

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
April 11, 2022

<b>PRESENT:</b>	Paul Dargie, Member	John Shannon, Town Administrator
	Tim Finan, Member	Tina Philbrick, Executive Assistant
	Gary Daniels, Member	Andy Kouropoulos, Videographer
	Laura Dudziak, Member	
	Dave Freel, Member	

**1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:**  
Chairman Dargie called the meeting to order at 5:30 p.m., introduced Board members, and then led the audience in the Pledge of Allegiance.

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

**5:30 p.m. - Public Hearing for the Acceptance for Expenditure of Unanticipated Funds over \$10K NH (RSA (31:95)b) -**

- \$100,000 from NHDES Drinking Water and Ground Water Trust Funds for Water Utilities.
- \$50,000 from NHDES Department of Environmental Services Strategic Planning Grant for Water Utilities
- \$30,000 from NHDES Wastewater Engineering Bureau for Water Utilities
- \$10,000 from the Arthur Keyes Memorial Fund for upgrades on the Scout House

Chairman Dargie opened the public hearing.

Jim Pouliot Jr., Water Utilities Director, explained what the three grants were for. Chairman Dargie then went to explain the donation for the upgrades on the Scout House. Selectman Freel asked if the window project was complete per the donations that we previously approved.

Katherine Kokko, a Milford resident, spoke about the donation for the scout house. The window project is functional but still needs some work. The NH Preservation Alliance was asked to do an assessment of the building and give some recommendations on what needs to be done to repair the building. This needed to be done to apply for a grant. We put a report together and Keyes Memorial Trust offered a donation of \$10,000. There will be some work done this spring to include granite steps. The next step is to complete an application and submit it to Preservation Alliance so they can provide a report for us.

Selectman Freel asked what this will cost. Ms. Kokko said nothing, it is part of the grant process. The final assessment of the building will have a cost associated with it. She thinks it's a matching grant that Preservation Alliance will contribute up to a certain amount of the cost of the assessment and we would match it. We are trying to put a strategic plan in place to have the work done. Some of the funds may be used for the match and the rest will go towards repairs.

Dave Palance, Heritage Commission, gave additional information on what was presented to Keyes Memorial Fund and they felt that this was worthy of a donation. Mr. Palance shared an e-mail document with Chairman Dargie. Selectman Finan will also forward some additional information to Board members.

Ms. Kokko said the document needs to be complete for the building to go on the Historic registry, this needs to be done to apply for the grant.

Selectman Dargie closed the public hearing.

**Selectman Daniels made a motion to accept the Unanticipated Funds over \$10K NH (RSA (31:95)b) - Water Utilities NHDES Drinking Water and Ground Water Trust Funds \$100,000. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

**Selectman Daniels made a motion to accept the Unanticipated Funds over \$10K NH (RSA (31:95)b) - Water Utilities NHDES Department of Environmental Services Strategic Planning Grant \$50,000. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

**Selectman Daniels made a motion to accept the Unanticipated Funds over \$10K NH (RSA (31:95)b) - Water NHDES Wastewater Engineering Bureau \$30,000. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

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Selectman Daniels made a motion to accept the Unanticipated Funds over \$10K NH (RSA (31:95)b)) – Scout House Donation \$10,000. Seconded by Selectman Freel. The motion passed 4/0/1 with Selectman Finan abstaining.

Selectman Daniels made a motion to allow the Town Administrator, John Shannon to sign for the Water and Waste Water Grants. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.

**5:45 p.m. – Town Outdoor Restaurant Seating – Community Development Director, Lincoln Daley.**

Mr. Daley requests that the Board delegate/assign the responsibility of approving outdoor seating for restaurants on Town property to the Office of Community Development and the Fire Department. Outdoor dining has supported small businesses over the last two years. This process reduces the administrative burden and expedites the review and approval process for business owners. This recommendation will be provided only after the Restaurant owner has met all local and state regulations, approvals, and requirements. The WWII Memorial or any parks are not included in this request. This is for restaurants that have seating in front of their establishments.

Chairman Dargie referenced an e-mail about Station 101. Mr. Daley said Station 101 has outdoor seating as part of their site plan, they went through this as part of the Planning Board, it's also on private property and the Board has no jurisdiction over it. If they wanted to expand their outdoor seating, they would have to do another site plan and go before the Planning Board for approval. Selectman Daniels said if they put in an expanded site plan, can the Planning Board turn it down. Mr. Daley said yes, like any kind of application. Selectman Daniels asked about a Farris wheel that Pay Less Towing allowed during the Pumpkin Festival. Mr. Daley said that was part of a private agreement through a lease opportunity on that property. You would have to speak to the Pumpkin Festival Committee. Selectman Daniels is concerned with consistency. We recently turned down a request for someone to put a food truck on private property at Keyes Park. Mr. Daley said that this review is for business operations in front of or next to a storefront only. A food truck requires a peddler's license through the Police Department.

Selectmen Daniels asked Mr. Daley to explain Administrative Approval. Mr. Daley said the restaurants currently speak with his office and Chief Flaherty. After a review of everything that is required including Planning Board for site plans if needed and state approval for outdoor liquor sales, a review from the Community Development Office and the Fire Department to include a letter from our office they then come before the Board. We are just asking to not have them come before the Board to speed up the process as it could sometimes take an additional month or so for appointments. We are trying to eliminate the burden on property owners by having to wait more time. Property owners can come to the Board if they were turned down through this process.

