

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING 5<sup>TH</sup> MONDAY FORUM

June 29, 2020

This meeting was conducted pursuant to 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# 893 1515 6853 and the password is 773938, or join the Zoom Meeting @ <https://zoom.us/j/89315156853>. 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 John Shannon, Town Administrator  
Paul Dargie, Vice Chairman Andrew Kouropoulos, Videographer  
Laura Dudziak, Member  
Chris Labonte, Member  
David Freel, Member

**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 three to five minutes per person. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from the meeting.

All votes that are taken during this meeting must be done by Roll Call vote. He started the meeting by taking roll call attendance. He asked each member 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: Paul Dargie, no one present. Selectman Labonte, no one present. Selectman Freel, no one present. Chairman Daniels, present was Andrew Kouropoulos, videographer.**

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

**7:00 p.m. Keyes Pool Opening** – Administrator Shannon said there was an offer of possible funding to help fill the pool. The cost is outlined below.

POOL WATER							
COMPANY	COST PER LOAD	GALLONS PER LOAD	GALLONS NEEDED	TIME TO FILL	BEGIN	TOTAL	NOTE
FORTIN POOL WATER	\$290.00	6,000	300,000	3-4 DAYS	7/7/2020	\$14,500.00	
FRANCOEUR BROTHERS	\$334.00	8,500	300,000	3-4 DAYS	7/13/2020	\$11,788.24	
LAWERENCE TANK	\$425.00	8,000	300,000	3-4 DAYS	7/7/2020	\$15,937.50	
WENDELL'S POOL WATER							CAN'T DO
BOB'S POOL WATER							MACHINE NO ANSWER

Other issues/risks will be finding certified life guards and applying social distancing rules. The system will also need to be tested because it's new. Arene Berry, Recreation Director, said staff members had been told they had a job and then they didn't. Red Cross isn't doing any certification classes so we are unsure of how many life guards we will have.

Wade Scott Campbell, Milford resident said the Granite Town Festivities Committee's offer still stands to pay to fill the pool. Selectman Freel doesn't understand why we are not just opening the pool. On June 5<sup>th</sup> the Governor said it was up to the local towns to determine if they want to open pools. We should have been getting the pool ready. Now people are saying there might not be enough time and using the water ban as an excuse.

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Selectman Dargie isn't in favor of opening the pool. The social distancing will be difficult to monitor. Administrator Shannon said we started discussing this in May and we've been ready to turn it on. The goal was to open July 1<sup>st</sup>. It's isn't a planning issue on our part, it is the fact that we don't have any water that changed our plans. We also don't know how much revenue we are getting back due to COVID-19 so we were being fiscally conservative. Money to pay for the water was offered at the Board meeting on June 22<sup>nd</sup>. Staff has been doing what they need to be doing. If we use the money from Granite Town Festivities Committee, the Board has to accept those monies and rules have to be followed.

Selectman Freel said June 11<sup>th</sup> the Governor allowed the pools to open which was before the water ban, why was it not opened before then. Administrator Shannon said at that time social distancing limits were still in place. When the pool opens we will have rules that will have to be followed. The number of people going in will be limited, time will be limited and chairs will not be provided, they will have to be brought from home.

Janet Langdell, Milford resident said the social distancing part can be managed, but she's concerned about the testing of the new system, it's been delayed. When will the testing be done? Administrator Shannon said it was previously scheduled for June 24<sup>th</sup> and we were planning to open on July 1<sup>st</sup>. The water ban went in place prior to the 24<sup>th</sup> so we couldn't test the system. Janet said that's a critical piece of this discussion.

Ken Flaherty, Milford Fire Chief said for clarification, the Governor said June 15<sup>th</sup> the pools could open up. We were all actively involved to get that on schedule.

