

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
February 22, 2021

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# **869 3711 1088** and the password is **490234** or join the Zoom Meeting @ [https://zoom.us/j/869 3711 1088](https://zoom.us/j/86937111088). 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 (Zoom)  
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 website 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 who called in 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 Dudziak, yes (zoom) no one is present. Selectman Labonte yes, present in the BOS room, Selectman Freel, yes, (zoom) no one is present and Chairman Daniels yes, (zoom) no one is present.**

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

**5:30 p.m. – Request to Appoint Marie Nickerson to the Conservation Commission – Term Expires 2024**

Marie Nickerson background in horticulture will be an asset to the Commission's deliberations. Marie has attended 3 meetings and a work session which has given her an idea of the Commission's activities. Marie is a former member of the Brookline Conservation Commission. Her experience there will enable her to quickly step into and support the Milford Conservation Commission activities. The Board thanked Marie for her commitment.

**Selectman Dargie made a motion to appoint Marie Nickerson to the Conservation Commission. Seconded by Selectman Labonte. 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.**

**5:35 p.m. – Energy Efficient Investments (EEI) Presentation – Mike Davey**

Mike Davey gave a brief presentation, they focused on energy and operational savings, assisting in financing projects and finding grants/rebate funds. They are based in Merrimack. They were called in by Public Works due to the cooling system in the Town Hall which is ending its end of life span. They have had lots of success in Manchester, Portsmouth, Keene, and Nashua. They guarantee savings and report annually. They don't charge for the audit.

Selectman Labonte asked where we were on the HVAC system in 2019. Rick Riendeau, Public Works Director, said it went out to bid but the bids were pulled because of the discrepancies in them. We are looking for alternatives. Selectman Dargie asked about the discrepancies. Rick said one bid was \$500,000 more than the other. Because of the discrepancy he went back and talked to the bidders. We couldn't pinpoint an area in either bid and it was too far apart to take either bid.

Selectman Dargie asked how close the lowest bidder was to what we authorized. Rick said it was close. Selectman Freel thought the next step would be to go out for more bids. Rick said five bidders picked up information on the bid but only

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two completed the process and submitted their information. He didn't feel comfortable with either bid. We continue to look for alternatives to upgrade and save money. We partnered with Eversource for street lighting a few years ago and ended up saving about 47% with them.

Selectman Freel asked how EEI makes enough money to cover their time and how is that calculated. Mike explained the process that his company goes through. They don't bid on projects; they do energy audits, designs, include the pricing, and guarantee savings. The Townhall, has a ton of ceilings that have to come down, structural work and it's more than just replacing an HVAC. They make about a 5% profit and share their books for review. They have an open book pricing arrangement and do an audit at their own risk and if you don't like it you can walk away. Most towns and schools move forward when they see what we have to offer. Everything is done by multiple bids and we are not tied to any manufacture. Our contract is a guaranteed maximum price plus any savings we get will go back to the town.

Chairman Daniels asked how do you do your assessments with some people not working in the town hall due to COVID. Mike said they have past historical energy usage data from the building but they also have to go into the building to review everything. He also mentioned that the guidelines for ventilating buildings have changed. The Board thanked Mike for his presentation.

### **5:50 p.m. – Amigos Outdoor Seating – Mike Heeney, Owner**

Before Covid, Amigo's outdoor seating permit was for 8 seats. In meeting with the Fire Department under the Governor's Emergency order he was granted a permit for 20. Amigo's wants to purchase new outdoor tables and chairs this spring to accommodate the 20 seats on my current permit. They checked with Chief Flaherty and were told that once the emergency order is lifted, they will have to go back to my 8 seats. He is requesting that the Board of Selectman have his outdoor seating permanently increased to 20.

Lincoln Daley, Community Development Director, sent an e-mail to the Board earlier in the day asking that this decision be put off until they can get additional information.

Chairman Daniels said if it was okay to approve expanded seating before, why it would change. Lincoln said they were trying to be flexible with the COVID restrictions and viewed them as only temporary. He said they want to work with Amigos to make this happen but the process for expanding permanent outdoor seating (expanding the permitted use) may require additional oversight by this Office (via Administrative Approval) and/or potentially the Planning Board (via Site Plan Application Approval). As with any permitted commercial use, a site plan is typically necessary for any change that would require upgrades to parking, drainage, landscaping, or may have a significant traffic impact. This also includes ensuring the safety of pedestrians and adherence to all ADA rules/requirements. Our Office works with the Fire Department to ensure that any/all Town approvals are met and adhere to state-building and health safety codes. The request is not to say no, but how to get to yes as part of an approved site plan determined by several groups.

Ken Flaherty, Milford Fire Chief, stated outdoor seating was expanded and initially put in place because of the Governor's Emergency Order. It has since expired so we have to review this more. Mike wants to buy tables and before he makes it permanent he asked for guidance.

