

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
December 2, 2019

**PRESENT:** Gary Daniels, Chairman Mark Bender, Town Administrator  
Paul Dargie, Vice Chairman Tina Philbrick, Recording Secretary  
Mike Putnam, Member Nate Addonizio., Videographer  
Laura Dudziak, Member  
Chris Labonte, 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.

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

**5:30 p.m. – Social Services Warrant Article – Social Services Committee – Susan Drew and Clare Holston**

Susan told the Board that Social Services Committee had six members this year, of various age groups. Requests were sent to prior applicants and ads were placed in the paper for new applicants. This year 17 applications were received and the Committee recommends funding 12 requests. Priority is given to those agencies who are based in Milford, and/or who work with at risk-youth or the elderly or address mental health and substance use disorder needs. Susan referred the Board to her hand out of the 12 recommendations for inclusion in the 2020 Social Services Warrant.

Selectman Putnam asked who the six members were. Susan said Claire Holston, Tina Philbrick, Jessica Trask, Marcia Nelson and Joelle Martin. Chairman Daniels asked if they track previous applicant's success. Susan said yes. The applicants are using the money for what was requested. Chairman Daniels asked how many people Bridges served. Susan said they served 129 residents from Milford; the money goes to the Milford office which is 48% of the people they see in Milford. Chairman Daniels asked how many Meals on Wheels served. Susan said 101 Milford residents.

Chairman Daniels asked if we have shelter in Milford to take care of the homeless. Susan said we have no shelters in the Town in Milford. We are asking for \$40,000 which is the same as last year. Administrator Bender asked who did we fund differently this year. Susan said they were not new, just different from last year. We funded Home Health and Hospice and CAST. CAST received a large grant last year so we didn't fund them. This year they asked for funding for their resiliency program which is outside the grant funding money. Chairman Daniels said he thought Hospice was covered by Medicare. Susan said there are some people who they work with who are not covered under Medicare.

**5:40 p.m. – Conservation Warrant Article – Andy Hughes, Chris Costantino and Audrey Frasier**

Andy presented the Conservation Land Fund Warrant Article for consideration in the 2020 warrants. The warrant article would be for \$20,000 and has always been supported by the Town voters. The fund accumulates from year to year and allows Conservation to take advantage of land acquisition opportunities. The BAC recommended it stay at a minimum of \$150,000; there is currently a balance of \$121,000 in the fund.

Selectman Putnam asked if they could do a year without an additional \$20,000. Andy said they don't have anything pending this year but we need money in reserves in case something happens and properties become available.

**3. PUBLIC COMMENTS.** Selectman Labonte said he received an e-mail from Rodney Richie who couldn't make it tonight. Rodney would like an update on Osgood Pond Dredging and the warrant article from last March authorizing funds for that purpose, what is the current status and plan. Chairman Daniels said it's on hold until spring per the vote that was taken by the Board. Rodney also wanted to know what the Board's plan of action and timeline in regards to a possible warrant article for changes and improvements to our dispatch center. He would like to see an opportunity for public participation more than just at scheduled Board meetings when the CTA report recommendation are presented. Chairman Daniels said that would be the next step and we will decide shortly after that. We will need to come up with a warrant article one way or another. Warrant articles are due before the Budget and Bond Hearing, so around the first week in January.

Administrator Bender said CTA will be making their presentation to The Milford Board of Selectmen on December 16<sup>th</sup>. This Board will need to make a decision fairly quickly on what direction we want to go. Selectman Labonte said there will be a lot of information to digest. Chairman Daniels said they would not be making a decision that night. Selectman Labonte said lots of people have asked if there will be discussions with the public or is the Board just going to take action on it. Chairman Daniels said he would invite the public who are concerned about this to be here on December 16<sup>th</sup> when CTA is doing their presentation. Both Mont Vernon and Wilton Board are also invited.

## APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 12/2/2019

### 4. DECISIONS.

a) CONSENT CALENDAR. There were not items for the consent calendar at this meeting.