Chairman Daniels asked, "What was the expectation of the Granite Town Festivities Committee for the money they are planning to donate and where is the money coming from. Wade said vendors. This money is left over from last year. Ninety percent of our income is from vendor spots. Chairman Daniels asked how many people would be allowed in the pool at a time and how will things be scheduled. Arene said they will setup so that people can reserve a 9x10' square (pods) on the deck and a family of up to four can reserve one. There are 25 pods on the deck. Per square foot we can do 200, but the Fire Chief suggested cutting it to 100. We are only going to try it out at 80 people until we can see how it goes for social distancing. Reservations will be done online for up to 1 hour and 15 minutes. We would empty out and shut down for 15 minutes for cleaning and then the next group could come in. We have slots setup for five 75 minute slots a day.

Chairman Daniels said if you had a group of 150 interested in getting in, is it first come, first serve. Arene said yes, the first 100 would be let in and the next 50 will get first choice the next time slot. You can't just show up and expect to be let in unless there is an opening. If we don't open until later, we will also have to look at what we charge because the season is half over.

Selectman Dargie made a motion to not open the pool this summer. Seconded by Selectman Dudziak. Selectman Dargie said there will be too many issues. Selectman Labonte asked if the staff was ok with having the pool up and running, what is their recommendation. Arene said in May that if we were not able to open by July 6<sup>th</sup> it would not be worth it. Selectman Freel asked if it was worth opening for the kids in the town that want to use it. Arene said if you are not looking at the financial part of it, there are a lot of things we can do for the town. Selectman Freel said we are not doing anything this year and if this can work, it's worth it. If it can work for four or five weeks you are providing a service that was in the town budget and testing the system. The Governor is allowing us to open and it's there so we should use it. He feels like we've taken everything away from the town this year. He would be happy with five weeks out of the pool.

Selectman Labonte asked what DPW and Administrations' take on it. Rick Riendeau, Public Works Director, said he did his number on cost and they were at \$23,000 to run it for eight weeks, not including winterization. He was concerned about spending the money because of COVID-19 and the possibility of not receiving the taxes that we usually get. He will go whichever way the town wants him to go. Selectman Labonte asked if the new system doesn't get used, would the warrantee be extended. Rick said yes.

Administrator Shannon said he and his staff planned and presented what they had to include the risks, risk mitigation and a new way for the pool to function. His first consideration is to the town and tax payers especially with the uncertainty of the way things are going right now with respect to revenues. Just because the Governor gives us permission to do something, doesn't mean it's the right thing to do.

Janet Langdell said she is 100% for opening the pool and asked about the warrantee for the new system. Rick said the warrantees are fine and they will extend it.

Selectman Labonte asked what Selectman Dudziak feels about this. Selectman Dudziak said we don't know how many weeks it can be open, we don't know if we will have enough staffing and there will still be social distancing issues. As far

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as the money being donated, she understood that the Pumpkin Festival was supposed to be self-funding next year and is that still going to happen with them giving us their money? There are too many unknowns. Selectman Freel feels they can get the staffing. Arene said last Monday she had the staff all set to go. She has no idea if they are still available after telling them no again last week. She is worried about staffing for 2021 due to what has happened this year.

Selectman Freel said if we said tonight, it's a go, when can we open, he doesn't feel there are any risks. Administrator Shannon said maybe between the 18<sup>th</sup> and 22<sup>nd</sup>. That puts water in the pool and we still have to test it; there are risks involved. There is more involved than just water for the pool. Selectman Freel asked how much was in the budget for the pool? Administrator Shannon said there isn't a lot for pool operation, it's in the DPW budget. The pool cost is based on full cost of pool use and we can't charge people full cost for four or five weeks of use. The revenue will be decreased.

Selectman Labonte said he thought pool passes go into the Recreation Fund. Arene said no they don't, they go to the town. Registrations for all programs go in the Recreation Fund. Administrator Shannon said its risk management. How much risk are you willing to accept, be it COVID 19, money or whatever to get the pool up and running.