Selectman Freel said he is in support of helping local businesses but asked if there any issues with encroaching on the other businesses surrounding Amigos. Lincoln said that is part of what they are looking into. The Board of Selectmen would be only be involved in the proposed expansion included town property and sidewalks.

Chairman Daniels tabled this until March 8<sup>th</sup> and asked Lincoln to speak to Mike Heeney and come back to the Board with an update.

### **6:00 p.m. – Turner Group Update on the Feasibility Study – Dan Hall, Project Architect, Associate**

Dan provided the Board with a Progress Report on the ongoing Feasibility Assessment for a Regional Community Center for the Town of Milford. Other people included in the presentation were Jeff Hyland, Sr. Landscape Architect, Zesele Zurell, Marketing Manager, Bill Hickey, Sr. Vice President Structural Engineer, and Doug Proctor, Sr. Vice President Architecture.

Public outreach measures:

- Two public meetings
- Stakeholder conversations with numerous organizations with more scheduled
- Public survey with close to 200 responses with more coming in.

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Most requested features:

- Paved, universally-accessible walking trail
- Multipurpose space with stage, kitchen, other amenities
- Aerobics/Dance/Yoga Studio
- Arts & Crafts programming
- Seniors Lounge

They will have to demo the building. The current structure has extensive issues that would need repair, including water damage, insulation issues, structural problems, security issues, and general defacement.

New building w/Gym (28k s.f.) = \$9,989,000 - New building w/o Gym (20k s.f.) = \$7,920,800

Selectman Labonte asked about past high water in that area, is that something we should be worried about? Jeff said the flood plain doesn't look like it extends up that far. There are some drainage challenges in that area. They may have to elevate the site area a bit, or at least the building. The site is well drained but gets close to the flood plain.

Selectman Labonte asked about environmental studies in that area. Arene Berry, Recreation Director, said there were some environmental concerns and they were addressed. We were given a clean bill of health before the sale went through.

Selectman Labonte asked what dictates the size, was there ever analysis of wants versus needs. Ten million dollars is a large amount, are there alternatives. Dan said they can do a wants versus needs to find out what can be left for in the future. He feels that the 20,000 square foot is a good number to be at from what they've heard so far.

Selectman Dargie said he doesn't see them doing a project of that size anytime soon. He would like to look at a phasing approach. He asked for a number to move the fields, demo the building and make a parking lot to start up future work. He likes parking in the middle of the field. He mentioned the original plan with a road connecting the property. Dan said they can look into that.

Selectman Freel asked if they did any manpower staff/run this center? Dan said they weren't that far yet. Selectman Freel agrees with Selectman Dargie about the cost, connection road, and parking lot. He is surprised about the cost of a new building versus renovating the old one.

Selectman Labonte asked if we would be looking at other towns to buy into this as a regional community center. Dan said that has been discussed. Some towns have expressed interest. Selectman Labonte asked how it would be run. Dan said he's never been involved in something like this. It would have to be looked into further. Selectman Freel said he doesn't think he could support a regional thing for this. It would be like a health club, like Hampshire Hills.

Chairman Daniels asked what was the difference between a universal accessibility walking trail and just a walking trail. Doug Proctor said it's a step beyond ADA. ADA is a federal requirement for disability, universal is for people not covered under ADA, like someone with a stroller, someone with a cane, or someone that might have some challenges getting around. Chairman Daniels asked where the walking path go. Doug said it hasn't been determined yet; we are collecting ideas right now. Chairman Daniels said it looks like you are designing a building that people would like, have you thought of looking at the building and finding out what kinds of activities could go into it. Dan said that is an approach they would take if they were strictly renovating the building.

Janet Langdell, Milford resident, said the walking trail was to have a walkway universally accessible at Keyes that would eventually connect with all the other trails in town to increase connectivity throughout the town. As far as regional, is a continuum and there is a lot of ways to define that. We are regional now, Recreation and the Library all accept people from out of Milford to come and purchase passes for services through events that they provide. Nashua and Pepperell also do this and those funds help to afford the staffing and programming at their community centers.

Selectman Labonte stated we currently dump snow for the winter down on that property would we be able to continue like we do now or would we have to find another place. Doug said they didn't address it, but it may be possible to incorporate it into the design in the overflow parking which is only needed during sporting events.

Lincoln Daley, Community Development Director, said it would be beneficial to move forward if the group could get a recommendation from the Board to raze the building. This will help the design going forward. Chairman Daniels said he isn't ready to decide on that. The price tax is high and we have many other projects at a lot less cost. If you are going to demo this, how much can be done, and can other things be done.

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Ammy Rice, Milford Resident, said if the Board decides on this, it's ridiculous. We need to look at what we have and look at where we are and how we can use this property most effectively. She would not be happy with this.

