

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING 5th Monday Forum
September 30, 2019

PRESENT: Gary Daniels, Chairman Mark Bender, Town Administrator
Paul Dargie, Vice Chairman Tina Philbrick, Recording Secretary
Mike Putnam, Member - **Excused** Alex Berry, Videographer
Laura Dudziak, Member
Chris Labonte, Member

CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS - Chairman Daniels called a work session to order 5:00 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Chairman Daniels called the public meeting to order at 5:30. Chairman Daniels indicated that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

1. AGENDA

5:00 – Work Session – CTA Proposed Consulting Agreement

Selectman Dargie said it doesn't talk about the deliverables in terms of analyzing MACC Base versus a Milford only solution or regional solution. Chairman Daniels said it does on page 8 under Radio System Alternatives. He also referred them to page 7, Dispatch Center Survey for additional clarification.

Selectman Dargie would like, if we go on our own, to be able to give a quote to the other towns on how much they would have to pay to come with us. Chairman Daniels asked if Selectman Dargie wants this consultant to determine that. Selectman Dargie said yes.

Selectman Labonte talked about the language in the warrant article for the consultant. Chairman Daniels read the article, "Shall the town vote to raise and appropriate the sum of \$85,000 for the cost of a communication consultant to identify all of the issues, concerns and potential solutions to possibly establish a Milford Emergency Dispatch Center, to improve and expand the emergency dispatch communication system and then to provide a detailed RFP including contract terms"? Chairman Daniels clarified that we would not be using Milford's taxpayer money doing research on the other towns; they should be spending their own money on that. Selectman Dargie said it should be an integrated analysis.

Selectman Putnam said an agreement we could have with the other towns is that we can hook them up to us using the existing equipment. It would be up to them if they want anything beyond that. Milford would be the primary concentration. Administrator Bender said the other towns could hire a consultant to do an analysis on their town.

Captain Frye said providing the agreement is signed tonight, the 7th, 8th and 9th of October; CTA will be coming out to do a couple days of interviews with all Department Head from all three towns, including Director Johnson. They are looking to understand the whole dynamics of the system.

Chairman Daniels referenced page 5, they have change **Virginia to New Hampshire**. On page 10, under Draft Report Review Meeting, they need to change **these** to **this** to be consistent.

Selectman Putnam is concerned with CTA relying on the MRI study; he felt it wasn't worth anything. He feels it was influenced; they made many mistakes and didn't spend much time here. Selectman Dargie said he has no problem with CTA using the MRI report. There is good information about equipment. It's data that is available to them. Chairman Daniels said they intend to use it so they don't have to replicate the wheel, but he also agrees with Selectman Putnam on the quality of the report but the data in it can serve as a starting point.

Administrator Bender referenced page 1, last paragraph "The Consultant hereby agrees to provide such Services to the Client with an agreed upon corresponding increase in fees". The amount of the warrant article is \$85,000 only so he feels that this isn't allowed. Chairman Daniels said it can be excluded or not executed.

Administrator Bender referenced page 2, item 8 references sales tax. New Hampshire doesn't have a sales tax. This needs to be removed.

Administrator Bender referenced page 2, item 9 consultant reimbursement. This is fine as long it's part of the \$85,000. Whatever travel and additional expenses should be part of the \$85,000. Chairman Daniels said we should

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put something in the agreement to state that the services shall not exceed \$85,000. Selectman Dargie said if something came up in addition to the \$85,000 legally it could come out of the town budget. On page 2, item 9, it states “that if approved by the client prior to the expenses being incurred”. Selectman Putnam agrees that this should stay in the statement, it might be necessary to the report.

Administrator Bender referenced page 12, the payment dates should reference a date not just a month. The draft report needs to be around December 1st with the final report due by December 16th.

Rodny Richie, Milford resident said he hasn’t heard a specific mention to a Milford Operated Regional at the current location of the dispatch center; it would be a good money savings. Administrator Bender clarified that he meant a takeover of the current MACC Base. Rodny said yes. Selectman Putnam said he didn’t know if it would be grandfathered under the NFPA requirements. If we took it over it would have to be brought into compliance and if we are going to do that we might as well just build the addition at the Police Station.

