

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

January 25, 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# 858 3608 0860 and the password is 680611 or join the Zoom Meeting @ <https://zoom.us/j/82635714048>. 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 web site in the red banner.

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

All votes that are taken during this meeting must be done by Roll Call vote. Members 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) Daughter Molly is in and out. Selectman Labonte yes, present in the BOS room, Selectman Freel, yes, no one is present, and Chairman Daniels yes, (zoom) no one is present.

2. APPOINTMENTS: (Approximate times)

5:30 p.m. – BROX Community Land Conservation Easement – Conservation Chair, Andy Hughes and Conservation Member, Chris Costantino.

In summary: In summary: An Alteration of Terrain Updated Permit (dated 10/26/20) was submitted by the Town for the sand and gravel operation on the property referred to as the Brox Community Land. One of the conditions of this permit is that the Town of Milford (Town) will put 75 +/- acres into a conservation easement (Plan sheet 1 of 9 note #11). The Board of Selectmen, at their October 14, 2019 meeting, accepted the Milford Conservation Commission's (MCC) offer to facilitate this easement process. The Conservation Commission is suggesting that the Board include the remaining cost of \$30,000 in their 2021 budget.

Chairman Daniels asked about a time-table on this. Chris said the grant expires June 1, 2021. Chairman Daniels asked where we were on the AoT permit. Lincoln Daley, Community Development Director, said the permit has been submitted to the state for review. It's between DES and Fish and Game and they are hoping for some resolution by next month.

Rick Riendeau, Director of Public Works, said the permit date was extended by 30 days because the wildlife portion of Fish and Game didn't get back to DES with their recommendations. Chairman Daniels asked if surveying was seasonal. Chris said it's year-round. We haven't talked to Meridian because we don't have any direction in which to move forward.

Selectman Dargie asked for a recap on the grant. Chris said the Commission received a grant for \$20,000 which will cover the survey cost, and there is a one-time \$30,000 cost to cover the stewardship easement fund which will be held by NH Fish and Game to do their annual monitoring. Lincoln said there is some flexibility but the easement is part of the AoT permit and there may need to be some negotiation and time allocated to the survey work. It would be good for the Board to act on it soon.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 1/25/2021

Chris said they can go ahead with the survey operating under the assumption that the boundaries won't change. Selectman Dargie asked if we could work a deal with North East Sand and Gravel to get them to pay the \$30,000 and they can recoup their money with some of the sand they are digging out.

Selectman Labonte said there is not supposed to be any cost to the tax-payers. Taking the money from revenue is still taking money from the tax-payers. Administrator Shannon said the language didn't cover easements. Selectman Labonte said the easement is a condition of the permit; you can't get the permit without the easement. Lincoln said there was an appeal of the permitting process which caused legal fees. The point being, there are unknown costs that arose during the permit process. The suggestion of using some of the revenues to help assist the town is paying for some of the processes that were unknown at the time of the permit would be beneficial.

Selectman Dargie asked again about working a deal. Lincoln said they can reach out to the contractor. Selectman Labonte asked where we were in revenue expectations that we expect to get from the pit and how much we are down compared to what we were originally told we would get. Lincoln said he would get that information to him.

Chairman Daniels said we will get some answers and revisit this at the next meeting.

5:40 p.m. – Deliberative Session Update – Pete Basiliere, Town Moderator

Pete said the Deliberative Session will be in person at Milford High School on Saturday, January 30th at 9:00 in the café. Masks are required for the meeting. Those who will not or can't wear a mask will be housed in Windows on West Street, this will be an enclosed space with a monitor to watch the proceeding. Voters can use a microphone to speak and an assistant moderator will check them in.

Those wearing a mask will be set up in the café and spaced 6' apart. If needed, we will use an adjacent classroom. This will also have a microphone to use. Everything will be broadcasted. Zoom access will be provided for employees of the district as well as nonresident experts that may need to participate in the meeting. Residents of Milford will not have access to zoom. We can't check in registered voters on zoom or allow them to vote.

Chairman Daniels asked if requested, how secret ballot voting is handled. Pete said he has a locked ballot box, row by row participants will receive a slip and they can put them into the box. The same will be done in Window's on West Street for the people who choose not to wear masks.

Selectman Dargie asked about food. Pete said people will have time to go get lunch or have someone bring them lunch and they will have to eat it outside of the building. Tina Philbrick, Town Assistant said she will provide brown bag lunches to the Board, BAC, BOS, and Department Heads that are attending.