Selectman Freel said it's too early to make a decision, he hasn't seen the building yet. Selectman Dargie agreed but he's in favor of razing the building and planning for option B. He would like a cost for that. Selectman Labonte agreed. He would like a more defined number.

Mike Thornton, Milford resident, asked how much community demand for this has been demonstrated. Lincoln will get more information. This is the first step in a multi-step process. This is a feasibility study to get this information for a community center based on demand.

Selectman Freel suggested polling at the March vote to see if there was an interest in this. Lincoln said this isn't something that is going to be done soon, it is just a process needed to get started. Arene said they held a community input session and the link to the survey is on Recreation's website. She encourages people to take the survey and share the information.

### 6:20 p.m. – March Election Update – Pete Basiliere, Town Moderator

The November general election held at Milford High School went very well. More than 9,250 citizens safely cast their ballots, whether in person or by an absentee ballot. The March 9<sup>th</sup> election will be at Milford High School.

- Masked voters will enter Milford High School by the main entrance on West St. Un-masked voters who cannot or choose not to wear a face mask or covering will be directed to a tent set up adjacent to Windows on West Street. The tent has sides and will have lights and a propane heater, while mats will cover the grass/snow.
- ePoll Books will be set up against the right lobby wall just like the November election.
- New Voters will be checked in by the Supervisors of the Checklist along the left wall of the lobby, including some of the space in the hallway that goes to the cafeteria. We will not use the HS cafeteria for any part of the election.
- As in November, the tent will be between the main lobby entrance and the Windows on West St. restaurant. This location means voters with mobility difficulties may exit the gym by the right corner door, leading to the accessible parking spaces on West St.
- Space will be set aside in the lobby and gym for the public to observe the election process.
- Golf Carts with a masked driver will be available for riders to use.
- MPD will be using its portable electronic signs to remind voters of the polling place location. The signs will alert drivers to possible Election Day delays on West St. and Osgood Rd. Nixle event alerts will remind voters of the polling place and potential traffic delays.
- We will also have signs on the Oval, notices on the town and school district websites, and social media postings.
- We will have plenty of workers, given we now have more than 125 volunteers and will need about 25 per shift.
- The steps described above are not chiseled in granite. Refinements will occur right up to the day before the election.

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

**4. DECISIONS – Selectman Dargie made a motion to approve the consent calendar. 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. 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 from HealthTrust to the Milford Fire Department for Fire Wellness Campaign - \$500
  - Donation from HealthTrust to the Milford Police Department for Fire Wellness Campaign - \$500
  - Donation from HealthTrust to the Milford Administration Department for the Town Wellness Campaign - \$1,000
2. Request to re-appoint Tim Finan as a Full Member of the Planning Board – Term Expires 2024
3. Request to re-appoint Chris Costantino as an Alternate Member of the Conservation Commission – Term Expires 2024
4. Request to re-appoint Andy Hughes and Andrew Seale as Full Members of the Conservation Commission – Terms Expire 2024
5. Request for Road Acceptance of Holden Lane

At this time, Chairman Daniels questioned the number of members of the Conservation Commission whose terms expire in 2024. Chris Costantino will re-look at the terms to see if they can be scattered.

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### b) OTHER DECISIONS – N/A

### 5. TOWN STATUS REPORT -

1. Board of Selectmen Hybrid Meeting – Administrator Shannon said starting on March 8, 2021, the Selectmen Meetings will be moving back to the Hybrid format. People may attend in person at Town Hall or by Zoom. For anyone attending in person, all social distancing and mask requirements will be in place.

Chairman Daniels asked about plastic recycling. Rick said they are planning for the first part of March to sort the different types of plastics. The process will be put on the website.

### 6. DISCUSSIONS:

#### a. N/A

### 7. PUBLIC COMMENTS: - There were no public comments at this time.

### 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 - Selectman Dargie moved to approve the minutes of January 20, 2021, and February 8, 2021, as amended. 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. All were in favor. The motion passed 5/0.

### 10. INFORMATION ITEMS REQUIRING NO DECISIONS.

### 11. NOTICES. Notices were read.

12. NON-PUBLIC SESSION a motion made by Selectman Dudziak to enter into a non-public session at 7:05 in accordance with RSA 91-A:3, II (b) – Personnel and approval of non-public minutes (RSA 91-A:3, II(a)) – Personnel – February 8, 2021. Seconded by Selectman 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 two decisions. The minutes for this meeting were not sealed.

13. ADJOURNMENT: Selectman Freel moved to adjourn at 6:50 pm. Seconded by Selectman Dargie. 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.

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Gary Daniels, Chairman

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Chris Labonte, Member

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Paul Dargie, Vice Chairman

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David Freel, Member

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Laura Dudziak, Member