Rodny said the consultant should be able to state if they are addressing a regional operation of a dispatch center, as to what other towns, logically assessable to here would be able to tie in. Chairman Daniels said they are tied in now. It isn’t up to us to tell them what they need to do to use our service.

There was some discussion about signing the agreement. Captain Frye said he could take send the hand written changes to them and have them re-write it. Administrator Bender said he would get a revised document to the Board.

Selectman Putnam made a motion to approve the changes and once it’s complete we can drop in to sign it. Seconded by Selectman Dargie. The motion passed 4/0. Selectman Dudziak was late to the meeting so she didn’t participate in the discussion.

There was additional discussion about operating cost, cost to other towns if we were to be regional and other variations. It was determined that those questions wouldn’t be able to be answered without the consultant’s report.

5:30 – Town Clerk Discussion – Joan Dargie (tabled from 9/23/19)

In summary: Joan is asking the Board for a full-time person to be hired this year in the Town Clerks office. Per last Monday’s meeting, this position if approved this year would not automatically be added to the default budget. So if the default budget were to pass this position would revert back to two part time positions. There is enough in the part time position budget to cover this person through March if the proposed budget were to fail. For this year this position would be covered by the Town Clerk budget in its entirety. Going forward for 2020 the position would be a floater position 70% of the time working in the Town Clerks office, 30% of the time working in Community Development, Finance and/or Town Administration. A copy of the Job Description for the Municipal Clerk - Floater was given to the Board.

Chairman Daniels clarified that what Joan would be looking for would be an additional ½ year of a full-time person in the next budget season. Joan said yes. Selectman Labonte clarified that if the budget failed next year, after the 6 months you would lose your employee and have no money in the budget for part-time help. Joan said she would still have part-time money. Combining two of the part-time positions actually covers more than 6 months. If the budget didn’t pass, she would have to go to a part-time person for the remainder of the year. There are four elections next year starting in February and they will need to cover many hours.

Selectman Labonte asked if money was already in Community Development, Finance and Town Administrations budget for the floater or will it need to be added. Administrator Bender said it would be added in for next year, there will be no floater for this year’s budget. Selectman Labonte was under the impression that the cost would be just shifted around. Joan said only for this year.

Chairman Daniels asked what would happen if the budget failed, you will be basically 30% short. Joan said she almost has enough money to hire a full-time position without benefits in the budget right now. She repeated that she could cover a full-time position for ½ of the year but there would be less part-time money for the remaining 6 months.

Administrator Bender agrees with Joan being able to cover the balance of the expense for the remainder of this year. In 2020 we would be adding 1 full-time person and 70% of that cost for salary would be in the Town Clerks

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budget. The other 30% would be split 10% each in Community Development, Finance and Town Administration. The benefits cost would be in one location under employee benefits.

Selectman Labonte said then you will eliminate two part-time people from your budget for next year. Joan said correct. Selectman Labonte asked if Joan had numbers. Joan said she has \$34,600 which will go down to \$7,500. It's shifting, you take the \$34,600, that goes to \$7,500 then \$36,000 goes into the full-time salary plus the benefits.

Selectman Putnam said he hasn't heard Joan said she has enough money to cover the entire year. Joan said she doesn't. Selectman Putnam said it doesn't make sense to him. We might be pushed into an emergency situation because you won't be able to handle your office by yourself and we will have to reallocate money to cover your budget. Joan stated that she already has 1 full-time person in her budget. She repeated that she has a full-time person worth of salary in the part-time budget, she just doesn't have benefits. Administrator Bender said the default budget next year would include the same part-time money that Joan has now.

