

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING 5<sup>th</sup> Monday Forum  
April 29, 2019

**PRESENT:** Gary Daniels, Chairman Mark Bender, Town Administrator  
Paul Dargie, Vice Chairman Tina Philbrick, Recording Secretary  
Mike Putnam, Member - **Excused** Hazen Soucy, Videographer  
Laura Dudziak, Member  
Chris Labonte, Member

**CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS** - Chairman Daniels called the public meeting to order at 6:45 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.

**1. 6:45 Approval Request to Abate Outstanding Taxes – Manufactured Demo Homes**

Map 42-73-M-5. 26 Melendy Road, Lot 5. This property was vacated by the heirs of Cindy Anderson. The property was given status of uninhabitable. Abatement Request: \$758.28

Map 43-59-M-39. 529 Nashua Street, Unit 39. The former property owners are both deceased and the property has been vacated. The property was given status of uninhabitable. Abatement Request: \$2,998.71

Selectman Labonte asked if there was any way to go after the money. Chairman Daniels said no. Selectman Dargie made a motion to abate outstanding taxes on Map 42-73-M-5, 26 Melendy Road, Lot 5. Selectman Dudziak seconded. All were in favor. The motion passed 4/0.

Selectman Dargie made a motion to abate outstanding taxes on Map 43-59-M-39, 529 Nashua Street, Unit 39, Lot 5. Selectman Dudziak seconded. All were in favor. The motion passed 4/0.

**2. 7:00 OPEN FORUM**

**a. Public Hearing for (NH RSA (31:95)e)** Appropriation for Personal Property Donated during the Year over \$5,000. Exofit Outdoor Fitness Equipment donated half the value of the fitness equipment in the amount of \$7,396 for fitness stations along a walking/biking trail at Keyes Memorial Park.

Chairman Daniels opened the public hearing. There were no questions. Chairman Daniels closed the public hearing. Selectman Dargie made a motion to accept the fitness equipment from Exofit in the amount of \$7,396. Selectman Dudziak seconded. All were in favor. The motion passed 4/0.

**b. Milford Town Marker (Tombstone) Discussion**

Chairman Daniels said the stone was removed a while ago and new signs were put up. People came forward at that time and we found out that they had an attachment to the stone marker. Some people wanted to know where the marker was. It has been put in safe keeping, but out of sight. The Historical Society recently requested to put the stone marker on their property at the Carey House at their cost if the Board is okay with it. This is a good offer because it keeps the stone centrally located for the public. If anyone has any thoughts on where the stone should go, this would be the opportunity to speak. Chairman Daniels said he would be glad to see it out in public, as it is a part of Milford's history.

No one from the public came forward to speak. Selectman Dargie stated that this would be on loan to the Historical Society, but it will still belong to the town. Selectman Labonte asked how long it would be there. Selectman Dargie said it's open ended. Selectman Dargie made a motion to lend the stone to the Historical Society and authorizing them to place it on the Carey House lawn. Selectman Dudziak seconded. All were in favor. The motion passed 4/0.

**c. Public Input Session Regarding Questions and Concerns about Dispatch**

Chairman Daniels reviewed the Budget and Bond hearing and Deliberative session videos and wrote down questions that people had asked at those times. At this time, he will take input from the public so we can get all the questions on the table. If we are going to spend \$85,000 for a consultant, we should have all the questions in place.

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Rodny Richie, Milford citizen asked what was the interpretation of the warrant article that was passed to spend the \$85,000 on. Chairman Daniels said it was his understanding that the legal interpretation was; it can only be spent pursuing a Milford only dispatch center. His interpretation at the Deliberative Session was that once the language was changed, they could look at both. The Town's Attorney has since stated that because the warrant article was for a Milford Dispatch Center, (standalone), the questions have to be in that way. He believes that depending on how the questions are phrased, we may be able to get some idea of the other. He doesn't think we can spend the money asking questions about MACC Base. If there are questions about MACC Base, he will try hard to find money within the current budget. All questions need to be answered before we make a decision.

Selectman Dargie said that we've asked the Department of Revenue Administration, (DRA), to give us a formal response on the language of the warrant article and we haven't received a reply back yet. It's an open question of what can we legally do with that warrant article.

Rodny asked if they would consider asking the DRA look at RFP that will be prepared for the consultant, to see if we've gone beyond their interpretation or not met our expectations. The draft that's been prepared looks like it includes the opportunity to include an analysis of the communication needs situation across the board. With the word "possibly" in the warrant article, going across the full analysis would certainly be possible. Chairman Daniels said they could do that. One of the challenges we are up against is that the DRA may not come back with any kind of decision until fall. We would like it earlier so we can address this properly. Rodny said time is at the essence. We extended the contract with MACC base for two years from the first of this year and we are already almost into May.

