dated 10/26/20) was submitted by the Town for the sand and gravel operation on the property referred to as the Brox Community Land. One of the conditions of this permit is that the Town of Milford (Town) will put 75 +/- acres into a conservation easement (Plan sheet 1 of 9 note #11). The Board of Selectmen, at their October 14, 2019 meeting, accepted the Milford Conservation Commission's (MCC) offer to facilitate this easement

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process. The Conservation Commission is suggesting that the Board include the remaining cost of \$30,000 in their 2021 budget.

Selectman Labonte asked if it was appropriate for the town to come up with \$30,000 seeing that this is a condition of the AoT permit in regards to the Gravel Operation that was at no cost to the tax-payers. If there was no gravel operation there would be no reason to have this. Andy Hughes said what was written was an assurance from the town that one way or another either out of the budget or through payment from the gravel operation, that the \$30,000 would be paid for by the town to the Fish and Game for the Stewardship fund.

Selectman Labonte repeated, it was put in front of the voters at no cost and that doesn't mean it should be taken out of the profits. The Town of Milford doesn't pay for the permit. Lincoln said the contractor is paying for the AoT permit.

Chairman Daniels asked how much was in the Conservation fund and how come we can't take the \$30,000 from that fund. Andy said the town went forward to do the Gravel Extraction Project. This is a State-imposed condition as part of doing this project. We have about \$95,000 in the Conservation Land Fund and we don't believe the land fund balance should be used for this project.

Selectman Dargie asked what the status was of the AoT permit. Administrator Shannon said the state has it and they are going through their process right now. They have not given us any indication of which way they were leaning. Selectman Labonte repeated that the warrant article wasn't going to cost the tax-payers any money, that's his concern. We are losing a third of the year's income just to pay for this. He agrees that this shouldn't fall on Conservation.

Chris Costantino, Conservation member, asked about a line item that carries expenses for the gravel operation, how does that get funded. Paul Calabria, Finance Director said a token amount was left in the line item in case something came up. There is only \$100 in there. Anything in the operating budget is funded through the tax-payers. Chris asked how that money gets tracked. Paul said when the gravel operation was in process we had a line item for the revenue. No revenue went in this year.

Selectman Freel clarified that when the Gravel operation is in full swing, the town is making over \$100,000. Does the easement have to be in place before we get the AoT permit and start pulling gravel out again? Andy said no. For the \$20,000 grant to come in from the state, the easement has to be in place by June 30th. Selectman Freel asked why we can't add it to the contract of who's hauling out the gravel. Chris said that is why we are here, to figure out how to pay for this.

Selectman Labonte said there was a line in the contract that said the contractor was to pay all expenses that came up. Lincoln said that was an understanding of the cost of the permit associated with the contract. The easement was unforeseen as part of the overall process. Selectmen Freel said we should add this into the budget and add a little more per yard when the gravel operation starts back up.

Selectman Freel made a motion to add \$30,000 to the operating budget to cover the stewardship easement for next year. Seconded by Selectman Dargie.

Selectman Dargie said this is the cost of doing business. If it isn't done and the operation doesn't start up again then we would not be selling gravel. Selectman Freel agrees. Selectman Labonte said we should hold off until Town Council reviews this. Chairman Daniels said there is already a contract in place and this would change the terms of the contract in the middle of it.

Selectman Labonte read some of the contract and said this cost is a result of the permit. He repeated that he thinks the Board should hold off until we are advised by Town Counsel. He asked Andy when he needed an answer on this? Andy said it can be put off but lawyers take a long time so it can't be held off until the last minute.

Selectman Freel removed his motion. **Selectman Dargie made a motion to table this until the second meeting in January. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 4/0.**

6:15 p.m. - Deliberative Session and March Election – Town Moderator, Pete Basiliere

In Summary: Pete Basiliere gave an overview of what to expect to host the Deliberative Session and Town Vote.

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Selectman Dargie asked Pete what his preference would be. Pete said to have the Deliberative in person. Tina Philbrick, Town Administrators' assistant said a decision has to be made soon on the location so it can be properly posted.

Selectman Freel asked about going for an extension. Pete said both the Town and School are governed by SB2 and the meeting could only be postponed by 72 hours. If the Governor allows it to be postponed further you won't have a new budget until you're almost halfway through the year.