### b) OTHER DECISIONS.

1) Open Space Conservation Easement – BROX

Chairman Daniels stated that at the last meeting he said there were three Attorneys that recommended that we not take a vote on this until the State and Court came together on what was wrong with the permit. He was incorrect, it was only our Attorney. He sent this information to the Board informing them that he was mistaken.

Chairman Daniels opened the floor for discussion. Andy Hughes, Chris Costantino and Audrey Frazier came up to speak. Andy said the ARM Grant is \$20,000 and originally they wanted signatures on the three documents which do not bind the town taking the easement, it just makes them be aware of the requirements. They originally insisted on a Commitment agreement but as of now, that agreement is not required to be signed. In order to get the ARM grant on the agenda for Governor and Counsel, the agreement needs to be signed by tomorrow or we risk losing the money.

Chairman Daniels clarified that the commitment agreement is not conditional. Andy said correct. Chairman Daniels asked if we get the \$20,000, when does the survey have to be completed. Andy said it needs to be completed by the end of this year. Chris said that is part of the commitment agreement and she doesn't have an answer for that. The ARM grant money is a reimbursement. We have to submit an invoice and we wouldn't get any money until we get an invoice from the survey work. Chairman Daniels said his concern is that if we spend the money and things fall apart and we will need to return it. Where would the money come from? Andy said it would come from the Land Fund if it needed to be returned. Everything is going ahead and its unlikely things will stop. There isn't going to be any significant change to the AOT permit.

Selectman Dargie said they received a cease and desist order today so we've stopped work. Administrator Bender said it not really a cease and desist order, it was just a letter from DES, not the court.

Audrey said the grant is to put the property into conservation, if it doesn't happen, we won't receive the money. We asked the surveyor to not spend more than \$5,000, and it's currently on hold. She agrees with Andy that things will go forward with the Sand and Gravel. The species are in hibernation until about April. She recommends going to DES and asking them, if we could continue through the winter where there is no impact to the species right now.

Selectman Dargie asked if it was possible to postpone it to 2020, or is getting the grant contingent on having the work done in December. Audrey said the survey is part of the commitment agreement, she doesn't think the ARM people are requiring the survey by December 31<sup>st</sup> and she feels they are being flexible based on the circumstances. Chris said she would find out. Selectman Dargie said he would sign the agreement but not actually spend any money until we are sure we are spending the money the right way. Andy and Chris agreed. Chris said the state agency is the one asking for the deadline of December 31<sup>st</sup>.

Administrator Bender said the scope of services under exhibit A in the ARMS agreement includes a deadline of June 30, 2021. To utilize the funds wherein by the State of New Hampshire acting through DES for the acquisition and recordation of a Conservation easement on the property as soon as possible. The project shall be completed by June 30, 2021. Regarding the Commitment agreement, if we don't sign anything tonight, which is his advice, when you go back into this process, you will have to do the first and second public hearings and the vote all over again.

Chairman Daniels said they didn't want to lose the \$20,000; he had concerns about the words that were used. Selectman Dargie said as long as we are not spending money on a survey, there's no downside to signing the agreement. We can always change our mind and we won't be out any money. If we did a survey, spent the money and didn't do anything that would be a waste. Chairman Daniels said he heard Chris say she wasn't sure if it needed to be complete by the end of the year. Chris repeated that the Commitment Agreement from Fish and Game was an initial requirement for the December 3<sup>rd</sup> deadline and now it's not. Chairman Daniels asked if there was a deadline for the survey to be done now. Chris said she doesn't know. Chairman Daniels said he would like everything finalized before we start doing something.

Audrey said she didn't read the ARM agreement and asked if there was anything in there about a survey being done by the end of December? Andy said no.

## APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 12/2/2019

Selectman Dargie made a motion to approve the ARM agreement tonight and hold off on the Committeemen Agreement until later. Seconded by Dudziak. The motion passed 4/1 with Selectman Putnam opposed.