Selectman Labonte clarified that regardless of the \$85,000 in the warrant article, we can still study the MACC Base section if we can come up with the money. Chairman Daniels said we should look at all of the questions. We need everything on the table to look at all the pros and cons. We will be limited on money because we don't throw a lot of "fluff" in the budget.

Captain Craig Frye, Milford Police Department and resident said he agrees, but MACC Base did a study. There's already been two studies done and now you are looking to do a third study on the whole regional dispatch. Chairman Daniels said what he's looking for is to get answers to questions. People have questions about MACC Base and they can't be found in the studies that were done.

Peggy Seward, Milford resident said she was the person who proposed the amendment of "possible" to the warrant article at the Deliberative Session. Over two and a half hours were spent on this warrant article at the deliberative session with questions that were not answered. To come up with \$85,000 not looking at the whole system which includes MACC Base, Milford and the other towns is wrong. We had studies for both MACC Base and Milford PD but the \$85,000 was going to be done to put it all together. The RFP was vague and didn't handle everything and there was only one bid. In her opinion, it was a mess. The Budget Committee didn't have any answers. We voted 3-3. We needed more time to look at it. The \$85,000 isn't just for a Communications Center; it's to come up with a Communications System for this town. That's what the people voted for. If we don't do that then the warrant article should be negated completely and nothing spent until next year. Chairman Daniels said that's an option and he would agree with her. He felt that the intent of the people was to look at both options which is why we are going through the DRA.

Mark Fougere, Milford citizen said his biggest concern is officer safety. We've been kicking this can down the road for ten years. Every board has been kicking it down the road because it's hard and no one wants to make a decision when it's hard. We have officers who are going into situations every day where they can't communicate. We can't wait another year. Find the money to answer the questions that are legitimate. He feels the article is clear, it said Milford Communications. You have to be very careful when you are making amendments on the fly at Deliberative Session. We've already wasted six weeks. This is a problem that's been festering for a long time. MACC Base has been with us for a long time and it's done a lot of good. He keeps hearing simple solutions being put forward; all we need to do is amend the agreement to allow them to bond and that will solve our problem, and they can borrow money. This doesn't solve our problems. If Mont Vernon and Wilton voters say no, the bond article doesn't pass and we wait another year. Unless you can find a solution where this large capital cost is going to get funded soon keeping MACC Base together, he doesn't know what's going to happen. He's all for a regional dispatch solution, it saves us money. We have a crisis that can't be avoided and the Selectmen are going to have to make a decision soon. We already spent \$25,000 on one study if questions need to be answered, answer them. He can't imagine why we have to spend another \$85,000 when the last study was \$25,000. He hopes this is attacked soon and we can come up with a solution to protect our officers.

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Another issue he wanted to bring up was the \$200,000 that MACC Base found in their account. It's disturbing that they "found" money. He doesn't know all the details but he knows there's been a discussion about the need to have an independent audit of MACC Base's finances done by an outside agency. He urges this Board to ask our representative to see that that happens. All towns get audited. It's not an insult to anyone, its good practice and transparent. Its public money and we should know what's going on.

Chairman Daniels said a lot of that is already in process. He thinks MACC Base is planning to have an audit from someone who hasn't been their regular auditor. Jason Johnson, Director of MACC Base said as far as the accounting goes, the Board is meeting with the accountant that has prepared our audits in recent years to find out how the error happened on that end. After that happens, the Board discussed finding a new auditor to do a seven to ten year audit on everything. The bad news is, money accrued, the good news is every penny of it is there which means it wasn't miss spent or miss used and it wasn't withheld. Each town has always received a copy of the annual financials. It just happens that this year, Captain Frye reviewed them and found a number that looked wrong. We went back, researched it and agreed. As far as the earlier comment about kicking the can on these issues, we've been proposing solutions for years and every time we've tried to do it at regular budget time, it's been Milford that said no. Chairman Daniels thanked Jason for the clarification. He said as far as MACC Base, we have all decided that it's our number one priority this year. There are things that we can be working on even while we are waiting for DRA to respond. In response to Mr. Fougere comment that "the Board needs to do something", the people have decided that we needed to take a step back and voted in the \$85,000. It's his goal to try to get something done this year.

Rodny Richey said he's concerned with Jason's characterization of the audit situation. At the last Board of Governors meeting he asked if there was a commitment for this auditor to be at the next meeting and there was no such commitment. In the last three or four meetings there's been no move that he can recall to hire an independent auditor to come in on top of the current accountant. Rodney thanked the Town Administrator and new Media Specialist Chris Gentry for providing the video taping of MACC Base's meetings. The transparency situation with MACC Base was not what it should have been in the past, it's now getting corrected.