Chairman Daniels asked how long it takes to test the pool. Rick said the contractor needs a couple of days to finish with the equipment and initial startup. We usually run the pool about a week before it's up and running. Chairman Daniels said it would be July 25<sup>th</sup> at the earliest. Selectman Labonte asked if the Pumpkin Festival would be coming back in March for another warrant article. Wade said no. Selectman Labonte asked when the pool usually closes. Rick said about the day before school starts, when the staff has to be back at school. Arene always says that the pool will close around the third Sunday in August but we sometimes extend it about another week depending on the staffing. Milford school starts August 26<sup>th</sup> this year.

Jason St. Jean, Milford resident, asked if they have heard if the college kids are even going back to school and would we be able to extend the pool until Labor Day. Arene said she hasn't got that far yet and doesn't think the college kids know yet. Selectman Dudziak said she understands that it's up to the individual colleges to make that decision. Jason asked if they could wait to make the closing decision on the pool until they know about the college kids who are going back to school. Administrator Shannon said that is normal course of action.

Selectman Dudziak said if the pool opens on July 25<sup>th</sup> it gives us three to four weeks. Jason said that is an eternity in the hottest part of the summer especially this year where there isn't anything else to do. Selectman Freel said its 28 days, half the summer and maybe up to 35 days. For us to take that away when it's isn't going to hardly cost us anything because maybe we don't want to go through and work a little bit harder is wrong. Administrator Shannon took offense at Selectman Freel's comment. He said this has nothing to do with whether or not he and staff are willing to work hard. We have been working hard trying to get the pool open. There a lot of things that are closed due to COVID-19 and that needs to be taken into consideration. The risks have been laid out; it's up to the Board at this point.

Jason said private clubs have pools and we can reach out to them to see how they are doing. Have we reached out to private clubs in the area? Administrator Shannon said they have and others have reached out for our plans. We are sharing information. Selectman Freel asked to do the vote. Chairman Daniels is willing to go along with opening as conditional as long as everything is in place by July 25<sup>th</sup> and not beyond that.

A motion was on the table to not open the pool. Selectman Dargie, yes. Selectman Dudziak, yes. Selectman Labonte, no. Selectman Freel, no. Selectman Daniels, no. The motion failed 3/2 with Selectman's Labonte, Freel and Daniels opposed.

Selectman Freel made a motion to open the pool as long as it can be opened by the 25<sup>th</sup>, staff is hired, water is in place and testing is complete. Selectman Labonte seconded. Administrator Shannon said will move forward as soon as a decision is made. Selectman Freel said you can't stop and get back to us if the 25<sup>th</sup> isn't going to work. Administrator Shannon said there would be a couple of things that might slow us up, like if we can't get the contractor here or something is weird with the water, other than that they will move forward and try to open as soon as we can. Chairman Daniels asked Arene how many life guards she needs. Arene said she needs a minimum of eight. If she can't get eight, she won't be able to open every day. You can't ask them to work nine hours a day, seven days a week.

Rebekah Anderson, Milford resident, said she is a mom to two life guards and they are willing to work over the summer. A motion was made to open the pool by July 25<sup>th</sup>, providing staff is hired, water is in place and testing is complete, under the condition that the water is donated. Selectman Dargie no, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes and Chairman Daniels yes. The motion passed 4/1 with Selectman Dargie opposed.

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**7:50 Speed on Falcon Ridge** - Maggie and Rick Jones, Milford residents are asking for help with the speeding on their road. The police are not offering the help that they feel is needed. They asked us to walk with our cell phones and try to take a picture of the vehicles that are speeding. The road has also not been accepted yet. Captain Frye said the road hasn't been accepted which make it a legal problem for them. He will ask the other officers to have more of a presence in the area. Maggie said that was offered as well. Captain Frye said that is about all they can do. Chairman Daniels asked if there are speed limits on that road where it hasn't been accepted. Captain Frye said no, it hasn't been accepted. Maggie said it's a concern and feels it needs attention that there are children there.