### 5. TOWN STATUS REPORT –

#### a. 2020 DRAFT Warrant Articles

Administrator Bender said a VERY ROUGH draft of the warrant articles is in the Board package. This is to give you an idea of the warrant articles that staff is proposing and some carryovers from prior years. The warrant article for Milford Dispatch is still a place holder until we hear from CTA. There was discussion about roads last week and Director Riendeau is working on a road plan. We will have the same maps as before of road work that has been completed over the past few years and what we plan for the first year of a road bond. Read at your leisure.

Selectman Dargie proposed that when we go to vote on warrant articles, we do it in two stages. One vote to put the warrant article on the warrant and a second vote as to if we support it or not. It's possible that someone supports going forward with a warrant article but actually be opposed to the warrant article. Selectman Dudziak agreed.

Chairman Daniels said in some ways it seems like a cop out because the people who elected us look to us for our recommendation on something and if you don't have a voice strong enough one way or another, and leave it up to them. Selectman Dargie said your vote will be on there. There are some things that you do want the voters to vote on. We did it that way every year on the School Board. Chairman Daniels said we will consider that process as we go forward.

#### b. Vehicle Proposal

Administrator Bender said the proposed 2020 Operating Budget includes \$140,499 for vehicles.

- \$110,499 for the Milford Police Department
- \$ 30,000 for Community Development

During the Saturday budget review meeting, Captain Frye presented an option to lease/purchase six vehicles for use over a four year period. Jason Cillo volunteered to represent the BAC to discuss options. Jason, the Town Administrator, Captain Frye, Chief Viola and Paul Calabria meet twice to discuss this.

Jason reviewed with the BAC and their recommendation is to purchase, not lease purchase, the six vehicles for the Police Department and repurpose one of their vehicles for DPW. This would save us interest cost of \$14,608. The cost is \$326,099.

- \$318,653 for six Police Vehicles
- \$ 7,446 for Milford Police Department to DPW Vehicle.

Funding would be:

- \$140,499 removed from the 2020 Budget providing we can encumber 2019 budgeted funds. 2019 expenditures are running slightly below budget and these funds should be available. We would need a final decision to be made by December 16<sup>th</sup> or the 23<sup>rd</sup>.
- \$185,600 allocated from the anticipated 2020 State Municipal Aid money that we will be receiving next October.

Selectman Labonte asked if the \$30,000 for Community Development would be coming out of the budget. Administrator Bender said yes, and they would keep their two vehicles. Selectman Labonte asked why we don't take the \$7,446 from DPW's budget under the line item for new vehicles; they have \$13,000 in that line item. Administrator Bender said the \$13,000 was not for a vehicle, it's for a plow frame, and it's under capital expenditure. Paul said it's for a heavy duty plow assembly.

Selectman Dargie asked what the plan would be over the next four years if you are getting six vehicles now. Administrator Bender said it would be six now and over the next three years we would pick two other vehicles from the PD and refurbish them so that we still stay with the two vehicles every year. We've had very good success with the vehicle that we refurbished last year and it would be good to continue that for another couple of vehicles.

Selectman Labonte asked how much was added in for refurbishment each year. Administrator Bender said it would have to be budgeted in 2021 and 2020 and it would be about \$15,000 per year. Selectman Labonte asked if it would be enough. Captain Frye said it's a start. Administrator Bender said they will have an opportunity to select the best two vehicles for refurbishment.

Selectman Dargie said if we just stuck with the two vehicles and didn't try to front load it with six now and none for a while, would that be a problem? Jason said that was a thought but we were thinking if we take \$140,000 out it drops the

## APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 12/2/2019

budget down about .9%. For years two, three and four, we are not adding to the budget for vehicle cost. We are using appropriated funds from the 2019 budget plus anticipated funds from the mutual aid. We could appropriate those funds for a need rather than a want.

Selectman Dargie said, in his opinion, the anticipated mutual aid money should go to the tax rate. Jason said by doing a lease program, if we go to default next year, the money won't be in there.

Chairman Daniels said he looks at the budget as being the operating cost to the town. His problem is that you are getting \$185,000 in one-time money and now you're going to start using it for operating cost. That's not how it should be used. It should be put into things like roads or something like that. We have a regular cycle on replacement of police cruisers and he doesn't know if four years from now, your plan will work because we don't know what condition the cars will be in four years from now. Jason said, that can be said about a lot of things. You are reducing the budget by almost 1% and taking care of a need for four years on vehicles. We saw the stats on the Saturday meeting.