Selectman Dargie made a motion to hold the Deliberative Session at the Milford High School on the January 30th, contingent on the School Board allowing us to use their rooms. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 4/0.

3. PUBLIC COMMENTS (regarding items that are not on the agenda) There were no public comments at this time.

4. DECISIONS – Selectman Freel asked that 4. a) 4 be removed from the consent calendar. Selectman Dargie made a motion to approve the consent calendar except for 4. a) 4. Seconded by Selectman Labonte. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0.

a) CONSENT CALENDAR.

1. Approval of Petition and Pole License one (1) pole – Savage Road
2. Conservation Commission Request Acceptance of \$6,204.16 from the Ghost Train Rail Trail Race, to be used for maintenance and improvements to the Rail Trail.
3. Request to re-appoint Rodney Dellafelice as a Full-Member to the Conservation Commission. Term Expires 2023.
4. Request for Acceptance and Appropriation of Gifts of Property Under \$5,000 (31:95(e)) – donation to the Milford Fire Department from the NH EMS Bureau
 - 1 Protexus Cordless Electrostatic Sprayer from NH EMS Bureau - \$645.91
 - 1 container of 200 Protexus tablets from NH EMS Bureau - \$200.00

Selectman Freel asked what the protexus was used for. Administrator Shannon said it's a disinfectant to use for COVID.

Selectman Dargie made a motion to approve 4. a) 4 from the consent calendar. Seconded by Selectman Labonte. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0.

b) OTHER DECISIONS

1. DRAFT Warrant Articles – Tonight's decision is to either exclude or include the following warrant articles for the March 2020 vote. There was a discussion on articles 27, Annual Labor Day Parade; 28, - Summer Band Concerts; 29 - Independence Day Celebration Fireworks; 30- Pumpkin Festival; and 31- Memorial, Veterans & Labor Day Parades and Recognition about giving the 2021 appropriations back to the tax-payers and putting the articles on the warrant for next year with the same amounts or different amounts.

DRA said we could fund those activities with the appropriated money and not have to put these articles on next year's warrants. Selectman Dargie said we spent some on band concerts but there are some monies remaining. He would like to leave that one on. We also spent money on the Parades and recognition of buying flags. He's ok with taking the others off.

Paul Calabria, Finance Director said there was \$2,950 left in the band concert account. Selectman Dargie would be ok with putting the balance of \$6,050 into the regular budget and moving the \$2,950 forward and adding another \$6,050. We could leave the warrant article as it is for \$9,000.

Selectman Labonte wants to give the unspent money back to the tax-payers and put all the warrant articles back on. Chairman Daniels said these articles tend to pass every year. DRA said we could also put those out there with the amounts specified on them with a notation that the money would be spent out of the 2020 budget. Selectman Labonte asked if the warrants get defeated does the money go back to the tax-payers. Chairman Daniels said no. Selectman Dargie asked how much was spent from the parade support warrant. Paul said he will get that information.

Pete Basiliere said one of the reasons to take them off the warrant is to shorten the length of the Deliberative Session. Chairman Daniels said the comment he hears most every year is the length of the warrant. This is a way to shorten it. Se-

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lectman Freel is leaning towards putting these in the budget. People don't have a problem with smaller numbers. He agrees with Chairman Daniels and Pete about the number of warrant.

Wade Campbell, Milford Resident, said they didn't choose 100% to cancel the pumpkin festival; they were slightly forced into it by the State. Many events in the town were canceled because we couldn't have large gatherings. The amount of warrant articles put on the warrant every year is overwhelming. It's a wasted effort to give the money back and take it back again. Selectman Labonte said these things were canceled because it was the proper thing to do.

Selectman Dargie made a motion in reference to RSA 32:7 V, the remaining money of the 2020 appropriations for warrant articles, 27, 28, 29, 30, and 31 be encumbered for one additional fiscal year and that any monies that have been expended from those five accounts in 2020 be added to the 2021 budget. The motion failed for a second.

Chairman Daniels agrees with the motion except for putting it into the budget. If it's in the budget, it becomes part of the default budget.

Selectman Dargie made a motion that warrant articles, 27, 29, and 30 be encumbered for one additional fiscal year and be removed from the warrant. Seconded by Chairman Daniels.