Chairman Daniels asked if the town is intending to accept that road. Rick said yes. The contractor hasn't complied with finishing his end of the contract and then it needs to go before the Board. Selectman Freel asked if there was a way to get anyone for reckless driving in a non-town owned road. Captain Frye said it turns into an OHRV complaint. They will try to have more patrols up there. It's a cut through road. Chairman Daniels asked Captain Frye and Chief Viola to keep them informed of that area. Rick said he's been talking to the road owner for four years and there is only so much he can tell him.

**7:58 - Pumpkin Festival Update** - Wade Scott Campbell said they met with the Lion and Rotary Clubs about the scaled down Pumpkin Festival. The large pumpkins will be brought in. It will be a very small, back to the roots traditional pumpkin festival. It will be a Friday night and Saturday event.

Selectman Freel asked if the oval will still be decorated. Wade said they are still discussing those things but they don't know what is going on with the schools yet. They have to be careful that they are not pulling in large crowds.

**8:01** – Selectman Labonte brought up the radio transmissions problems and referenced e-mails from Captain Frye. He wants to know what can we do and what are our options if the portables are not working within 300 feet away.

Chief Viola said this has been a problem for a long time. They felt like the best fix would be an overhaul of the whole situation. It's always been a Band-Aid fix and if we Band-Aid it again, it's just going to happen again later. The Union came out at the last two deliberative sessions and also expressed their concerns.

Selectman Labonte said seeing these e-mails now put this town on notice that officers feel for their safety. Have those portables been sent out to be checked. Chief Viola said the portables are not the problem and if broken, we purchase new ones. It's the infrastructure that's broken. Selectman Labonte said portables go to portables to portable and it has nothing to do with MACC Base. Chief Viola said there is more to it than that. Selectman Labonte said a portable from 300 feet away is just like a fisher price walkie talkie talking to each other. Captain Frye said that has been brought up before CTA was brought in.

Cheryl Giggets, CTA Consultant said you need to go back to the system for a portable to work. You don't have the repeaters to do that in your current system. A vehicular repeater can only make a good system stronger to help your portables talk better. Your mobiles don't have a good enough system at this point.

Selectman Labonte said when he's home or in his vehicle, he has a scanner in his truck, when he hears an officer on his portable, it isn't going through MACC Base it's coming directly from that officers portable. Selectman Freel replied or a tower. Cheryl said it needs to go through the tower. The portable has to go through something to get to you; it just doesn't go out into a vacuum. It still has to go through a system. You don't have those repeaters right now. If the person is in a place where there is a strong signal, you will likely hear each other.

Selectman Labonte asked what we can do now. Cheryl said you need a new system. Anything you do now to correct the problem is not going to work itself into a new system. You need to go to P25 technology that can be used in the new system. Unless you start to replace and put in a repeated system there isn't much you can do to improve your situation.

Selectman Labonte repeated, what can we do, whether we are spending money twice, to improve officer safety now. Spending money twice would be cheaper than a law suit. Cheryl said you could try to put vehicular repeaters in but again, they are only going to be as good as the mobile signals that you have. Again, they may not be compatible with a new upgraded system. Your infrastructure isn't an infrastructure, its mobile radios that have been placed up on pole and a couple of towers. For you to replace those isn't going to help you because you need to put in a new repeater system in. You need large base stations. Just putting in one won't help because they all need to work together.

Selectman Labonte asked if it was possible for CTA to come up with a price for us to put repeaters in the cars that can deal with the deficit now. Cheryl said yes. Selectman Labonte asked if there was anyone on the Board that would like to see

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this. Chairman Daniels said it was considered before but the explanation that has been given to us multiple times now is that when you have a main system that is not putting out a powerful enough signal you are still going to have problems. Unless you change the main system, you will not fix the problem. All three towns agree on that.

Selectman Labonte said if you go back to your cruiser off your portable, more than likely they are getting through. If you had your repeater that tied to the radio in the cruiser your success rate on that communication getting back to dispatch or the other officers is going to be greatly improved.