Chairman Daniels said what Joan is proposing is just to get her through March. With the new budget we will have to figure out and justify the need for another full-time person. If the budget fails she would have to figure how the next day, how she could make this work. Selectman Labonte said at that time you would have already utilized full-time hours out of the part-time budget in the first three months of the year where maybe that part-time budget might not have gotten expended until later into the year. Joan said they could have potentially trained 6 different people. A non-qualified person means you have to spend almost 60 days where they are not doing anything. They are just their observing until they go to class.

Selectman Labonte clarified that she would be hiring someone already certified. Joan said correct. Selectman Putnam said he wants to avoid Joan coming back to the next Board looking for additional help half way through the year which will end up taking someone else's budget.

Chairman Daniels said that has no bearing on what is before us right now. Joan would be proposing in the next budget to have an additional full-time person. Joan said the money she has in the budget right now would cover more than 6 months, more like 9. She used 6 months as an example. Maybe they would stay 4 or 5 months but she would have to leave enough in the budget to cover part-time people.

Selectman Labonte asked what the benefits would cost annually on this position. Administrator Bender said it depends on if they want a single or family plan. Joan said approximately \$25,000. Selectman Labonte asked what the difference instead of hiring a full-time person now then if you waited until after voting in March. Joan repeated what she said last week, she would have to close a day because she doesn't want to spend two months training someone so that they can get certified and go off and get a full-time job with benefits elsewhere. She has a Presidential primary coming up and need to spend time this year on that.

Selectman Putnam asked why Joan didn't budget it this way for last year. Joan said we were doing ok with our part-timers last year when we did the budget. The economy wasn't as good and Merrimack, Bedford and Nashua weren't looking for certified Municipal Clerks like they are this year. Administrator Bender said they didn't have any turnover last year. This year we've lost 3 out of 4 part-timers.

Administrator Bender said to bear in mind that the voters are not necessarily rejecting the budget because Joan included a full-time person to bolster the staff. If we get a default budget voters are telling us that are not accepting the proposed budget and they are giving us a bottom line default budget. We will have to determine what's included and excluded so that we can hit that bottom line number. If the Board chooses to include Joan's full-time person then it has to be taken from someplace else. In the calculation of the default budget, that full-time person is not going to be included in the calculation.

Selectman Putnam made a motion to include a full-time person in the Town Clerks office. Seconded by Selectman Dudziak. The motion passed 3/1/1 with Selectman Labonte opposed and Selectman Dargie abstaining.

5:40 – Pumpkin Festival Parking Update

- Milford High School will be available on Saturday, October 12th and Sunday October 13th.
- Milford Middle School will be available on Friday, October 11th, Saturday, October 12th and Sunday October 13th.
- Shuttles will run from both of those lots.

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- Parking will be available at Keyes Park on Elm Street – all days
- Overflow parking will be available at 127 Elm Street – all days
- Parking will be available at the Milford Police Station – all days

5:45 – Public Hearing for The Acceptance for Expenditure of Unanticipated Funds over \$10K NH (RSA (31:95)b)) – 2018 Firefighter Assistance Grant for purchase of SCBA units and face pieces - \$268,876.19 and Police Department Federal Grant: NH Highway Safety Project #20-120 - \$16,119

Chairman Daniels opened the public hearing. Selectman Dargie asked if the 5% match for the Firefighters Assistance Grant in the budget. Administrator Bender said he didn't recall budgeting the 5% match. Captain Flaherty said his line item is at zero currently so they would have to find the money in their budget. He is meeting with Administrator Bender on the budget on Wednesday, they will find it. Chairman Daniels closed the public hearing.

A motion was made by Selectman Putnam to accept the grants. Seconded by Selectman Dudziak. The motion passed 5/0.

2. PUBLIC COMMENTS – There were no public comments at this time.

3. CONSENT CALENDAR - Chairman Daniels asked if there were any items to be removed from the consent calendar. There were no items to be removed. Selectman Putnam moved to approve the consent calendar as presented. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

1. Request for Approval of one (1) Petition and Pole License 67/8Y Valhalla Dr.
2. Request for Approval for Conservation Commission to host the Ghost Train Rail Trail 15 Miler and Ultra Race October 19th and 20st 2019

6:00 - Dispatch Discussion with Milford, Mont Vernon and Wilton Boards of Selectmen.