Selectman Freel asked if they were leaving articles 28 and 31 in because there's a balance. Selectman Dargie said yes. Selectman Labonte still doesn't want to do this; it's going to be confusing. Chairman Daniels said you can add that information into the voters' guide. Selectman Freel agreed. Selectman Labonte asked how the tax-payers are getting the voters guides this year. Administrator Shannon said they are being mailed.

A roll call vote was taken with Selectman Dargie yes, Selectman Labonte no, Selectman Freel yes, and Chairman Daniels yes. The motion passed 3/1 with Selectman Labonte opposed.

Selectman Dargie made a motion to remove articles 14, Bridge Repair; 15, DPW vehicles, 19, Fire Apparatus, 20, Town Facilities Renovation, 21, Ambulance Vehicle Replacement, 22, Keyes Park Expansion, and 24 Public Safety Equipment from the warrant. Seconded by Chairman Daniels.

Selectman Labonte feels that warrant article 24 should stay on the warrant. If the communications warrant article doesn't pass, we may need this one. He feels the same way about articles 19 and 21. The voters should decide if they want to fund these or not. It would be less of a tax impact if we can continue to fund these.

Selectman Freel doesn't understand why some of this isn't in the budget. Chairman Daniels said if the budget doesn't pass and we are in default, what gets cut and what doesn't. We are asking voters to spend a lot of money and the last year has been a hardship for many people.

Rick Riendeau, Public Works Director, said he doesn't think the bridge capital reserve needs to be funded this year. We still have about \$600,000 in that account. Selectman Labonte said it's noted on the bottom of each warrant article that the Board either recommended or didn't recommend the warrant article. It can also be noted in the voters' guide. Chairman Daniels said it sends mixed messages to the voters; if you didn't want it, then why put it on the warrant. Selectman Dargie is open for an amendment if a Board member wants to remove one and it will give us a yes vote.

Selectman Freel asked if Finance knows what we have in these funds. Paul said he will get that information. Selectman Labonte is okay with removing warrant number 14 but would like to hear what the Public Works Director thinks about 15. Rick said he would rather it stay on the warrant. Selectman Labonte would like to keep 15 and 19. He asked Rick about article 20. Rick said that was based on the HVAC system. One bid came in very high and the other was a little over what we have money for. It would be good to have a capital reserve for boilers and things.

Paul Calabria gave the balances of the Capital Reserve Accounts:

Bridge Repair -	\$682,000
DPW Vehicles -	\$120,000
Fire Apparatus -	\$100,000
Town Facilities -	\$100,000
Ambulance Vehicle Replacement -	\$100,000
Keyes Park Expansion -	\$ 59,000

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Public Safety Communications Equipment - \$ 60,000

Selectman Labonte asked where we were on the HVAC system. Rick said we spent some money to get the engineering done. Selectman Labonte would like to keep article 20. He would be okay if Ambulance wasn't funded this year. He would like article 24 to stay. He asked about article 22. Arene Berry, Recreation Director said the Board authorized the expenditure of the \$59,000. Once the study is complete the balance in that account will be zero. Selectman Dargie said the capital reserve accounts are used as a down payment. You pay a little more on interest if you don't use those accounts. Some accounts need a healthy balance.

Selectman Freel is okay with articles 14, 21, and 22, and 24 being removed for this year. Selectman Labonte asked if the communications article didn't pass, how many emergency services would be looking to replace radios right away. Eric Schelberg, Ambulance Director, said Ambulance already has a warrant article in to expend from the Public Safety Communication Equipment for portable radios. We have two portable radios that will need to be replaced. Chief Viola, Milford PD also has two portable radios in their budget. Rick said DPW doesn't have any radios in their budget this year. Ken Flaherty, Fire Chief said if the operating budget fails, they won't have any money to replace radios because it was removed from his line-item last year. Selectman Dargie withdrew his original motion.

Selectman Dargie made a motion to remove articles 14, Bridge Repair; 21, Ambulance Vehicle Replacement, and 24 Public Safety Equipment from the warrant. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte no, Selectman Freel yes, and Chairman Daniels yes. The motion passed 3/1 with Selectman Labonte opposed.