Selectman Labonte asked how non-resident speakers get on the list. Pete said to contact Tina Philbrick.

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

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. Approval of Intent to Cut Wood or Timber, Map 51 Lot 23
2. Request for Approval to Re-appoint as Full Members to the Recreation Commission – John Murphy, Lena LaBour, and Patricia Nickerson with terms expiring March 2024.
3. Request for Acceptance and Appropriation of Unanticipated Revenues under \$10,000 (31:95(b)) – Fourth of 5 payments for the land purchase for the Keyes Expansion Project from the O'Connor Trust Fund - \$5,000.
4. Acceptance of Donation from Faye Riche to the (Conservation) Granit Town Rail Trail - \$500.

b) OTHER DECISIONS – Draft Warrant Articles

Warrant Article 6 – TOWN OPERATING BUDGET

Paul Calabria, Finance Director said we are updating the DRA portal while we are working on these warrants tonight. The default budget number is now \$15,507,826. We previously included the four vehicles that the staff had asked to be encumbered. They are now removed as they should not have been in the default budget. The number before the change was

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 1/25/2021

\$15,756,541. Selectman Freel asked if those vehicles were included in the regular operating budget for 2021. Paul said yes.

Selectman Dargie moved to approve the language regarding the default budget to \$15,507,826 as presented in the Town Operating Budget warrant article. 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.

Selectman Labonte asked if the difference between the budget and default are just the vehicles. Paul said the difference isn't just the vehicles, the default budget is last year's budget plus or minus retired debt, retirement cost, health insurance increases, etc. Selectman Labonte said that usually our default budget isn't that far off from the actual budget and we've had years when the default budget is more than the operating budget. Paul said he looked back over the last six years and there were two years where the default budget was a little higher but one year it was \$145,000 less, another was \$188,000 less and one year it was \$121,000 less.

Selectman Freel said previously Selectman Labonte wanted the Administration to lower the budget by \$150,000, he asked if this was reflected in the current 2021 operating budget. Chairman Daniels said a list was submitted that identified \$161,127 that could be removed from the budget which now includes another \$3,000 from the Town Clerk's budget which brings the total to \$164,127.

Selectman Freel made a motion to reduce the operating budget to \$15,664,508. 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.

Selectman Labonte asked if the Town was okay with doing these reductions. Administrator Shannon said yes. Selectman Dargie said he would not be in favor of making these changes, these things were in the budget for a reason but he will vote in favor of it. Selectman Freel asked if removing a police vehicle will hurt the Police Department. Chief Viola said we need the vehicle and would like to have it but we would rather keep personnel. The maintenance budget went up which is the cost of having older vehicles. We will make due like we've done in the past.

Pete Basiliere asked if the values for the operating budget and the default budget different than what was posted in the warrant for the meeting. Administrator Shannon said yes. We have been updating numbers constantly since the package was posted last Friday. Pete said he thought the warrant was already posted and you would have to make an amendment at the Deliberative session to change these numbers. Tina said the warrants have not been posted yet, according to the RSA they have to be posted tonight. Wade Scott Campbell asked what the cuts were to make up the \$164,127. Chairman Daniels read the list:

| Item | Amount of Decrease |
|--------------------------------|--------------------|
| Ambulance Response Vehicle | \$58,427 |
| Police SUV | \$49,170 |
| Fire Wages-pt & temp-call | \$12,500 |
| DPW Parks | \$10,000 |
| DPW Cemetery | \$10,000 |
| Recreation Park Rangers | \$6,580 |
| Comm Dev Pro Services | \$4,000 |
| Ambulance Uniforms | \$3,500 |
| Town Clerks Office | \$3,000 |
| Comm Dev GIS Support | \$2,000 |
| MPD Uniforms | \$1,600 |
| Assessor Part-Time and Temp | \$1,000 |
| MPD Training | \$1,000 |
| Admin Envir. Consultants | \$1,000 |
| Assessor Tax Map Updates | \$250 |
| Assessor books and periodicals | \$100 |
| Total | \$164,127 |

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 1/25/2021

Paul Calabria said we started with the budget in July and reviewed it with the Board and BAC in October, it was already lean. When we are tasked with removing more, we have to go after some big items. Selectman Labonte said since we run a bottom-line budget can expenses be removed from areas that we may not need to expend money out of and used for other things that may be needed. Paul said yes.

