

**APPROVED**  
**originally in non-public Minutes of the Milford NH Board of Selectmen –**  
**not sealed**  
**July 26, 2021**

**Members Present:** Gary Daniels, Chairman X  
Chris Labonte, Vice Chairman X  
Laura Dudziak, Selectman X  
Paul Dargie, Selectman X  
David Freel, Selectman X

**Motion to enter Non-public Session** made by Selectman Dudziak and seconded by Selectman Dargie.

**Specific Statutory Reason** cited as the foundation for the nonpublic session:

\_\_\_\_ RSA 91-A:3, II (a) Personnel. *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

\_\_\_\_ RSA 91-A:3, II(b) Personnel. *The hiring of any person as a public employee.*

\_\_\_\_ RSA 91-A:3, II(c) Reputation. *Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.*

X RSA 91-A:3, II(d) Land Acquisition. *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*

\_\_\_\_ RSA 91-A:3, II(e) Legal. *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

\_\_\_\_ RSA 91-A:3, II(i) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*

\_\_\_\_ RSA 91-A:3, II (l) *Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.*

<b>Roll Call vote</b> to enter nonpublic	Gary Daniels	<b>Y</b>
	Chris Labonte	<b>N</b>
	Laura Dudziak	<b>Y</b>
	Paul Dargie	<b>Y</b>
	David Freel	<b>Y</b>

**Remove public meeting tape** (if applicable).

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**Entered nonpublic session at 6:33 p.m.**

Other persons present during the nonpublic session: Town Administrator John Shannon,  
Tina Philbrick, Captain Frye, Chief Ken Flaherty, Chief Mike Viola, Mr. Bartlett 2 Way,  
AFSME Representative and HR Director Karen Blow.

Description of matters discussed and final decisions made. **Note:** Any votes taken must be recorded "in such a manner that the vote of each member is ascertained and recorded":

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**(RSA 91-A:3, II (d)) Land Acquisition** – Bill Bartlett, 2 Way Communications, provided the Board with 1 summary sheet and three CONFIDENTIAL pricing sheets to review as a scaled-back version of the larger picture. The intent is to get a foundation for improvement.

Chairman Daniels said they previously talked about a process to implement a solution, the first being what to do with infrastructure then switching out other equipment. Mr. Bartlett said it included doing some of what you just said at the same time. Some of the equipment is obsolete or end-of-life and needs to be replaced. The lack of infrastructure also needs to be addressed.

Chairman Daniels asked what the figures would be if we ended up going with Crown Castle. Mr. Bartlett said he's helped with the initial process but he doesn't know the fees for Crown Castle.

Administrator Shannon referred the Board to the memo. If the Fire Department receives a grant for around \$230,000 the price will be \$453,083 and without the grant, the price will be \$681,888, to put phase I into effect. This includes the lease on Crown Castle.

Selectman Labonte asked why we were focusing on 4 departments when the issue is with the Police Department. Administrator Shannon said we have 4 departments that need the fix and we have the opportunity to do that now. It's better to do them all at once. Mr. Bartlett said that's true if the goal is to get everyone on the same platform. Piecemeal will be more expensive in the long run. Developing all 4 at once saves a lot of steps.

Selectman Labonte said funding is a problem. Administrator Shannon said he doesn't see it as a problem right now with this price and ARPA funding. Town Council said if we needed to go into the fund balance, we need to send a letter to the DRA, no town meeting is required. We have many options. We have an opportunity with ARPA that we didn't have in the past. The lower number in phase I makes it feasible to move forward.

Selectman Dargie asked was the probability of getting the grant money and when will we find out. Chief Ken Flaherty said he's been 100% on his grant writing but they can't tell him if he will get it. He feels good about it. It was supposed to be awarded by now but there was a technical glitch so it's been pushed to August or September.

Selectman Freel asked what the grant was for. Chief Flaherty said it's a federal grant for radio replacement for the Milford Fire Department. The grant will cover just the fire department radios, no infrastructure. Selectman Freel asked if we were at \$200,000 for just the fire department radios? Chief said \$228,000 it's strictly end user radios, not repeaters. In 2004 all of our radios were at end of life. We have to do a 5% match of about \$15,000. This doesn't address Federal Hill where his mobile repeater system sits and they have to keep fixing because rodents and kids keep breaking in. Crown

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91 Castle is a more secured site with one platform and we can keep Federal Hill as a backup site for the  
92 town so we don't lose it and that will start the second phase for the town.