The Milford Select Board joined the Select Boards of Mont Vernon, Chairman John Esposito and Selectman Tim Berry and Wilton, Chairman Kermit R. Williams and Selectman Kellie-Sue Boissonnault to continue the discussion on the MACC Base Inter-municipal Agreement and the future of MACC Base. Chairman Daniels opened the meeting at 6:00 PM.

POINTS OF DISCUSSION:

1. Agreement duration
2. Voting rights
3. Apportionment
4. Borrowing authority
5. Withdrawal/non-renewal notification
6. Additional members

Agreement Duration: Chairman Daniels said there had been discussion to make it a 10 year agreement. Currently it is 2 years; prior to that it was a 5 year term. Chairman Williams said the reason for a longer agreement was so it would match the borrowing term. Chairman Daniels asked if the difference between having dispatch do the borrowing versus the towns would have any bearing. Chairman Williams wasn't sure that an entity could actually do the borrowing. Towns can band together to borrow for a common purpose but it's still the towns borrowing and not an entity. Chairman Daniels asked if there was consensus then that MACC Base could do the borrowing over a 10 year term – would we have the Town do that instead of MACC Base? It was his opinion that MACC Base could not do the borrowing.

Chairman Esposito said he understands that Milford has a consulting firm with a report due the end of the year. He wanted to know what Milford was planning to do. Chairman Daniels said they did approve a consulting company to do the report. This evening they received the agreement and made some modifications to it. They have asked for the firm to shorten their timetable so they will have a final report by December 16th.

Jason Johnson said regarding the borrowing questions, MACC Base cannot borrow beyond the calendar year.

Chairman Daniels said there are still a lot of things outstanding and he doesn't think he'll have all the answers until the consultant's report comes back. It would help to understand what each town needs to fix all of the problems. Last time we talked about a 3 million dollar fix; could be less, could be more. Out of that 3 million, Milford had a 2.1 million dollar problem. Last time he heard Wilton say there are some communication needs that are deficient. Chairman Williams said they are moving forward to fix some of those problems right now including a radio upgrade, moving to high

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band. He said they want to get away from the outdated technology of low band. Selectman Dargie asked if that would fix the dead spot issues; Chairman Williams said no, that's more of an antenna issue.

Chairman Esposito said the timing of this report is concerning. We have a 2 year contract. He expects the report to be done December 16th which would leave Mont Vernon and Wilton 2 weeks to make a decision. Mont Vernon doesn't want to withdraw as it would force them to lose their share of equipment. Chairman Esposito suggested extending the present contract by another year. Chairman Williams said they could make a written modification to the contract to reduce the exit notice. They both agreed that they would need more than the 2 weeks over Christmas to make a decision.

Selectman Dargie would be in favor of extending the agreement by 1 year. Chairman Esposito wanted to extend it another 2 years for the same reasons, and Selectman Boissonnault agreed that a 2 year extension would be much more feasible. Selectman Berry said when he saw that on the Agenda, he agreed that the longer the agreement, the more stable the organization would be. He's new to the Board, and asked Milford to answer a question for him. He's heard a lot of different things. Does Milford want to have their own dispatch center all by themselves? What are their intentions?

Chairman Daniels said that's why they have contracted with a consultant to look at their options. What will it cost Milford to go alone? What if they add to the Police Station and run it from there, either as a regional or a standalone? They want their consultant to give them the options.

Selectman Berry asked if Milford was paying independently for this study. Chairman Daniels said yes. Selectman Berry said "so you didn't ask for a study on the future of MACC Base", and Chairman Daniels said that they had hired a consultant to tell them just what their options are. Selectman Berry asked why we were even having these discussions then. Chairman Daniels said as far as the Inter-municipal Agreement went, there are things we can discuss now that could save some time later.