Selectman Freel thought it would be done differently. For the last few years there has been a surplus of over \$150,000, if we need the vehicle, is there a way to take it from a different spot that had a surplus. Paul said they look at run rates and make their determinations from that data and prior year budgets. If you need to access the fund balance during the year because you have a budget shortfall, it will require an emergency meeting which is a big deal. It's common to be spending 97% and 98% of the budget and it's reasonable. He and Tina will be here tonight until everything is complete, uploaded into the DRA portal, and posted at the High School and Town Hall.

Chairman Daniels said with this reduction the budget will go from 3.7% over the 2020 budget to 2.6% over the 2020 budget. Administrator Shannon wanted to clarify for Selectman Freel that some of the surpluses from last year was because of COVID and us not hiring in certain positions.

Warrant Article - PUBLIC WORKS WHEEL BUCKET LOADER PURCHASE – (\$146,118) \$120,000 Paid From Capital Reserves, net purchase price \$26,118;

The language was simplified as follows: Shall the Town vote to purchase a Hitachi wheel bucket loader for the sum of \$146,118, with \$120,000 to come from the DPW Vehicles & Heavy Equipment Capital Reserve Fund; with the remaining \$26,118 to come from general taxation. Majority Vote Required.

Paul said this doesn't need 60% because it's a purchase, not a lease. Selectman Labonte questions the language of \$26,118 coming from general taxation. He asked how much this would raise the budget. Administrator Shannon said per the last discussion we had on this at our Thursday meeting, \$19,000 was going to be a credit and DPW was going to take \$7,118 from their budget. The budget that was just approved would not be going up.

Selectman Dargie said he understands that the intent is not to spend that money, but this creates the authorization to do it. Paul said yes. At this point, there was additional discussion on the clarification of the language. Paul said this was the cleanest way to put the language in.

Chris Anton, DPW Highway Manager, said that of the \$19,000, two payments have already been paid from the 2020 fiscal year. Three payments came out of the 2021 fiscal year. He already made two payments this year and the third payment will be made next week. The only thing we need to show on this purchase is the \$7,118 coming out of our DPW budget.

Chairman Daniels said everything needs to be accounted for. This is the way that DRA said it needs to be worded. The \$26,118 is coming from general taxation, some of it already came up and some more will come from the budget. That together with the \$120,000 in capital reserve will equal the total of \$146,118.

Selectman Labonte is confused because the tax impact for this is \$1.55 per \$100,000 but on the operating budget it's \$5.73, why are they so close when the operating budget is over \$15,000,000. Paul said the \$5.73 is over last year's budget as stated at the bottom of the warrant article.

Chris Anton said you have a tax impact when you pass the budget so why are we having an additional tax on the wheel loader on the \$26,118 when the \$19,000 and the \$7,118 are both coming out of the budget. Does this mean it's being taxed twice? Paul said no. Selectman Freel asked how we can make it less confusing. Tina suggests that a simplified explanation be put in the voter's guide so that everyone could understand what we are trying to do.

Administrator Shannon said we will do our best to make sure explanations are in plain English so everyone understands the warrant articles. The DRA goes by the laws as they are written.

Rick Riendeau, DPW Director said it's simple, the total purchase price is \$165,000, the municipal discounts and the Chappell family discounts and other special discounts that come with it were \$37,882. Minus the capital reserve amount of \$120,000 which leaves a balance of \$7,118 which I will find in my DPW budget.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 1/25/2021

Selectman Freel asked why we don't just do a warrant to spend the capital reserve and spend the money the way it needs to be done. Rick agreed. Selectman Dargie said the DRA requires that we do these warrants the way they are written which is showing the gross appropriation. This warrant article meets all the DRA requirements.

Selectman Dargie made a motion to approve the language as shown. 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.

Selectman Dargie moved to recommend the public 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.

Warrant Article - PUBLIC WORKS SNOW PLOW UNIT 5 YEAR LEASE-PURCHASE

Selectman Dargie said over the past few years there were 18 different DPW warrant articles presented. Of the 18, three passed with more than 60% votes, three passed with 50% to 60%, and eight failed. DPW is supported much less than Fire or Ambulance. He feels we risk failing at this warrant article if we leave it at 60%. Especially if it isn't supported 5/0 by the Selectmen. He would like to use the language that doesn't use the capital reserve, includes a non-appropriation clause, and uses a 50% vote.

Selectman Dargie moved to recommend the language requiring only the 50% majority vote on the Public Works Snow Plow Unit. Seconded by Selectman Dudziak. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Selectman Freel no, and Chairman Daniels no. The motion failed 2/3 with Selectman Daniels, Selectman Labonte and Selectman Freel opposed.