93  
94 Selectman Labonte clarified that he isn't against all of this. Selectman Freel asked, "why wouldn't you  
95 use the grant money to put it towards the fire department radios". Selectman Labonte said we can use  
96 the grant money towards the radios even if we do a 1 site system. Chief Flaherty said his grant is  
97 digital platform P25. If he applies for a grant, it has to be compliant.

98  
99 Selectman Freel said it's a wash to get the Fire Department on board because they are using their  
100 grant money, why take it out. Selectman Labonte asked if the grant was applied for in March or April.  
101 Chief Flaherty said it was applied for in November. Selectman Labonte said so, it was before any of  
102 this.

103  
104 Selectman Labonte said he's all for upgrading everything but it's a transparency issue to the town to  
105 do this behind closed doors. He said that it's obvious by what Administrator Shannon said, that there  
106 is no intention of doing an RFP process. Administrator Shannon said that Selectman Labonte is  
107 putting words in his mouth. Selectman Labonte said the implication was there when the Town  
108 Administrator said we could work a deal with 2 Way with half this year and a half next year.  
109 Administrator Shannon said it was suggested as an option. The last time we did an RFP, it took a  
110 month or two to write it, it was open for about 4 weeks and then it's awarded. So now you are waiting  
111 until Christmas.

112  
113 Selectman Labonte said Jeff Marshall said RFP could be written in no time. Chief Flaherty said that  
114 Jeff has never been awarded any grants so he isn't sure why he would say that without asking him  
115 first. He should know better and he is speaking out of turn. Selectman Labonte said Jeff never made  
116 any indication that he could write it, he said it could be written in no time. Chief Flaherty said he  
117 knows that his grant could be awarded at any time. This would solve all of our problems and put  
118 everyone all on the same frequency. We keep going back and forth with dispatch being the problem  
119 but this addresses everything to fix Milford's problems. We can now move forward. Selectman Freel  
120 said we are not 100% sure it will fix everything, but it will be way better.

121  
122 Mr. Bartlett said we are not expecting this to fix 100% of the problems, but it will fix a big piece of it  
123 and make improvements that will rapidly increase safety. As for the procurement, he wants to make it  
124 clear that the equipment that he proposed is Motorola geared. You went through an RFP process and  
125 based on the size and complexity of your system that was proposed through that process and there  
126 are only two real manufactures that could answer the call, and they did. In the end, Motorola turned  
127 out to be the best answer. He believes that the Town wants to work with Motorola. What was  
128 proposed was Motorola equipment that was on that RFP process. You won't be buying this  
129 equipment from 2 Way, all he did was put together the equipment list. The invoice will come from  
130 Motorola. 2 Way would likely be the choice of vendor to implement this solution, but because it's  
131 Motorola there are other options.

132  
133 Selectman Labonte asked Mr. Bartlett to elaborate on what he suspects the next phases to be and the  
134 time frames that they should happen. Mr. Bartlett said he can speculate and give his opinion. In the  
135 short term, he would see a site being necessary downtown. He doesn't know what the future is. Is  
136 there going to be a dispatch component to this, or is Milford going to dispatch for themselves? He  
137 feels that this not only helps to improve the level of service that Milford gets from the infrastructure, it's  
138 also an opportunity to increase the services that are being performed by MACC Base. It may lead to  
139 better service from MACC Base and ease the tension so they can go on serving the town. This

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140 system is something that can be expanded on to where it serves Milford and all other MACC Base  
141 agencies.

142  
143 Selectman Labonte said if something happens to the signal, the MACC Base Director said it would be  
144 tough to go back to the old way. Mr. Bartlett said yes it would, for the coverage you have today. You  
145 would have to revert to the way things are currently and he doesn't think anyone wants to do that.  
146 Redundancy is important so maybe in Phase II we decide that is the best route to go and attack it first.  
147 He doesn't know how to answer that. He isn't paranoid about the loss of resources because the  
148 equipment will be new and supportable. What is Phase II can be weighted in our decision making.