Selectman Dargie said it doesn't reduce the budget. The \$185,000 is revenue but the money to buy the vehicles would be in the budget. Selectman Labonte asked if they would be taking the \$110,000 out of the Police Departments budget. Jason said yes. Selectman Labonte said they would take that money out for four year then. Jason said no, only the 2020 budget. Selectman Labonte said if we wouldn't need to buy cruisers for four years then we wouldn't need to put money back in that line item for four years. Administrator Bender said correct.

Paul said to Selectman's Dargies point, we would have to gross appropriate the funds if we were going to earmark that as opposed to what we were talking about earlier where we would be having the same discussion at the end of December on whether or not we had surplus.

Selectman Labonte asked if they were six marked cruisers. Chief Viola said four are marked and two are admin vehicles. Selectman Dargie said he's in favor of taking the \$140,000 out of the budget and spending the money this year and that's it, so there are no more cruisers next year and then just go back into the rotation like we've been doing.

Administrator Bender clarified that Selectman Dargie would buy the two cruisers and the Community Development vehicle and move the Community Development vehicle to Public Works. Selectman Dargie said yes or maybe do the conversion thing instead of buying a vehicle for them. Administrator Bender said the two cruiser vehicles are not in good enough conditions to move over to Public Works. Selectman Dargie suggests a third cruiser. Administrator Bender said it would be more than \$30,000. Police vehicles are \$55,000 outfitted. Selectman Dargie said they were converting one.

Administrator Bender said if they did six they would reach deeper into the Police fleet and get one of the better vehicles but they would not be one of the first two that we would replace. Selectman Dargie said in that case, he would be in favor of just doing the original plan and not add anything to the budget for next year. The way that you are talking about bumps up the budget from \$110,000 to \$185,000 next year.

Administrator Bender said you are allocating general funds to purchase the remaining vehicles. The anticipated municipal aid is going to become part of the general fund. Selectman Dargie said that is a separate topic. It's revenue, which is good but this is an expense. Administrator Bender said you have to spend that money in the 2020 budget, anticipated money has to be spent in the same year. Selectman Dargie disagreed. We put it to the general fund this year for tax relief. With unanticipated revenue you need to do someone with it, anticipated revenue you don't have to, it just comes in. Paul said Selectman Dargie is correct.

Chris Pank reminded the Board that they are looking at a difference of 4.8% and 4% and if they are trying to get a budget through this town the lower the budget, the happier the people are. Selectman Dargie said they are misunderstanding. This actually increases the percent increase. Now we have \$140,000 for next year. The way he's saying it, is the \$140,000 goes away. Doing it this way, the \$140,000 changes to \$185,000 so you're actually increasing the amount.

Selectman Labonte asked why we are buying a vehicle for Community Development that is ultimately going to go supply DPW with a vehicle when Community Development doesn't need a vehicle. Administrator Bender said Community Development has two vehicles and they use both of them daily. The vehicle currently in Public Works was repurposed from Ambulance. We are having engine/transmission problems with that. The repair will be very expensive. We thought we would take one of the Community Development vehicles; they have a 2006 and a 2007 and move it to Public Works where it can be utilized and maintained and get a little bit of space between years on the vehicles in

## APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 12/2/2019

Community Development. Those vehicles are used by the Building Inspector, the Electrical Inspector, the Assessor, anyone in Town Hall can use one of those vehicles if it's available. Selectman Labonte said if you go to the initial plan as far as the cruisers it will take the Community Development vehicle out of the mix, pull the \$30,000 out so now you are still utilizing the \$30,000 but not changing the dynamic of the vehicles in Community Development anymore. Administrator Bender said the reason we couldn't do the police vehicles now is the two we would be replacing under the scenario we originally discussed are not worth transitioning to Public Works.