Selectman Labonte said it isn't in what passed or failed, it's what the voters wanted to spread out for money. He doesn't want to do this without capital reserve. We don't know why the previous DPW warrant articles failed. He feels that his warrant article is overpriced. If you want it to pass, you should lower the price.

Mike Thornton, Milford resident, said we should capital reserve because that is why we set it up. He doesn't think we should use the language that requires only a 50% vote. Rick said if you are using \$120,000 in capital reserve for the loader, there isn't any left to use on this snowplow unit.

Selectman Freel agrees with Selectman Labonte. We should save up more capital reserve to use for this type of vehicle in a couple of years. Selectman Dargie said he was on the original capital reserve committee and this issue of capital reserve causing a 60% vote never came up. This is new this year. We may not have setup up these accounts if we knew this was coming down the road. He would be in favor of canceling capital reserves for DPW equipment.

Selectman Dudziak asked if Selectman's Labonte and Freel would be in favor of this warrant article if we did propose using capital reserve and there was a 60% vote. Selectman Freel said he would be in favor. Selectman Labonte isn't in favor either way. He thinks we should use the capital reserve. He has a problem with the price of this warrant article and the fact that it doesn't identify what type of truck.

Eric Schelberg, Ambulance Director, said he also worked on the capital reserve committee and the idea behind setting these up was that they were to be built up so that you could purchase vehicles outright after so many years. Rick repeated that there was \$120,000 in the DPW capital reserve account and we already applied it to the loader, there isn't any money left. This warrant article wasn't written to use the capital reserve. He has no problem putting the words "6 wheel snowplow unit" in the warrant article.

Selectman Freel asked at what point we say, "it's too much"? Go for what is most important this year and not the stuff that isn't 100% necessary.

Selectman Dudziak called the question. 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.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 1/25/2021

A roll call vote on the motion was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Selectman Freel no, and Chairman Daniels no. The motion failed 2/3 with Selectman Daniels, Selectman Labonte and Selectman Freel opposed.

Selectman Labonte made a motion to add in the words “6 wheel” in the warrant article. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie no, Selectman Dudziak no, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 3/2 with Selectman Dargie and Selectman Dudziak opposed.

Selectman Labonte made a motion to lower the warrant article amount from \$200,000 to \$180,000. Seconded by Selectman Freel.

Selectman Freel asked if DPW could purchase a vehicle for \$180,000 and get what they need. Rick said it's a tough market right now. Sometimes they can buy one off the lot and get close to what they are looking for. He's in the neighborhood of the \$180,000 but didn't want to limit himself. If it's \$183,000, what does he do? Just because the warrant article is \$200,000, doesn't mean he will spend that entire amount. He always goes a little higher to give them some extra room. We have never overspent on any of our equipment. Trucks take a long time to order and we can't order until we have the money. Selectman Labonte said there are ways around everything.

Mike Thornton asked if this was a 6 wheel, plow/sander unit that is integrated and cannot be used as a dump truck. Rick said it's the integrated unit but it can be used as a dump truck. All our trucks are versatile.

Selectman Freel called the question. Seconded by Selectman Dudzkak. 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 roll call vote on the motion was taken with Selectman Dargie no, Selectman Dudziak no, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 3/2 with Selectman Dargie and Selectman Dudziak opposed.

Selectman Dargie moved to approve the language associated with the red language vote in the Public Works Snow Plow Unit warrant article. Seconded by Selectman Dudziak.

Selectman Dargie read the warrant article. He said that the original one had capital reserve in it. Tina said this warrant never had capital reserve in it. There were only two warrant articles referencing capital reserve and they were the Fire Truck and the DPW Loader. She doesn't know why this was re-written but it never had capital reserve included in it. We only had \$120,000 in capital reserve and this was in the Loader warrant article only.

A roll call vote on the motion 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.

Selectman Dargie moved to recommend the Public Works Snow Plow Unit warrant article as amended. Seconded by Selectman Dudziak. A roll call vote on the motion 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.

Warrant Article - FIRE RESCUE TRUCK #1 REPLACEMENT

Chairman Daniels said this is for the language that requires a 60% vote. Selectman Dargie said in the past, there have been four fire department and ambulance warrant articles in the last eight years. They all passed with more than 60% of the vote and they were all supported 5/0.