WARRANT ARTICLE 5 - WADLEIGH LIBRARY HVAC/Electrical Repair - \$995,000 BOND

Selectman Freel clarified that there was nothing we can do about articles 5 and 13 because it's Library stuff. Chairman Daniels said according to DRA it's our warrant and we can do something about it. We usually don't because the Library Trustees come up with those numbers. Selectman Freel asked if there was something we could do about the number. Chairman Daniels said it could be adjusted at the Deliberative Session.

Kathy Parenti, Chair of the Library Trustees, said this warrant article is for repairs and replacements that need to happen. Paul Calabria asked about the donations received by the library, how much do they have to put towards the repairs. Kathy Parenti said the funds pledged were for the addition that didn't happen, since that warrant article didn't pass, we don't have that money. We have \$500,000 in our Library fund and we will cover whatever the warrant article doesn't pay for.

WARRANT ARTICLE 10 - NASHUA STREET PEDESTRIAN SAFETY and SIDEWALK IMPROVEMENT PROJECT - \$871,924 (State pays \$697,539; Town pays \$174,385)

Chairman Daniels made a motion to remove articles 10 and 11 from the warrant. Seconded by Selectman Labonte. It's an 80/20 match but we still are on the hook for a considerable amount of money. He feels it's a want, not a need. Selectman Dargie is in favor of both of the projects. If they get removed he is planning to do petition warrant articles to put them back on the warrant. Selectman Labonte agrees with Chairman Daniels. He said there are unknowns as far as maintenance costs for the sidewalk upkeep. Chairman Daniels said we may need to buy or repair sidewalk plows sooner if these sidewalks are built. Selectman Freel agrees with Chairman Daniels and Selectman Labonte. He doesn't think it's a big deal walking in that area.

Lincoln Daley, Community Development Director, said these are two different projects and the Board doesn't have to vote for both of them in this cycle. Both are in high-priority areas and if we don't fund them we lose state funding. Pete Basiliere agrees with Lincoln and these should be considered separately. There are proposals for new buildings on Ponemah Hill Road and there will be an increase in walkers and traffic. Selectman Labonte referenced sidewalk plows also including snow removal.

Lincoln said sidewalks are part of our transportation network. They are important for people who don't rely on cars. He brought up federal funding again. Chairman Daniels asked if there was any desire to split the two articles. Selectman Freel said he would be more in favor of Nashua Street. Chairman Daniels is still opposed to this warrant article. Lincoln said people don't walk in that area is because it isn't safe to walk. Wade Campbell said people use the rail roadbed to walk instead of walking on Nashua Street. Chairman Daniels agreed to vote on each article separately.

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A roll call vote was taken with Selectman Dargie no, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 3/1 with Selectman Dargie opposed. Article 10 will be removed from the warrant.

WARRANT ARTICLE 11 - OSGOOD ROAD, MELENDY ROAD, AND ARMORY ROAD PEDESTRIAN SAFETY SIDEWALK AND BICYCLE LANE PROJECT - \$797,872 (State pays \$638,298; Town pays \$159,574)

Selectman Labonte said he could be in favor of article 11 if it were modified to go to Adams Field. Chairman Daniels said you are taking away parking. He remains opposed.

A roll call vote was taken with Selectman Dargie no, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 3/1 with Selectman Dargie opposed. Article 11 will be removed from the warrant.

WARRANT ARTICLE 12 - RECONSTRUCTION OF TOWN ROADS - \$400,000

Selectman Dargie said we should be spending about \$700,000 per year on roads. He would like to remove article 12 and add \$400,000 to the operating budget for road repairs. He would also like to find out what the default budget is. Paul Calabria said the default budget number is \$15,756,541. The Town's budget is \$15,776,568. Selectman Dargie said these are only \$20,000 apart so adding \$400,000 isn't a big deal.

Selectman Dargie made a motion to remove warrant article 12 and add \$400,000 to the operating budget for road repairs. The motion failed for lack of a second.

Selectman Labonte wants to keep this warrant article on the warrant. The voters should decide. This is a non-lapsing appropriation if we don't use all of it we can use it the following year. Selectman Dargie said with a non-lapsing appropriation you are given five years to spend the money. Selectman Labonte asked if the Public Works Director if he had a plan for the \$400,000. Rick said he didn't have that information yet. We are getting into the harder projects; he could probably use about \$1,000,000 just on Amherst Street. Having \$700,000 a year is a good number.