Chairman Esposito noted that Mont Vernon had said if we were going to have borrowing authority, the longer the term, the better. Chairman Daniels agrees that the borrowing term should match the agreement term. He noted that we had agreed that population would be the basis for the percentage share. Chairman Esposito said anything we do tonight is a moot point until we know what Milford is going to do. Chairman Daniels said that anything we can agree on tonight is non-binding until every Board signs a new agreement.

Selectman Boissonnault said she feels we're trying to reinvent the wheel. We put an agreement together that Milford did not sign. We should work off of that agreement and make little adjustments. Chairman Daniels said there were some things like Voting Rights that are not acceptable to Milford the way they were proposed. Selectman Dargie said that Milford should have 71% of the voting rights as they are paying 71% of the costs. Right now, Milford has 2 votes and the other towns each have one.

Chairman Daniels said let's talk about voting rights then. Selectman Berry said he had a conversation with someone who's familiar with MACC Base who told him that MACC Base wasn't broken and he wants to know what Milford doesn't like about the way MACC Base is now. Chairman Daniels said it isn't so much what they don't like, but what they can't do. Selectman Berry said he's heard that; is it Milford's problem or MACC Base's problem? Chairman Daniels said it depends. Is MACC Base going to be a Service or a System? He said it seemed there was consensus that we wanted MACC Base to be a System. Chairman Williams said if there are multiple owners there's going to be a discussion on who is going to fix it. Right now, MACC Base is able to determine what's wrong and how to fix it. Chairman Esposito said the infrastructure of MACC Base is the responsibility of the member towns.

Chairman Daniels said Mont Vernon doesn't have the problems that Milford does. Are the towns willing to pay to fix Milford's problems? Selectman Berry asked if MACC Base has not been run as a system in the past. Chairman Daniels said it has, but its deficient, they lack infrastructure to meet their needs. Selectman Berry stated "so they're primarily Milford's parts that are deficient according to what Chairman Daniels just said". Chairman Williams said a large part of this is that the system is outdated. There have been discussions that we could've been incrementally updating as we went along, but that wasn't done. He anticipates what will come back from their consultant will be a list of things that will need to be updated.

Selectman Berry said if we're treating it as a system then we should address the needs of all of the partners in the system. Is the consultant going to come back with suggestions to address the needs of all of the 3 towns? Chairman Daniels said no, because Milford hired them. Selectman Berry said that doesn't make any sense if we're talking about moving forward as a system. Chairman Williams said when your consulting contract is complete are you telling us that you

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won't have a plan to support all 3 towns? Just Milford? Chairman Daniels said he would expect that the other towns would figure out what their towns needed. Chairman Williams said this design for updating the entire system needs to take the other 2 towns into consideration. There should be a whole set of implementation so it could be taken and put out to bid. If the \$85,000 that Milford has spent is just for their town, that doesn't make any sense. Chairman Daniels said it was a change to one of their warrant articles. It's a fine line. He can't ask Milford taxpayers to find out what problems Wilton has. His understanding is that there will be an opportunity for the department heads of the other towns to get together to discuss what problems they're having.

Selectman Berry asked why didn't MACC Base hire the consultant to give us an update on the whole system? It looks like every man for himself here. Who in the town of Milford wanted to ditch the system and the joint ownership of the 3 towns? This seems kind of one way. Chairman Daniels said it went on the warrant article to put out a standalone. When it got to deliberative session there was a close vote and they changed the warrant article.

Selectman Berry asked amongst the 5 Milford Selectmen, what did they want to do? Chairman Daniels said he doesn't have the information he needs with regard to price to make that decision. He hopes to get that from the consultant.

Jason said MACC Base did hire a consultant to figure this out 3 years ago at the cost of \$3,000. The report was given to the BOG who brought it back to the Selectmen but every time they tried to make changes, it was voted down because of the voting structure. Selectman Berry asked what his recommendation was. Jason said he's always seen the benefits of regional dispatch. Selectman Berry asked Jason what we need to do to fix this situation. Jason said we need to update the equipment. We need to spend a significant amount of money.