Cheryl shares Selectman Labonte's concerns and she brought her team together last week because this troubles her. We try to do everything possible to ensure that the users are safe. That is their only reason for being in business. She asked her team if they were really sure that if they put vehicular repeaters in the car and it saves one life, it is worth it. They came back to her and said, "We can't tell you that you are going to get any significant advantage from it". This is from a technical prospective. She said she didn't know how she would be able to live with herself if someone did get hurt knowing that I could have just said, "Go ahead and put vehicular repeaters in these cars and it could save a life". Might it, yes, it might, but her team is telling her that you are not going to get a significant improvement. We can do it, we can help you and we can give you a price. We could try to find a vendor that would give you some sort of assurance that it might work in a P25 system later; but we have not found that yet. You can't change physics no matter how much you want to, it is just not going to change the situation.

Selectman Labonte said it would be a plus if it could fit in a P25 system, but if it didn't fit in a P25 system, he would be curious to see what one repeater cost to try it and see if it made a difference. Maybe it's the same as it's always been, but they just never came to us before. He doesn't understand how we would wait until March.

Selectman Freel asked if anyone ever recommended taking Cheryl's new system and put it up at MACC Base and still have the other two towns as part of it and share their portion of the cost? Chairman Daniels said a regional system was offered from the Police Station. The other towns wanted a voice on the Board of Governors. What would be replaced instead of the Board of Governors would be two different committees, one financial and one operations. There would be representation from every emergency service from every town. He feels that they would actually have more voice than they would now because if you have emergency services coming and saying, "we have a problem with this", then it's up to us to fix the problem. We either keep a customer or we lose a customer.

Selectman Freel asked if the other towns every said they would be willing to build a building, not at the Police Station, but just a building to get away from the Town Hall building. To be in a safe building, new structure, but still have all three towns part of it and share the total cost. Or do they just fight this and want to stay at the top of the Town Hall. Chairman Daniels said there are some logistical things that come into play there and he isn't sure he fully understands all of it.

Kevin Federico, Milford resident, applauds the DPW Director, Town Administrator and Recreation Director for being fiscally responsible and taking an overall look at the picture for the town when it comes to looking at the pool and realizing the they are not getting as much bang for their buck. It's good that the town staff is always looking at the bottom dollar especially in the COVID 19 times. He also applauds the Board for opening the pool.

He's been listening since 5:00. His response, directed to Selectman Labonte, on the e-mails that you received from officers saying that their lives were in jeopardy is not the first ones in the last fifteen years. His answer to "what can we do right now" would be to tell this Board that if you want to clear, present and support all your emergency services departments, that the five of you sit here and say, "we are putting a warrant article forward in March to replace the system that is currently not functioning properly for us". It has been said many times in the last fifteen years that the system in place does not work. He finds it amazing that Selectmen can sit in a meeting and say, "it works for us" when several meetings ago they said MACC Base doesn't work and it needs to be replaced. He isn't talking about the people; he's talking about the hardware and the equipment. If this Board of Selectmen wants to do something, they should get behind their Police Department, Ambulance Department, Fire Department and Public Works Department and say tonight, we are putting a warrant article forward in March to replace our system. You can go round and round and talking about what doesn't work and you are just wasting our tax payer's money. He doesn't want you to waste his money twice but he's willing to have the system re-done completely and do it once.

Chairman Daniels said we all agree on your comment to put forth a warrant article to replace the equipment, the big questions is where it is going to go. Kevin said he heard both Selectmen Dudziak and Selectman Freel both enquire from the other Selectmen from the other Towns if they would be interested in meeting Milford. They want equal say and equal rights on this Board and his thoughts are, he doesn't care if it's done by population, if you want equal say on how the money is spent they you pay 1/3, and not one of them said they would do that.