Selectman Freel is in favor of keeping this warrant article on and maybe increasing it to \$500,000 given the conditions of the roads. Selectman Labonte said he isn't opposed to increasing it but for this year we should keep it at \$400,000. Selectman Freel said we can back off on the amount when it's time to do the Water Department projects. Selectman Labonte asked what the goal was in having surplus money left over at the end of the year. Paul Calabria said we don't budget with a surplus. Selectman Labonte said last year and this year there was around \$300,000 leftover. Should we be dropping the budget another \$100,000? Chairman Daniels said we will be talking about the budget over the next few weeks.

WARRANT ARTICLE 13 - WADLEIGH LIBRARY CAPITAL RESERVE - \$150,000

Kathy Parenti, Chair of the Library Trustees, said this warrant article is to start a capital reserve fund that we currently don't have. Selectman Freel said most of the capital reserve accounts are for between \$20,000 and \$40,000, why is this one so big? Kathy said they decided to start big it can be lowered at the Deliberative Session.

WARRANT ARTICLE 14 - BRIDGE REPAIR AND/OR REPLACEMENT CAPITAL RESERVE - \$75,000 - Article 14 will be removed from the warrant.

WARRANT ARTICLE 21 - AMBULANCE VEHICLE REPLACEMENT CAPITAL RESERVE - \$25,000 - Article 21 will be removed from the warrant.

WARRANT ARTICLE 24 - PUBLIC SAFETY COMMUNICATION EQUIPMENT REPLACEMENT CAPITAL RESERVE - \$20,000 - Article 24 will be removed from the warrant.

WARRANT ARTICLE 27 - ANNUAL LABOR DAY PARADE SUPPORT - \$10,000 - Article 27 will be removed from the warrant.

WARRANT ARTICLE 28 - SUMMER BAND CONCERTS SUPPORT - \$9,000

\$6,050 expended, \$2,950 remaining.

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WARRANT ARTICLE 29 - INDEPENDENCE DAY CELEBRATION FIREWORKS - \$8,500 - Article 29 will be removed from the warrant.

WARRANT ARTICLE 30 - PUMPKIN FESTIVAL SUPPORT - \$8,000 - Article 30 will be removed from the warrants.

5. TOWN STATUS REPORT -

a. Surplus and Encumbrances - Finance Director, Paul Calabria

In Summary: We have received our 2019 preliminary audit. Our Undesignated Fund Balance at 12/31/19 is \$4,320,234. This represents an increase of \$418,889 over the 12/31/18 Undesignated Fund Balance. Paul estimated that the projected surplus at 12/31/20 for the Town of Milford will be \$338,000 or 2.16% of the approved budget. Coupled with the BOS action on 12/14/20, this will result in a projected Surplus in 2020 for \$632,000. The projected 12/31/20 Undesignated Fund Balance is \$4,952,234.

Paul asked the BOS to discuss encumbering the following items and subsequently removing them from the 2021 budget: If the BOS were to make a motion to approve this request, the 2021 budget increase over the 2020 approved budget would be 1.9% before warrant articles.

- 1.) \$104,650 (2) Police SUV's
- 2.) \$68,503 (1) DPW Truck
- 3.) \$52,983 (1) Ambulance response vehicle

Selectman Labonte doesn't want to encumber any money to spend in the 2021 budget. If we keep encumbering items and go into default budget we may not get the police vehicles. He wants the tax-payers to vote on the budget presented to them and give the surplus money back to the voters.

Selectman Labonte made a motion to not encumber any money out of the 2021 budget for these three requests. Seconded by Chairman Daniels.

Selectman Dargie said a default budget is a bottom-line number we would still be able to buy the vehicles but you would have to choose it over something else. It's not a no means no. Encumbering it in the previous year doesn't take it out two years later. Selectman Freel agrees with Selectman Labonte. If the vehicles are needed they can buy them but to buy them just because we have a surplus is not the thing to do. Selectman Labonte said all three departments had these proposed in their 2021 budget.

Selectman Dargie said the proposed budget is currently \$20,000 higher than the default budget. If one or more of these vehicles were taken out of the proposed budget, the proposed budget would be below the default budget would almost guarantee it to pass. There will be no difference as far as tax rate with it being in the proposed or paid out of encumbered funds.