Chairman Esposito said that he can support and defend an increase to the town of Mont Vernon for an increase for equipment that would benefit the town of Mont Vernon, but not for the town of Milford. Selectman Berry agrees with Chairman Esposito.

Chairman Williams said if the infrastructure fails in Mont Vernon, MACC Base fixes it. That's the main element of a system. Selectman Berry said they buy their repeaters, they're contracting with the cell phone towers. Chairman Daniels said every town is taking care of their local equipment. Chairman Williams said we're talking about the equipment that currently exists, multiple antenna sites and transmitters, all maintained by MACC Base. Selectman Berry said Chairman Esposito's point is that Milford needs a bunch of new receivers for all of their trucks and they want MACC Base to pay for them. That's the impression that's out there. Selectman Labonte asked if it was deemed that there was a dead spot area in Milford that could also benefit Mont Vernon, who should buy that equipment? Chairman Esposito agreed MACC Base should buy it. Selectman Putnam said if we're going to sit here all night and argue over voting rights, etc., at some point it becomes not worth it. If we're going to be partners we should be able to get along. He's not sure what to do at this point.

Chairman Esposito said we knew 2 or 3 years ago that this was coming up. We needed to extend the borrowing period to ease it for the taxpayers. Selectman Boissonnault said we need to have some changes to the voting so we don't stalemate, as that's what happened. Mont Vernon and Wilton voted one way, but Milford with their 2 votes voted the other way and that's why improvements hadn't been made.

A 10 year duration for the borrowing and agreement terms was agreed on.

Voting Rights: Regarding the voting rights, Chairman Daniels said he would have a hard time having 29% tell the 71% that they were going to pay 71% of the cost.

Selectman Berry said percentages were one thing, but there are 3 towns and it's not our fault that your town is bigger than our town. As a bigger town, there are more taxpayers. Chairman Williams said we're paying for emergency dispatch service and Milford gets more than 71% of the service if you look at the call volume so they're getting a bargain. Chairman Williams said he would never be able to accept Milford having 71% of the vote. Wilton would not support that. But if Chairman Daniels would not support equal votes, what are we going to do? The IMA spells out all of the things that we're expecting, yet Milford hasn't been willing to pay for any upgrades, which is why we're in the mess we're in now. As Selectwoman Boissonnault said, if Milford had approved smaller upgrades over the years, we wouldn't have this problem now.

Chairman Daniels said we need to work out the process if another town were to become a member. What would happen if we brought in Lyndeborough?

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Selectman Berry said there should be equal votes. Selectman Boissonnault agreed. She asked what the Milford taxpayers would say if they go independently and have to pay 100%. Any time there is a partnership built, one person doesn't make more profit; they all have equal say and equal opportunity and that's how we should be looking at this. Each town should have one vote.

Jason said that the last time we ran the numbers it's anywhere from 72% to 80% used by Milford. They've tried to do equipment upgrades incrementally but at budget time, it came down to 2-2 votes many times.

Chairman Esposito wondered if the decisions should be made by the Selectmen rather than the BOG.

Chairman Daniels said the possibility of an extension can be taken under consideration.

The proposed agreement changed the term from a 1 year to a 2 year notification of termination. There's also a clause that says if you've given your notification then you would need to concede to the other towns as to what the budget was. He felt that would be a disadvantage to any town planning on making a change. Chairman Esposito said if we gave a notice of withdrawal, but then things worked out, we could withdraw that withdrawal. This was discussed further.

Selectman Putnam wanted to remind all that the IMA was put together by the BOG.

4. NOTICES

5. NON-PUBLIC SESSION – Chairman Daniels made a motion to enter into a non-public meeting in accordance with (RSA 91- A:3,II (c)) – Reputation. Seconded by Selectman Putnam. All were in favor. The motion passed by roll call vote 9/0. Select Boards from Mont Vernon and Wilton were in attendance.

6. ADJOURNMENT

Gary Daniels, Chairman

Laura Dudziak, Member

Paul Dargie, Vice Chairman

Chris Labonte, Member

Mike Putnam, Member