

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

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

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

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

2. APPOINTMENTS – (Approximate times)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Selectman Freel said his only problem is that you are tying the hands of people that may want to drill on their land for water. Selectman Labonte said the perception could be that if you are trying to sell your property, you are now listed in a contaminated site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a) CONSENT CALENDAR

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

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2) Approval of Application for Reimbursement to Towns and Cities in which Federal and State Forest Land is situated 2021.

3) Request for Approval to renew One (1) Taxi Cab License – Milford Taxi LLC

4) Approval of Intent to Cut Wood or Timber Map 3 Lot 10, 637 North River Road.

b) OTHER DECISIONS

1) N/A

5. TOWN STATUS REPORT – Town Administrator, John Shannon

1) **Town Pool Closing** – The Milford Recreation Department is announcing the Keyes Memorial Pool will be closing for the summer on August 20, 2021. Any questions or concerns about the pool can be directed to the Recreation Office.

2) **Labor Day Parade** – The Labor Day Parade has been scheduled for Monday, September 6, 2021, at 1 pm. The assembly area for the parade shall be at the Milford High School, 100 West Street, New Hampshire, and the parade route shall be limited as follows: from West Street to the Milford Oval via Elm Street, around the Oval, and then proceed to the Harley Sanford Veterans of Foreign Wars (VFW) Post 4368, One VFW Way, Milford, NH. Further details will be released to the public if needed. Any questions or concerns about the project can be directed to the Town Administrator's Office.

6. DISCUSSIONS

1) **Proposed Milford Projects (Preliminary List)** – Chairman Daniels said the first half of the ARPA Funding of, \$859,030.90 was approved tonight. Department Heads were asked to put together a list of needs. Administrator Shannon asked the Board to prioritize the list.

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

Administrator Shannon said the one that was time-sensitive is the Wastewater Treatment FAC Nutrient & Metals Upgrade for \$510K. The others can be done at a later date. We should get an additional \$859,000 next July.

Selectman Labonte said there used to be a rating process; he feels we should be rating these. Chairman Daniels said the Department Heads identified what was a need and included the year they were needed. Some are more urgent than others. There has been no formal process like the CIP. He feels there are a couple of projects that need to be addressed.

Selectman Labonte said we have until 2024 to spend this money; we don't need to spend this all tonight. We don't know where we are going with COVID. We need to look into future requests.

Selectman Dargie said two projects are more urgent than anyone else. The first being the \$510K for Water Utilities, he's in favor of funding that. He thinks the balance should be used for Communications as it's a life safety issue.

Chairman Daniels asked Dale White to speak to the Interconnection Improvement Design for \$100,000. Dale said they would love to have an additional \$100,000 but they realize that there are other needs. Next year it will be time to negotiate their inter-municipal water connection with Pennichuck. The town is growing and there is a water situation in the center of town. We need to work with Pennichuck because they are our future and backup water supply. We will negotiate the amount of water the town may need. Engineering is needed to determine the size of water lines we may need and we want to guarantee Pennichuck so much water per day. This will give us a better rate per gallon than what we have now. That is where the \$100,000 comes in. We may be able to work within the \$510,000 and make that happen and get additional monies next year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. SELECTMEN'S REPORTS/DISCUSSIONS

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

FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES

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

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

10. INFORMATION ITEMS REQUIRING NO DECISIONS.

1. N/A

11. NOTICES. Notices were read.

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

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

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

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

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

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

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

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

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

In public a motion was made by Selectman Dargie to seal the non-public minutes of August 9, 2021. Seconded by Selectman Dudziak, because it is determined that the divulgence of this information likely would affect adversely the reputation of any person other than a member of this board. A roll call vote was taken, Selectman Dargie yes, Selectman Dudziak, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.

13. ADJOURNMENT: Selectman Dudziak moved to adjourn at 8:10 pm. 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 5/0.

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

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Gary Daniels, Chairman

Paul Dargie, Member

Chris Labonte, Vice-Chairman

David Freel, Member

Laura Dudziak, Member