Warrant Article - FIRST RESPONDERS COMMUNICATIONS NETWORK

Chairman Daniels made a motion to use \$700,000 from the fund balance to reduce the price of the First Responders Communications Network. Seconded by Selectman Dudziak.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 1/25/2021

Chairman Daniels said we are now at 8.9% in the fund balance and this will reduce it to 7.5% which is still within the limits that the DRA recommends. Communications has been a priority for the past two years and we can use these funds for emergency purposes and he feels that this is an emergency.

Selectman Freel asked if this will be put in the warrant article so that people can see what is being done. Chairman Daniels said yes. Chairman Daniels read the proposed change:

Shall the Town vote to raise and appropriate, an amount not to exceed \$2,400,000 for upgrades and replacement of the emergency services dispatch center and related infrastructure/equipment and to authorize the issuance of not more than \$1,700,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the municipal officials to issue and negotiate such bonds or notes and to determine the rate of interest thereon; with \$700,000 to come from the unassigned fund balance? This article adopts the recommendation of the consultant engaged to study dispatch operations as approved by voters in March 2019. The project establishes a First Responders Communications Network replacing MACC Base and allows connectivity by neighboring towns if they choose to participate and borrowing not more than \$2,400,000 in bonds, bond anticipation notes, or notes therefore in accordance with the Municipal Finance Act (RSA 33), the article further authorizes the Selectmen to issue and negotiate bonds or notes with a term not to exceed 15 years and to determine the rate of interest and other conditions in their judgment. This is a non-lapsing warrant article. This is a Special Warrant Article in accordance with RSA 32. Note: As this is for the issuance of long-term debt, this vote under state law requires a 60% affirmative vote to pass.

Selectman Labonte said he feels this is a tactic to try to get the voters to approve that warrant article. He would rather give the voters back the \$700,000 on top of the \$644,000 already approved. This is conditional, if it doesn't pass, you don't get it. He feels it's deceitful.

Selectman Dargie referenced a fund balance analysis and asked Paul what his opinion was about going below the NHGFOA recommendation of 8% to 17%. Paul said he's okay with 7.5%. If anything catastrophic happened, for either the town or school, it would be covered by FEMA, state money, or the town's insurance.

Keven Federico, Milford resident, said he disagrees with Selectman Labonte, this isn't deceitful. By taking \$700,000 out of fund balance it's this Board's statement of how serious they are taking the communications warrant article year and how much they are supporting it and they want it to pass. This is a 15-year issue and it will continue to be an issue. He appreciates the motion made to take a step forward to show the tax-payers of Milford how serious that the Board takes this article.

Selectman Freel said he doesn't think it's deceitful. One could make an argument of why we can take \$700,000 out of fund balance for this and not to just buy a fire truck outright. Removing money from this fund should only be done when necessary. He thinks this would help offset the cost and it's a good idea. He asked if we've received any additional numbers on what the actual cost will be for Communications. Captain Frye said the architect said he would have a number by Saturday.

Selectman Labonte believes that numbers are still missing. He doesn't see a difference; if you give the \$700,000 back to the voters it will offset the same amount of money. If this doesn't pass do we just wait until the next Selectmen's meeting and give \$700,000 back to the tax-payers then?

Chairman Daniels said if the motion fails, the \$700,000 will remain in the fund balance. He made the motion because he believes the vast majority of the Board feels that this is the highest priority item and we've been working on it for two years. This is a way to get it resolved so we can go on with life.

Selectman Labonte said at the end of the day, you are still pushing for \$2,400,000. The tax-payers will see that they are going to get \$700,000 back or not if they don't vote for it. Captain Frye said the only number missing from this is the building. Everything else was sent to the Board last week. Selectman Labonte asked that it be resent, he hasn't seen anything. Chairman Daniels said those numbers were sent out to all the Board. Captain Frye said that was part of their release. Chairman Daniels agreed. Selectman Labonte said the videos from the meetings are not released either. Administrator Shannon said he will speak to Community Media about them.

Selectman Dudziak called the question. Seconded by Selectman Freel. A roll call vote on the motion 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 - 1/25/2021

A roll call vote was taken on the motion 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 Labonte referenced an e-mail from Jeff Marshall and asked if he can get the answers before Saturday. Chairman Daniels said the staff was working on it.

Selectman Dargie moved to recommend warrant article 3 as amended. Seconded by Selectman Dudziak. A roll call vote was taken on the motion 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 would like to change her vote to yes on the warrant article for - **KEYES PARK EXPANSION COMMITTEE PROJECT CAPITAL RESERVE**. The vote will now be 3/2 in favor. Chairman Daniels said he would write the minority report.