Chairman Daniels asked what we were looking at for Bridge Repairs, Mason Road is a big one. Administrator Bender said he wasn't prepared to discuss Bridge Repair information tonight. We will look at that when we do the Capital Reserve Review. Mason Road will be an expensive one in line with state aid. Chairman Daniels is just looking ahead at the \$185,000 coming in anticipated revenue and one time projects.

Selectman Labonte said the line item for vehicles under the Public Works budget would still cover vehicles right. He understands that it's for a plow frame this year. Paul said yes. Selectman Labonte said he doesn't know why you would put a plow frame under a vehicle line. Administrator Bender said if we were buying a truck with a plow frame the total cost would be in that line. Selectman Labonte said it doesn't make sense to him. Administrator Bender said it's the capital expenditure line.

Selectman Labonte said we have surplus money this year, could we be looking at a deficit next year due to the Gravel Operation stopping. Could we possibly have no revenue out of the Gravel Operation next year? We should be thinking about it.

Selectman Dargie summarized; the scenario here adds \$185,600 to the budget. Jason said, and you lose \$220,000 for years three and four. You need to look at it at both two years and four years. Selectman Dargie said when the voters are presented with a budget they are not seeing the budget for 2021 or the other years. This adds \$186,000 to it which is 11 cents on the tax rate. Jason said you're taking out \$140,000. Paul said you have to gross appropriate when we do our budget so we have to put the \$185,000 in as an anticipated expenditure so it would raise the budget. If we are in the same situation as we are right now, next year looking at a surplus could buy the two cruisers out of incumbent funds but it's not a given. Selectman Dargie is correct. Selectman Dargie said the only way around it is to do a lease purchase, then you're spending in the future.

Selectman Labonte clarified that there is nothing to prevent the money from being added back in. Chairman Daniels said that's correct. No Boards can tie the hands of a future Board. Selectman Labonte asked if we've raised the questions to all the departments on their wants. Administrator Bender said we have with some departments and he will be bringing it up at the staff meeting on Thursday. He plans to ask them to forecast any big expenditures that for the rest of the year so they can refine the surplus. We can put a list a wants together but there is nothing wrong with putting it back in the general fund.

Selectman Dargie said he's in favor of spending something this year for something that's in the budget and pulling it out of the budget early. He's not in favor of going on a spending spree and buying stuff that you didn't think was good enough to get into the budget. Administrator Bender asked for a consensus on the Board for that or do you want to think about it for a week or so? The Board will think about it.

Chairman Daniels asked Paul if he had a chance to get more information on Workman's Comp. Paul said he called and hasn't heard back yet. He will follow up again.

Selectman Labonte asked where we are on paving as far as Nashua Street, Union Street and Elm Street. He thought they were originally going to be paved from curb to curb. Administrator Bender said the section of Nashua Street was curb to curb and Union Street was curb to curb. Elm Street was never curb to curb. Selectman Putnam asked Selectman Labonte if he received his e-mail on a payment. Selectman Labonte said yes and asked if they got the bill for the \$150,000 or the whole thing. Selectman Putnam said it was for \$8,000 more than what we agreed on and we are just paying for what we agreed on. We need more documentation for the additional \$8,000. Administrator Bender said the additional \$8,000 was for work on King St. and that area that you agreed to when we were doing the drainage and you did the water project.

Selectman Labonte questioned when the puddle next to NAPA, will be fixed due to a paving imperfection. Administrator Bender said he doesn't know if there is anything they can do. He spoke to Rick and Chris about it and they will watch it during the winter. Selectman Labonte said he measured the puddle and it was 2 ½ inches deep, does it put us at a liability when it turns to ice. He's been asking this question since October when there was plenty of time to fix it.



**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 12/2/2019**

**6. DISCUSSIONS: N/A**

**7. PUBLIC COMMENTS:**

**8. SELECTMEN’S REPORTS/DISCUSSIONS.**

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

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

**9. APPROVAL OF FINAL MINUTES.** No minutes were presented for approval at this meeting.

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

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

**12. NON-PUBLIC SESSION.**

**13. ADJOURNMENT:** Selectman Putnam moved to adjourn at **6:40**. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

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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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Mike Putnam, Member