As far as the "kicking the can down the road" he's read in the inter-municipal agreement, we have two votes on that Board and we pay for and use 70% of the service. He doesn't understand that. For the Budget Committee we have one member and that's only 30% and we pay for and use 70% of the service. The contract that we currently have regarding our participation in MACC Base is of some concern. This is information that needs to be provided as we consider the questions in our ongoing commitment, we have another year and a half at least with MACC Base operation. The surplus that was taken back from MACC Base would be a potential source to use to answer the questions if the \$85,000 warrant cannot be used for the off the board questions for our needs. Mark mentioned the concern for our officer's safety, which is significant. Officer to Officer communications in the contract is not a MACC Base responsibility. They provide dispatch service for us; we provide our own Officer to Officer communication. Whatever we need to do about that could be done without MACC Base being involved. If we want end to end communication support than that is what we need to put in our requirements and contract for it.

Captain Frye said they are working on getting the auditor to come in sometime in May. The auditor is the first step and as Jason said, we will do a seven to ten year audit.

Chris Pank, Milford Resident suggests after talking with many people, that we look at both possibilities, a Milford only Dispatch, and a Regional Dispatch. If you just look at Milford only, you will have to come back to the Budget Advisory Committee next year and the townspeople, and they won't be happy because both were never looked at. The Budget Committee may vote 3-3-3 again, but there is a good chance that the townspeople will not accept it unless you look at both.

Chief Viola, Milford Resident and Chief of Police replied, in reference to the MACC Base Director's comment that proposals have been brought forward and Milford has said no; one of the reasons Milford said no was because they have been "short term" solutions which is why we are in the situation we are in now. We are looking for a long term remedy to the problem. We've worked with the Director on several occasions and have looked at different options and we didn't feel the options were going to help in the long term. We didn't feel the Town should spend the money for a short term solution; we need to fix this problem for the duration. Communication is constantly changing, but we are so far behind right now, we need to fix it so we don't run into this problem five years down the road.

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Peter Basiliere, Milford and Town Moderator said he's been waiting for people to realize how important the Town's Deliberative Session is. We may end up having a large crowd at the School's Deliberative Session if their budget goes over \$42,000,000. Deliberative Sessions are a critically important part of the town meeting process. He also doesn't understand why the DRA has taken this long to give us an answer. They responded quickly after the Deliberative session when the Town's Finance Director, Jack Sheehy wrote to them about the change of purpose from a bond to a study would be acceptable. He feels that the Board should find out the timing of the Communications by the DRA and ask them why we don't have an answer yet. It's been six weeks and nothings been done. There are people's lives on the line and we could have petitioned for a special meeting by now. The longer it takes the less likely that a court will allow us to have a special meeting before next February's Deliberative session. He feels the safety of our first responders is his number one priority; the safety of first responders that help us from other towns is his number two priority, and the safety of the town and people, who are involved in those instances, whether they live in town or not, is his number three priority. He strongly encourages the Board to use some of the \$85,000 to look at a Milford only dispatch center because we already know we can do that. Then, if we can take some amount of money out of the operating budget we do that as well.

There isn't any reason the wait for the DRA. They're only going to tell you that the actions that the voters took at the meeting, to include the word 'possibly' for the intent of studying, not only a Milford only Dispatch Center but also an area Communications Center was up or down. We should be doing something now. Chairman Daniels said it sounds like Peter is saying, go ahead and spend the money now and if we need to, we can get it back. Peter said you spend it from somewhere else, not get it back from somewhere else. In his mind, he was thinking \$100,000 for a study, it came up at the Deliberative session as \$85,000 and he wasn't going to use his position as Moderator and say it needed to be more. It sounds like a reasonable number and the Captain said it could be a lot less. You know what you have that you can spend on a study for Milford only; there is no question that the DRA will allow that. The question is if they don't allow you to use it for an area communications center, how you are going to pay for it.

Chairman Daniels said he doesn't know that they are looking to do a study; we've done three studies already. He's looking for answers to questions that may not have been answered in the previous study. He would hope it wouldn't take \$85,000. Peter said the voters expect something. Law enforcement and other first responders deserve something; we shouldn't be waiting any longer. If we only need answers to questions, then we should get those answers from whoever did the previous bids and ask the court for a special meeting. Chairman Daniels said we never have sufficient turn out at a special meeting. Peter agrees but we had an unusual amount of people who showed up at the last meeting with a fair amount of advertisement we could get a good turnout. If not, the people who care will be there. These are life safety issues that need to be addressed. Chairman Daniels said the Board is aware of that. We would like to get this done as quickly as possible. Selectman Dargie said he doesn't think it's a given that DRA is going to allow a study on a Milford only Dispatch Center. It's an open question as to whether or not that language was a change in purpose. Peter said in his opinion as Moderator, and having been trained in this, he feels that it was within the purpose to change it from a bond to a dollar amount. Attorney Drescher also gave this as his opinion. Also in his opinion, the bond would never have passed. At least we have the \$85,000 and a clear direction from the voters for some actions. Chairman Daniels said there were actually two questions, one can we change the bond to a monetary and we could, and two, is the subject matter Milford only or Regional.