Rick Riendeau, Public Works Director, said he's asking for a vehicle this year because we had two go down this year. One will not make an inspection next year and that one is in the budget. He didn't anticipate having two go down this year so it's an unexpected expense. Selectman Labonte said buying this vehicle out of surplus removes the money out of the 2021 budget so that it still wouldn't allow two vehicles to be purchased. Rick said no, that is not how he presented it. It was one unexpected for this year and one planned for next year in 2021. Selectman Labonte wanted clarification that if we were to buy this from surplus, there would be no vehicle from the 2021 budget.

Chairman Daniels said this would replace the unexpected vehicle that went down but Director Riendeau would still have an expected vehicle in the 2021 budget. Rick said yes. Chairman Daniels said he thinks the memo from the Finance Director doesn't take into account the second vehicle. Selectman Dargie agreed.

Selectman Labonte asked if the two police vehicles would not be in the budget for next year. Chairman Daniels said that is what he understands. He said that DPW is asking for one vehicle to be funded from 2020 funds and one from 2021 funds. Selectman Labonte is still questioning the memo. Chairman Daniels repeated that the memo is incorrect.

A roll call vote was taken with Selectman Dargie no, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 3/1 with Selectman Dargie opposed.

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Selectman Dargie made a motion to encumber one DPW truck for \$68,503 but still leave a second truck in the budget for 2021. Seconded by Chairman Daniels.

Selectman Freel asked if this were to fail, does DPW have enough money in their budget for the two vehicles that they need. Chairman Daniels said if this were to fail, whether the budget passed or not there would only be one vehicle. Paul Calabria said yes, the 2021 budget has only one DPW vehicle in it. Chairman Daniels said what we are voting on is to replace the truck that's down. Selectman Freel asked what kind of truck was down. Rick said it's a one-ton dump truck. We had that truck and a half-ton pickup that went down this year and won't pass inspection. Selectman Freel asked about the cost of repair. Rick said he would get those numbers to him, they were higher than what he would want to spend on an 18-year-old vehicle.

Selectman Labonte said a majority of what the vehicle does is trash and he feels it could wait. Selectman Freel said if you add \$70,000 to the budget, it's still inline and no one will know that it's for a truck. Selectman Freel agrees with Selectman Labonte to just add it to the budget. Selectman Labonte isn't looking to add it to the budget. He brought up the surplus and doesn't want to keep adding to the proposed budget going forward.

Chairman Daniels asked what the budget would be if we added all this plus an additional truck. Paul said four are already in the budget, adding another \$74,000 would bring it up another half percent from a 3.4% increase to a 3.9% increase over the 2020 approved budget.

Selectman Labonte said if we encumber no money and we don't add anything to the 2021 budget, as it stands right now what is the increase over the 2020 budget. Paul repeated, it was 3.4%. Selectman Labonte said encumbering money sometimes doesn't project what the actual increase is. He repeated that it should be put in front of the voters. The budget shouldn't be increased for the second truck.

Selectman Freel asked would there be an issue with work if you didn't get the DPW truck next year. Rick said they would do what they have to do. If needed we grab another truck and make it work. Selectman Freel asked what kind of vehicle was already in the budget. Rick said one ton.

A roll call vote was taken with Selectman Dargie yes, Selectman Labonte no, Selectman Freel no, and Chairman Daniels no. The motion failed 3/1 with Selectman Dargie in support. Chairman Daniels asked if the money has to be encumbered at a specific time. Paul Calabria said by December 31st.

b. Fund Balance Analysis - Finance Director, Paul Calabria

In summary: Paul said he would have more information at the first meeting after the budget is approved in 2021 and once we talk about voting to reduce taxation in the fall if that happens.

He had one more encumbrance item; the Assessing Department, out of the unspent 2020 budget is looking to have \$6,700 document scanning services/preservation. There was \$10,000 in the budget and she only spent \$3,300 on it. Selectman Dargie asked if she put money in next year's budget for this. Paul said yes she wants to add to it.

Selectman Dargie made a motion to encumber \$6,700 in the Assessing budget for document preservation. Seconded by Chairman Daniels.