149  
150 Selectman Labonte said phase I is laid out but we don't know what the cost of phase II is, what  
151 happens if it becomes another half a million dollars. It's a money thing. Why is the whole plan not  
152 being laid out in the beginning instead of just phase by phase?

153  
154 Mr. Bartlett said he wouldn't view it as a money pit, it's about priorities. His job as an advisor is to sit  
155 with you and weigh the cost versus the benefit. We can put dollars to it and he would duplicate Crown  
156 Castle downtown and you already know what those numbers are. We know that we have challenges  
157 downtown; there is no tower and no way to get height so we have to factor in that cost. There are  
158 different options, it won't be inexpensive. We can spend money wisely; we don't have to burn it. He  
159 doesn't see us building out what was in the RFP especially with the fate of MACC Base being in the  
160 balance. Milford is looking for a quality of service out of MACC Base and if that can be achieved then  
161 he doesn't see why the cost of moving would be a benefit. The RFP was soup to nuts, everything that  
162 Milford would need, and then some to be standalone, efficient, and safe. His target would be to  
163 duplicate the RFP but some pieces may not be needed.

164  
165 Chairman Daniels said they need to decide whether or not to go sole source as it's been presented to  
166 us or go out with an RFP. If we are going to go sole source, there isn't any reason to be in non-public.  
167 Mr. Bartlett agreed. You have to go through a vetting process. For him to get the best value out of a  
168 design would be to avoid the RFP process. You've seen the complications. RFPs become about  
169 what you've published and answering that critique. You get what you ask for and nothing else. He  
170 recommends a strong vetting process, which you've done. Motorola was the choice. He suggests  
171 having someone keep an eye on the project, an independent consultant, or someone who can  
172 evaluate what we put forward.

173  
174 Selectman Dargie clarified that what Mr. Bartlett was proposing was a subset of the proposal of part  
175 of the winning bid. Chairman Daniels said yes. Selectman Dargie said we kind of went through an  
176 RFP process and this is a result of the RFP process. He would be in favor of hiring CTA to review this  
177 and come up with a plan with where we are headed. One question would be if we want to stick with a  
178 public grade system or not. Warrant Article 3 was to make it to NFPA 1221, if we drop that as a  
179 requirement, and stick with working in the town hall, what would the implications be. He trusts CTA  
180 and they did a quality job and know what they are doing.

181  
182 Selectman Freel doesn't feel that is necessary to hire CTA. CTA stood to make money off of this.  
183 Maybe hire someone else. Chairman Daniels questions taking someone else's numbers and giving  
184 them to someone else and saying, "what can you do with these"?

185  
186 Mr. Bartlett said he thinks the firm that did the RFP was certainly qualified but there are local people  
187 that we can trust that we have worked with before. We can find local industry experts that can guide  
188 us.

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190 Selectman Labonte said he doesn't see backup generators on the list. Mr. Bartlett said battery  
191 backup is included. A generator would be a good long-term goal. Selectman Freel asked how long  
192 the battery last. Mr. Bartlett said it can be scaled for a couple of hours, long enough to get a generator  
193 in place. The equipment can be programmed longer. It's something short-term.

194  
195 Selectman Labonte said he assumes there will be no backup generator at Federal Hill. Captain  
196 Flaherty said they already have one up there. Selectman Labonte said you will need a backup  
197 generator at Crown Castle. Selectman Freel asked if you lost power up there for more than 3 or 4  
198 hours, you're out. Captain Flaherty said they have batteries on their equipment. Captain Frye said  
199 MACC Base has a generator here and on Pead Hill. The other three antennas are all battery-  
200 operated. Mr. Bartlett could price it out to configure longer-lasting batteries.

201  
202 Mr. Bartlett would recommend adding a generator and there is grant funding available for that.  
203 Generators are important to this type of project.

204  
205 Chairman Daniels asked if there was anyone on the Board that feels that the presentation given to us  
206 is not workable. Selectman Freel and Selectman Dudziak are fine with the presentation. Selectman  
207 Labonte said any number is workable. This is workable as step one, he would like to see what step 2  
208 is and what the projection would be. The price could be bigger.

209  
210 Chairman Daniels's question is, do we need to go out with another RFP to get a quote. Selectman  
211 Freel and Selectman Dudziak said no.