5. TOWN STATUS REPORT - N/A

6. DISCUSSIONS:

a. Fund Balance Discussion - Paul Calabria, Finance Director said this is no longer necessary with the Board's action on the First Responders Communications Network warrant article.

b. Town of Milford Policy on Electronic and Telephone Communication (Social Media)

Selectman Labonte referenced section J. c) conducting a political activity or private business. If something is posted on a town Facebook page saying vote yes on a warrant article, is it considered a political activity? Chairman Daniels said we use social media to inform the town's people of what is going on including using the voters guide to profile candidates for Town elections. If you were going to change the definition it would not endorse or work against candidates.

Selectman Labonte said last year a flyer was put out with private funds and in his opinion, it had misleading and inaccurate information on it. It's still on the town's website today. He referenced another flyer put out recently and asked if it was put out by a private entity.

Selectman Dudziak said she reviewed the policy and the flyer and it isn't in violation of the policy, it isn't political. It's governed by section 6, town posted information. There hasn't been an issue in the past when other departments have posted this type of information. You are not taking a position on a candidate to vote for. It doesn't make sense that a warrant article supported by most of this Board and all of the Budget Advisory Committee can't be promoted on a town social media page.

Tim Finan, Milford resident, was the original writer of that policy ten years ago. What is appropriate or not appropriate on social media changes daily. He reviewed the old minutes and based on what was said by Selectman Dudziak and Selectman Labonte, the general discussion was to make sure candidates running for Selectmen were not advocated by any departments in general. Promoting warrant articles is a different story because once an article is voted on; it is the position of the town. Advocating for a warrant article that the majority of the Board supported is no different than supporting any position the town takes, like closing town hall due to COVID. It's the position of the town and not political. If an article wasn't supported by the Board and some department went forward to support it, that would go against the stated position of the town.

Selectman Freel said this is a fine line. He's not sure we should be setting a precedence of allowing departments to do this. Selectman Labonte said he doesn't have a problem if all this information is put up on facebook pages as long as it's factual, take the opinion out of it. He said he brought this up last year and it didn't go anywhere. He asked who put the flyer up to vote yes on warrant article 3.

Chief Viola said someone from the PD, but it's his decision what goes up. He doesn't understand what the issue is because this has been done in the past. It was done last year. He thinks the Fire Department had a flyer when they were putting together the building addition.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 1/25/2021

Selectman Labonte asked who made the flyers. Captain Frye said CTA did. Selectman Labonte said a private company trying to get our work going forward is advertising on our website and is trying to get us to vote yes so they can gain money.

Captain Frye said a design company designed the flyers and paid for them, it wasn't paid for by CTA, they just gave them to us. It was done for public safety. Selectman Labonte repeated that there were things put out last year. Selectman Dudziak asked if Selectman Labonte is suggesting that the flyer being put out this year is not factual? Selectman Labonte said he didn't know, there hasn't been enough number released for him to answer that question. He said the information from last year in his opinion wasn't correct.

Selectman Dudziak said he was insinuating that the flyer isn't factual and he indicated that he didn't have a problem with anything put out there as long as it was factual information. To her, you are suggesting that this flyer is not based on facts. Selectman Labonte said he's referring to the "vote yes on 3" that is inappropriate. Further in the policy, it discusses the use of titles and town images is prohibited. If CTA got the flyer, it wasn't the town so that is someone else using our logo, correct. Chairman Daniels said he wouldn't say it was correct, that they would just do it without our permission to do that. Selectman Dudziak agreed.

Kevin Federico, Milford resident, said whether it's factual or not factual is just the opinion of people throwing their opinions around. Since the social media policy came out 10 years ago in the history of the last 7 to 10 years has been that when the Fire Department supports a new fire truck, they put it on facebook. When the ambulance service supports a new ambulance, they put it on facebook. When the library supports a \$5,000,000 renovation, they put it on facebook with all of the designs and supporting documentation that the supporting companies have given to them. You are not setting a precedent, what you would be doing by changing anything at this point is going against the precedent that has already been set. Departments don't support people but if it has a majority vote of the Board, the Board supports it, the town supports it, and there is a majority and minority for everything and both should be able to be posted.

Mike Thornton, said he understands that a private contractor is posting information that lets them draw profit. Administrator Shannon said he keeps hearing about information not being posted, if you go on the town's web site under deliberative, there are three documents all related to the numbers on this flyer. Minutes have also been released with all the numbers associated with these flyers. Selectman Labonte asked about videos. Administrator Shannon said he would get that information from Chris Gentry.