Selectman Labonte said he doesn't know enough about this to vote on this and it wasn't in the packet. Selectman Freel doesn't understand what preservation is. Paul explained that it was documentation conversion from paper to digital. She put \$5,000 in the 2021 budget for document conversion. She would use the \$6,700 plus \$5,000 to do the additional conversion.

Chairman Daniels said if she couldn't do the amount she expected this year due to COVID, why would we expect to do more next year. Paul said the vaccine is starting to hit and hopefully by the second half of 2021 she is hoping more will get done. Selectman Labonte said if we don't encumber the money we may be able to shuffle money around in the 2021 budget.

A roll call vote was taken with Selectman Dargie yes, Selectman Labonte no, Selectman Freel no, and Chairman Daniels no. The motion failed 1/3 with Selectman Dargie in support.

6. DISCUSSIONS:

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a. Municipal Budget Committee Warrant Article Discussion -

In Summary: George Hoyt asked the Board to include a warrant article to form a Municipal Budget Committee for the Town of Milford.

Chairman Daniels said the statute allows the town to create a municipal budget committee. The committee would take over what the School Board, Selectmen, Library Trustees, Village Districts and Water Commissioners do with their budgets. The members would be elected by the citizens, not appointed by the Moderator.

George Hoyt, Milford Resident, referenced the page in the BOS package that explained what a municipal budget committee was. He feels that a budget committee should be voted in by the people, and not an appointed position. Hampton has a municipal committee and it's worked well for them.

Chairman Daniels said the Municipal Association said that all government entities that have budgets would give their authority to this committee. There would be twelve members elected for three-year terms. There would be one member of the Board of Selectmen, School Board, and any other entity that would be taking over their budgets.

Administrator Shannon said for clarification, it's three to twelve members and they are either voted on by the town or appointed by the moderator and that is the decision that needs to be put before the voters.

Pete Basiliere, Town Moderator, asked what problem was this trying to solve. George Hoyt said it was an idea that he wanted to bring forward. He is for making the town more democratic in any way that he can. Pete said there aren't any problems with the Budget Advisory Committee and the work that it does for the Select Board or the School Board. Often these boards are in close agreement and the voters do have a choice. If you think that the Budget Advisory Committee is unrepresentative then you should say so. As Moderator, he has had difficulty filling the School Budget Committee in the last couple of years during a time of great turmoil. He doesn't have a problem if you want to make this elected position but has serious concerns about the impact that a municipal budget committee would have on the way we operate our town. Milford has always had the Board create the budget and then manage it after it's approved; it's always worked fine for us.

Selectman Freel said you already have five elected Board members, and an advisory committee, adding another Board just makes it more than what it needs to be. He agrees with Pete. He wouldn't support this the way it is.

George said he feels that if a committee's recommendation is going to be listed on the ballot and it has a significant impact on how warrant articles are going to be voted on by the people, he thinks that committee should be an elected position and not appointed because of their influence in the budget process.

Chairman Daniels asked if there was an elected committee, would you expect them to attend all Selectmen, School Board, Library Trustee, and Water Commission meetings so that they are up to date on things. As Selectmen, we talk about budgetary things throughout the year. How would they get educated to the point where the elected Boards are already educated? George, suggested that they can enact bylaws that have an attendance policy.

Selectman Freel asked how many towns in New Hampshire have Municipal Budget Committees. George will research and get the information to Selectman Freel.

Michael Thornton, Milford resident, asked if there's been any cost savings or financial streamlining and efficiencies achieved by such Boards. George said they can change budgets like at Library which you can't do with an advisory committee. They have more authority in the budgeting process.

Selectman Labonte said there are towns in New Hampshire that have this. Pete said think about tonight's meeting where various departments want to encumber monies; the Select Board is responsible for developing and implementing the budget. With a Municipal Budget Act, you will lose that dual role responsibility. People who don't have the responsibility for making things happen and balancing an entire budget will be lost. This committee could be making decisions on cost alone without understanding the implications. It's not a decision to be taken lightly. We have been very successful with what we have already in place and they work well together.