212  
213 **Selectman Dudziak made a motion to go sole source with 2 Way. Seconded by Selectman**  
214 **Freel.** There were questions on whether this should be continued in public.

215  
216 Selectman Freel said he still had questions on how it would be funded. Administrator Shannon said  
217 we have the ARPA funding. Selectman Freel said Water Utilities needed \$510,000. Administrator  
218 Shannon said we have \$860,000. This leaves \$350,000 for other projects. Selectman Labonte  
219 objected to any additional conversation on this in a non-public meeting.

220  
221 **Selectman Freel made a motion to come out of non-public. Seconded by Selectman Dudziak.**  
222 **All were in favor. The motion passed 5/0.**

223  
224 **Selectman Dudziak made a motion to go sole source and approve the quote from 2 Way.**  
225 **Seconded by Selectman Freel.**

226  
227 Selectman Dargie said he would like to make copies of what we have and distribute them to the public  
228 after the motion is approved. Chairman Daniels said they would post it on the website and take it up  
229 in further detail. Selectman Labonte asked how will this be funded should the motion pass.  
230 Selectman Dudziak said they have to vote on the motion first. Administrator Shannon said that is  
231 another decision that the Board has to make. Chairman Daniels said there are numerous decisions  
232 that have to be made. We are trying to take a step so that the public can know what is going on.

233  
234 Selectman Dargie said what has been presented is a subset of CTA's proposal. All this equipment  
235 selection is consistent with that RFP process. For him, that is an important consideration in regards to  
236 sole sourcing. Selectman Labonte said it's a partial subset; there are still many features not in the  
237 equipment list. Selectman Dargie said by definition, a subset is partial.

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**Selectman Dudziak made a motion to go sole source with 2 Way. Seconded by Selectman Freel. The motion passed 4/1 with Selectman Labonte opposed.**

Chairman Daniels said at this point, he would like to set this aside. They will put the information on the website and when we meet next time, everyone will have the same figures and we can continue. Administrator Shannon said some of the sheets are marked confidential and he would like to check first before posting that information. We need a clean copy that doesn't have confidential written across the front of it.

Selectman Freel said he believes they concurred that the Crown Castle Emergency Management Communications Antenna in the ARPA list for \$130,000 would be part of the 2 Ways quote. Administrator Shannon said yes. The ARPA listing will be updated for the next meeting.

Selectman Labonte asked what number did the motion approved. Selectman Dargie said it deepens if we get the grant or not. Selectman Freel said we approved the quote that 2 Way gave us for \$681,885 and if we get the grant for \$238,000 then that is a bonus.

**Chairman Daniels said we need to go back into non-public under all the things we mentioned before except for (RSA 91-A:3, II (d)) Land Acquisition. A roll call vote was taken, Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0. At this time the Board went back into non-public under RSA 91-A:3, II(I) Consideration of legal advice provided by legal counsel.**

***Note:** Under RSA 91-A:3, III. Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by a recorded vote of 2/3 of the members present, **taken in public session**, it is determined that divulgence of the information likely would affect adversely the reputation of any person **other than a member of this board**, or render the proposed action of the board ineffective, or pertaining to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.*

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

**Nonpublic meeting tape removed, public meeting tape replaced (if applicable).**

**The public session reconvened at 7:35 p.m.**

In non-public, under RSA 91-A:3, II(b) Personnel and RSA 91-A:3, II(c) Reputation, the Board made decisions to approve minutes. The Board did not seal the minutes pertaining to RSA 91-A:3, II(d) Legal.

**A motion was made to seal the minutes relative to \_\_\_\_\_ If so, motion**

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made by Selectman \_\_\_\_\_, seconded by Selectman \_\_\_\_\_, because it is  
determined that divulgence of this information likely would:  
\_\_\_\_\_ Affect adversely the reputation of any person other than a member of this board  
\_\_\_\_\_ Render a proposed action ineffective  
\_\_\_\_\_ Pertains to the preparation or carrying out of actions regarding terrorism  
\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

<b>Roll Call Vote to seal</b>	Gary Daniels	N/A
	Chris Labonte	N/A
	Laura Dudziak	N/A
	Paul Dargie	N/A
	David Freel	N/A

**Motion: PASSED 5/0**

**These minutes recorded by Tina M. Philbrick**