Chief Viola said the flyers were approved by us. We didn't pay for anything. It was meant to bring the facts out for the voters to see. Selectman Freel said he would want to know if his departments support this article before going into the voting booth. People should know if the departments are or are not in favor of something. He just wants to make sure that we are following the law. Maybe they don't say "vote yes" but we support this, it all means the same thing.

Selectman Labonte repeated that he has no problem putting the information up, he just didn't want a repeat of in his opinion, what happened last year. He has a problem of saying "vote yes".

Selectman Dudziak made a motion that the flyer posted on the social media page for warrant article 3 indicating vote yes, does not violate the town's policy on Electronic and Telephone Communication. Seconded by Selectman Dargie.

Captain Frye said the information on the flyers is nothing new than what we've been saying all along. CTA didn't pay for these flyers to be made. They were around when the previous flyers were made and they took it upon themselves to ask if we wanted help with the flyers. The designer donated their time and donated their print materials.

Selectman Freel asked if there was a way to reword this so it can be just okayed by us? He questions the legality of it. Chairman Daniels said the question is, do you feel that it's inappropriate that the flyer has been posted. Selectman Labonte said it's also about employees using themselves as spokespersons for the department. Administrator Shannon said it's not a question of legality, this is a town policy and the Board doesn't even sign off on it.

Selectman Dudziak called the question. 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.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 1/25/2021

Selectman Labonte asked if the brochures/flyers say who they were created by on them since they were not created by the Town of Milford. Chairman Daniels said it would be up to the Board to decide.

A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Selectman Freel no, and Chairman Daniels yes. The motion passed 3/2 with Selectman Labonte and Selectman Freel opposed.

Selectman Labonte made a motion that any information put out by the Town of Milford states who it was used by. Tina Philbrick, Milford resident, said she didn't think it would be fair to tell a private entity that is giving us flyers for free, what they can and can't put on their flyers. If they don't want to put their name on them, they shouldn't have to. We already have these flyers so in her opinion, they are grandfathered. Selectman Labonte said if this was the company that has a bid in with the Town of Milford that has a chance to proffer from its passage, he doesn't feel it's appropriate. Tina said it wasn't that company that made those flyers, someone made them for them. There was no second on Selectman Labonte's motion so it failed.

c. Selectman Rules of Procedures – Tabled from January 11, 2021

Administrator Shannon referenced rule 15 which reads that the Board recommends or not recommend it doesn't say anything about doing vote totals which we do. Does anyone want to make that adjustment? Selectman Dargie noted that Administrator Shannon has an outdated copy. This was already changed. The last sentence reads "The Board of Selectmen does not recommend this article (x-x) (yes-no)" and the yes or no should be added to all the articles.

Administrator Shannon referenced rule 29 deals with how you call out town staff in public forums, like criticism of their performance; it should be in a non-public session and not in public. He just wanted to mention that this happens sometimes. Part of his job is to advocate for his staff and pass on their concerns. He wants to make sure this is done in the proper place. Chairman Daniels said it's also statutory language.

Chairman Daniels thought we should add virtual meetings under meetings of the Selectmen. We are currently operating under emergency orders and there are bills that would allow Boards to choose whether to continue doing virtual meetings going forward.

Selectman Labonte said he understands where Administrator Shannon is coming from, but it works both ways and the he expects to be treated the same under the same rule 29.

Selectman Dargie said in regards to virtual meetings after the Governor's emergency orders are done, you will have to follow the laws on having regular meetings. Chairman Daniels said there is a bill going through legislator that would allow governing Boards to continue virtual or hybrid meetings after the state of emergency is removed. We usually have fewer people at regular Board meetings and we have about 40 at this zoom meeting. Selectman Dargie feels we should wait on this until we know what RSA's are enacted.

7. PUBLIC COMMENTS: - Jennifer Segrest, Milford resident, wants to know why there are so many warrant articles and what's required during this economic downturn we are experiencing right now. There are struggling families in town with people either unemployed or underemployed. She's asked the Selectman to consider these people when they make their decisions.

She is also concerned that the Selectmen haven't discussed the emergency executive order that allows towns and school districts to postpone their Deliberative sessions. She also questioned item 1 on the consent calendar, Approval of Intent to Cut Wood or Timber, Map 51 Lot 23, she didn't understand the heading on the fourth page.