Selectman Dargie said for clarification, the e-mail that was sent to the Finance Director in three days, was specifically identified as being an unofficial response and they specifically said a lot more work would be needed to give an official response. You can't say it was a "three day turn around", as they identified at that time that it was a complicated question. Peter agreed.

Captain Frye said as far as the \$85,000 is concerned, he isn't a consultant but that is what the RFQ was put together for, to get a consultant to get answer questions that we may all have. We have almost three years of research done on this and its public information. A consultant is going to look at the current information so as to not reinvent the wheel and investigate the problems. The word "possibly" does hold some weight. He doesn't see where they will not be able to look into what's going on around us already. He doesn't know how long they want to wait. The RFQ could go out if it was agreed upon by the Selectmen and we could start the ball rolling. It will most likely take about two or three months to get the work done. Without even approving the RFP we're months away from having a consultant. Waiting for DRA is just delaying the inevitable.

Chairman Daniels said he sees a common theme here. We would like the state to give an answer ASAP be we don't need to wait for the state before we can go forward. There are other areas we can start working on, like outstanding questions. We would like to have those included in the RFQ. Captain Frye said there's an interview pro-

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cess of what could be brought forward when you get the consultant, questions could be brought up and added to the consultant firms investigation. It's already covered in the RFQ.

Dale White, Milford resident and Water Utilities Commissioner, said he understands the RFQ that's been presented to the Board is to look for multiple Engineering Firms or Consulting Firms to present back to the town how they suggest we should move forward. Once the firm is chosen, they put it out to bid to multiple companies that would build out either MACC Base or the Regional Communications Center. You have the money that's been approved by Town meeting to go ahead and find that consultant firm to do this. There has to be enough money in your budget somewhere that you go ahead and have someone look at the MACC Base side of it. It doesn't need to be complicated. Someone needs to make a phone call.

Bob Courage, Milford resident and Water Utilities Commissioner, said you need to have a consultant on board to review all the data that's available and have him tell the town what they need, not a vendor tell the town what they think we need. This will give you a document so you can move forward in that direction. That's what the voters wanted. One price, \$2,500,000 is not acceptable. He agrees with the concerns with the Police Department, we have a problem that has to be addressed sooner than later. We do the same in Water Utilities. Captain Frye said that's how it's laid out in the RFQ.

Ted Bartlett, Milford resident said he was in full support of a fully robust system for our emergency services. He's built these systems and has worked through the RFQ and RFP processes. He agreed with Bob Courage about his vendor comment. He thought \$2,500,000 was absurd. MACC Base needs to be modified and updated; it's the cheaper expense to go with. A consultant should come in and look at both possibilities. There are a number of vendors out there that can provide answers without just going through one. We need to look at our options to see where our money would be best spent.

Chairman Daniels thanked everyone for their comments. The Board will be transparent on this. He's already started speaking to the heads of the Boards in the other Towns so he can get an idea of what their issues are and to see if they match up with what our needs are. We will try to find a way to put pressure on the DRA to get a decision to us. This will not be put on the back burner and we will continue to address it this year.

### 3. DECISIONS

**a. CONSENT CALENDAR** - Chairman Daniels asked if there were any items to be removed from the consent calendar. There were no items to be removed. Selectman Dargie moved to approve the consent calendar as presented. Selectman Dudziak seconded. All were in favor. The motion passed 4/0.

1. Approval of Intent to Excavate – Map 58 Lot 2

2. NH RSA (31:95(b)) Request for Acceptance and Appropriation of Unanticipated Revenues under \$10,000:

– Donation to the Milford Police Department for the IPMBA Mountain Bike training - \$900.00

– Donation to the Milford Fire Department for the Fire/Life Safety Education Special Purpose Fund - \$100.00

**4. APPROVAL OF FINAL MINUTES:** Selectman Dargie moved to approve the minutes of April 22, 2019. Chairman Daniels seconded. All were in favor. The motion passed 4/0.

### 5. ADJOURNMENT -

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Gary Daniels, Chairman

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Laura Dudziak, Member

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Paul Dargie, Vice Chairman

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Chris Labonte, Member

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### **EXCUSED**

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Mike Putnam, Member