George said it should be up to the voters to decide what direction they want their budget committee to take. Pete said George could put in a petition warrant article. He advised the Board to strongly look at this because they will find that the negatives far outweigh the positives. The number that the Budget Committee puts forward at the Deliberative session can't

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be amended by the voters more than 10%. People sometimes vote in favor of a Municipal Budget Act because they think they can control cost, unfortunately, the people developing the budgets are not the ones responsible for delivering the services.

Hearing no motion from the Board, Chairman Daniels told George if he wanted to go forward with this warrant he could draw up a petition warrant article with the correct number of signatures so it could be on the warrant.

b. Review of Board of Selectmen's Rules of Procedures

Selectman Labonte asked to table this until the next meeting because of the time. Chairman Daniels said preferred to do it now. Chairman Daniels said there are places on the agenda for "items not on the agenda" These sections are reserved for public comments. If someone on the Board wants to talk about something that isn't on the agenda, they can contact either him or Tina to get it on the agenda and properly address it.

Selectman Labonte said some of those discussions can be put under 6 a). Discussions. Chairman Daniels said 6 a) is usually for specific requests. We can talk about them but if it's something that needs a decision made, it can go up under 4 b). other decisions. Selectman Labonte said if it was a Thursday afternoon and one of us was asked a question or had a question, how would we be able to ask it without having to wait an additional two weeks. Chairman Daniels said to go to the Town Administrator who is in charge of the day to day operations. It depends on what the question is. If it's critical or time-sensitive we can always call a special meeting.

Selectman Labonte would like to amend rule 8 when Selectman materials are available. He would like the packets to be available on Thursdays instead of Fridays. If he gets it on Friday, the only time he can ask town staff questions is on Monday. He doesn't feel he has enough time for review.

Chairman Daniels said that causes a problem. We set the agenda on Wednesdays, the public has until the end of Wednesday and the Board and Departments have until the end of Thursdays to add things. Tina does a great job trying to get it out as early as possible on Fridays. Selectman Labonte interrupted and said he would like it brought back 24 hours so everyone still has the same amount of time.

Administrator Shannon referenced Rule 28, Public Complaints and Suggestions to Board of Selectmen already exists and tells you how that should be handled. He's available 24/7 and has handled issues on the weekends before so if there are questions, anyone can call him or staff, you don't have to wait until Mondays. It would also make it easier if he could receive things in writing by e-mail so they don't fall through the cracks, it makes it easier to track and he can pass it on to the correct department.

Selectman Freel thanked Administrator Shannon and Tina for everything they do. He understands the deadlines. We meet every two weeks; why not make the deadlines earlier. It would be nice to get the package earlier; weekends are busy with family and things. Selectman Labonte still wants people to have the same amount of time, just a day earlier. He doesn't do emails. Nothing said he had to be tech savvy and e-mail everything.

Administrator Shannon said we will do whatever the Board decides, as far as information, you can drop off a letter anytime, and it doesn't have to be in an email, he can type or write it into whatever form he can.

Chairman Daniels said before making any decision, he would rather have Tina involved in the conversation. Deadlines have been a problem with the Board and the Departments as well as things being added at the last minute. Moving it forward gives even less time to get things ready to go on the agenda. Selectman Labonte said as elected officials they should be entitled proper time to review items.

7. PUBLIC COMMENTS: -

8. SELECTMEN'S REPORTS/DISCUSSIONS.

a. FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.

Chairman Daniels asked who posts the minutes for the various committees and commissions. Town Administrator Shannon said he would have to ask Tina. Chairman Daniels asked all Board representatives to make sure their committees are

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up to date with posting their minutes and make sure your agenda is posted for all meetings. All meetings should be on the Town calendar.

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

9. APPROVAL OF FINAL MINUTES - Selectman Dargie moved to approve the minutes of December 14, 2020, as amended. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0.

10. INFORMATION ITEMS REQUIRING NO DECISIONS.

- a. Treasurer's Report – October 2020 and November 2020

11. NOTICES. Notices were read.

12. NON-PUBLIC SESSION. A motion made by Selectman Dargie to enter into a non-public session in accordance with (RSA 91-A:3, II(e)) Legal, seconded by Selectmen Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 4/0.

13. ADJOURNMENT: Selectman Dargie moved to adjourn at 10:30. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0.

Gary Daniels, Chairman

Chris Labonte, Member

Paul Dargie, Vice Chairman

David Freel, Member

Laura Dudziak, Member