Marti Noel, Assessing Director said that is for the Board to allow the tax collector to send a warrant, it's not "the warrant". Administrator Shannon said what Jennifer was referring to was the top of the page where the letterhead will go once this is approved. It's an example that will be replaced with town letterhead. Tina said it's a boilerplate form that gets changed with its complete. Marti said page 4 will be replaced by the final version from the tax collector when she submits the final warrant. Tina said the Board doesn't sign that page, it's a reference page, they sign two pages before that. Jennifer was still confused. She asked if the Selectman usually have any issues with the town employees changing things that they've already approved. Marti said page four will not be changed. The three pages before that are used for the tax collector to create a tax warrant. The last page was submitted as an addendum and it won't make any difference.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 1/25/2021

David Wilson, a Milford resident, mirrored Jennifer's concerns about postponing the Deliberative session. Other towns like Amherst have changed their dates. He feels it would be better for Milford to postpone when it's warmer to get a better turn-out.

Selectman Freel is not in favor of changing the dates for Deliberative and voting. Paul Calabria said all departments would be held accountable to hold their spending and they would have to hold off on any bigger purchases. Chairman Daniels said currently under our fiscal year, the town must go a quarter without a budget. Extending out to May would cause them to go five months without a budget. Not everyone will be happy with whatever we chose to do. The Town Moderator does everything he can to keep the safety of the townspeople first and foremost.

Captain Frye said the Town Moderator has a good grip on how to keep people safe and the voting in November went very well. Arene Berry, Recreation Director said that the town of Amherst has not made the decision yet to change their voting date, it's being discussed and voted on tomorrow night.

Pete Basilier, Town Moderator, said Mont Vernon and Amherst will be postponing.

8. SELECTMEN'S REPORTS/DISCUSSIONS.

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

State Representative Maria Periz asked if there was any way we can make accommodations for people who don't feel comfortable going to the elections in March, like a drive-thru or something. Chairman Daniels said they are working closely with the Town and School Moderator and they will do something similar to the elections last November which worked out well.

b. OTHER ITEMS (that are not on the agenda). Chairman Daniels wanted to discuss the purchasing policy ie: purchasing without specific authority. For example, if you had a \$30,000 vehicle that requires the Boards approval to purchase that but you could get \$7,000 as a trade-in, which now brings it below the \$25,000 requirement, do you still need Board approval. Should you be looking at the \$30,000 or the \$23,000.

Selectman Labonte said you are always going to have a purchase price using discounts and or trade in's. and there is a dollar amount already in there but it needs clarification. Selectman Freel would support language for the "gross" amount of the purchase with a \$25,000 cap.

Administrator Shannon referenced section 8. (c). Disposal of Surplus Property: The Department Head must present any property (non-real estate), which is considered to be surplus and valued at over \$500, to the Town Administrator with a recommended method of disposition for approval. Various possible disposition means are the sealed bid or auction process, State surplus auction, trade-in usage, retained for usage as parts, or transfer to another Town Department. Selectman Freel's suggestion would solve the problem that we are discussing. Chairman Daniels agreed.

Selectman Labonte said over the years the purchase, what the check was cut for was under one level but what the trade-in, (gross price) was still above that. Chairman Daniels asked Selectmen Freel if he wanted to make a motion about the gross amount. We can make the recommendation this time and vote on final approval next time so people will have time to review the policy.

Selectman Freel made a motion support language for the "gross" amount of the purchase with a \$25,000 cap. Seconded by Selectman Labonte.

Selectman Freel said he would hope we would try to get the best trade-in or value amount as possible. Chairman Daniels said he feels that the department heads are working in the best interest of the town.

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.

Selectman Freel said there is a guard rail that was damaged on Mountain View Court and asked if it will be replaced soon. Rick said he would take care of it.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 1/25/2021

9. APPROVAL OF FINAL MINUTES - Selectman Dargie moved to approve the minutes of January 11, 2021, and January 11, 2021, Budget and Bond Hearing. 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.

a. N/A

11. NOTICES. Notices were read.

12. NON-PUBLIC SESSION. A motion made by Selectman Dudziak to enter into a non-public session at 8:50, in accordance with (RSA 91:A:3,II (a)) Personnel and (RSA 91:A:3,II (b)) Personnel. 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 two decisions. The non-public minutes were not sealed.

13. ADJOURNMENT: Selectman Dargie moved to adjourn at 9:00 pm. 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.

Gary Daniels, Chairman

Chris Labonte, Member

Paul Dargie, Vice Chairman

David Freel, Member

Laura Dudziak, Member