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**8:30 – Osgood Pond Dredging** – The Town received a letter from Steve Trombly with interest in buying some of the phase I spoils and maybe part of the phase II spoils beyond what we can get with the grant. His price was \$1.45 per cubic yard. Selectman Freel asked if it was a good price. Chairman Daniels said it's the same price that they are selling the gravel for. Selectman Dudziak asked if there was anyone else interested in purchasing the spoils. Chairman Daniels said there may be two or three others that are interested in taking some of the spoils. This would help us expand the amount being dredged.

Administrator Shannon said we are still looking. It's thousands of cubic yards and we have to find someone that can handle it and it needs to meet certain standards away from wetlands. Selectman Dargie said he would think we would want the phase II spoils be trucked directly somewhere instead of taking the phase I spoils and replacing them with the phase II spoils.

Chairman Daniels said it would depend on whether or not they need wet or dry materials. He would like to know how much is needed for reclamation of the land. He was told about 15,000 cubic yards and we have about 10,000 cubic yards out there now. We would need part of what is coming from phase II. He would like private contractors take some away.

Selectman Labonte asked if the \$1.45 include trucking. Chairman Daniels said yes. Selectman Labonte asked if we would end up with a credit from the contractor doing the dredging. We were given a price for dredging and hauling. Chairman Daniels said he would hope the contractor would give us everything we expected and the private haulers would pay the contractor directly for doing the dredging, which is what happened in phase I.

Administrator Shannon said we are still going to get our money's worth but if we are saving some money on the trucking end of it, the contractor might be able to dredge a bit more. Selectman Labonte would be interested in seeing what the contractor will be saving us per yard in trucking and what we are going to get for revenue coming in.

Selectman Freel asked if the contract for the dredging broken down. Administrator Shannon can send the contract to Selectman Freel.

**8:40 – Misc.** - Selectman Labonte asked about going back to in person meetings now that the 10 person restriction rule has been lifted. Selectman Freel also wants to go back to in person meetings. Administrator Shannon said he talked to Chris Gentry and their intent is to move BOS meetings upstairs in the Auditorium due to COVID 19 concerns. We should also use zoom as well so people can zoom in.

Chairman Daniels said the acoustic upstairs isn't good. Selectman Labonte said the new wireless microphones worked fine at deliberative session. Chairman Daniels said he's willing to try it out but we should keep the zoom going, it expands the way we communicate with the public and more people interact. He will look at it for the first July meeting.

Selectman Dargie request that we wear masks at the in person meetings. Wade Campbell said continuing zoom as an option would be great. Selectman Freel said he would like to leave the masks as a personal option. Selectman Dargie said if we don't require masks then he would prefer to stay on zoom meetings and not attend in person. Selectman Dudziak agrees with Selectman Dargie.

Claire Brewer, Milford resident, said she watched the Water Utilities meeting and they were wearing masks and you couldn't understand them. Selectman Labonte agrees with Selectman Freel. Chairman Daniels said we will see what the next couple of weeks bring.

Janet Langdell said if you do a hybrid meeting where you are doing in person and zoom you be able to have a screen so that the people in the room could see those who are zooming in. Kevin Federico said a hybrid could easily be done.

Janet Langdell said the agenda packet was not posted on the web site. Chairman Daniels said an agenda was put out that at 5:00pm we would have a discussion with the other towns, at 6:00pm we would have an IMA work session which didn't happen and the third thing was the 5<sup>th</sup> Monday forum of which included the Keyes Pool opening. The figures for the water handout was the only one.

Janet said the agenda was out there but the detailed information wasn't. Administrator Shannon said it's his fault if something didn't get posted properly. He's without an incredible key member of his staff right now who is huge when it comes to these things. He will make sure the pool water cost spreadsheet gets posted, and the meeting minutes will be posted after they are signed. Selectman Dargie said the meeting minutes can be posted prior to signing, just identify them as draft.

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**3. ADJOURNMENT:** Selectman Dudziak moved to adjourn at 8:55. Seconded by Selectman Dargie. All were in favor. A roll call vote was taken with Selectman Dargie 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