Chris Labonte, a Milford resident, referenced a vending machine that was turned down at Keyes Field and asked if we are considering charging revenue on the town's side for businesses using the town's sidewalks. He feels that the Board needs to think about how we help our businesses in town. Do we take away from some and give to the others? He's looking for consistency. Mr. Daley said the vending machine is an official lease agreement and it's a permanent fixture on town property. This request is meant to be seasonal only, and to allow for businesses that have been struggling for a couple of years to be successful and generate some revenue. It also brings energy to the downtown area. He wants to get the town back into a positive situation. To charge them is unfair. Maybe long term we can look into that. Mr. Labonte said if we are helping some business owners, we need a level line across time. We have restaurants in town that won't benefit from this.

Selectman Freel feels it should still stay where the Board makes this decision. He doesn't think it's a long wait to come before the Board. Chairman Dargie is in favor of allowing this to go forward. He isn't in favor of charging money to use the sidewalks; he is in favor of supporting local businesses. Mr. Daley can be relied upon in having common sense on what is allowed or not allowed.

Selectman Finan is also in support of this. He is glad you are separating out the parks. People have been putting tables on the sidewalks for years, not just during COVID. We need to promote our businesses. The process takes more than a month. In the parks, you are giving town property to businesses. Selectman Freel isn't saying he isn't for local businesses. He just feels that the Board should discuss this.

Selectman Dudziak said we have department heads for a reason. This is completely reasonable to be within the realm of Community Development. Outdoor seating in front of your business doesn't have to come before the Board. To suggest that it's equivalent to someone putting a vending machine at Keyes Park, there's no correlation.

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Chairman Dargie didn't feel that Mr. Daley would approve something that the Board wouldn't approve. Mr. Daley asked Selectman Freel what level of detail is lacking for this to come before the Board. Selectman Freel said this has only been allowed since COVID. We may not have allowed it if COVID didn't happen. The Oval is already congested.

Ken Flaherty, Fire Chief, said that Amigo's owns some of his sidewalk areas. Café on the Oval owns the area outback of their restaurant. And Bar One and Greenleaf own part of the sidewalks in front of their restaurants. Those have been allowed for at least two years before COVID. COVID just expanded everyone else's ability to do this. Seating on sidewalks has been approved year after year with permits. Would it be acceptable for current businesses now to move forward and submit their applications and when a new business comes to town, it can go before the Board? Chairman Dargie is willing to leave it to Community Development and the Fire Department unless there are questions that they think the Board needs to be involved in.

Ms. Kokko noted that the memo given to the Board specifically called out the WWII memorial as Town Property that would be used. She clarified that this conversation is only about sidewalks. Mr. Daley said yes.

Selectman Daniels said the Board has bent over backward for businesses in the last couple of years to help them stay in business. He still has concerns about consistency. We are taking public property for some of the businesses. He wants to make sure everyone is treated the same.

**Selectman Dudziak made a motion to assign the Office of Community Development and the Fire Department authority to approve outdoor seating in Milford, not the parks. Seconded by Selectman Finan. The motion passed 3/2 with Selectman Daniels and Selectman Freel opposed.**

### **5:50 p.m. – Ambulance Staffing – Director Eric Schelberg**

Eric Schelberg asked the Board to authorize increasing the weekly hours of the current four full-time 40-hour-per-week employees to 48-hours per week to assist with filling chronic weekly schedule shortfalls. This allows more hours to be covered saving on full-time benefit-related costs. So far there haven't been any uncovered shifts. Increasing the current four full-time providers each an additional 8-hour of weekly overtime equates to a reduction of 32-hours per week of needed part-time or per-diem shift coverage. The annual cost associated with this request is \$24,000 (\$15,600 ambulance budget and \$8,400 administration budget for wage-driven only costs). Implementing this in June 2022 will cost \$14,000.

Additional benefits to this will include:

- Facilitate coverage of the regularly scheduled open shifts while reducing the number of part-time hours needing to be filled,
- Protect approximately \$36,869 in annual revenue,
- Reduce additional mutual aid responses to town, approximately an additional 1.56 per week, or 82 calls annually,
- Not result in health care-related benefit cost as these employees receive full benefits, an average savings of \$20,000 per employee, or \$80,000 annually,
- Assist with avoiding ACA and NHRS limits and a subsequent need to offer benefits,
- Potentially reduce the number of hiring sessions and Field Training shifts: 2021 cost of \$6,000

Chairman Dargie feels that hiring another person would cost a little more but give more flexibility. Mr. Schelberg presented what he thought would be best. A new full-time person has to come in as part of the budget and be voted on by the town. As far as cost, doing it the way he suggested would eliminate the need to pay a benefits package for a new employee. Selectman Freel asked what the going rate was. Mr. Schelberg said for an AEMT, about \$18 per hour which is lower than it should be by \$6 to \$7. These are people who are on a truck, not in the office. He is having a hard time finding people. Last year he had 13 applicants, he netted 3 people and it cost \$6,000 to go through the process. He could possibly get another part-timer if he raised his rates but the competition is still higher. Next year he will be proposing the possibility of going all full-time. He explained the mutual aid program to the surrounding towns.

Selectman Daniels asked about the limitations set by the affordable care act and the NH retirement system. Mr. Schelberg said the NH retirement system states that an employee working 32 hours or more has to be offered NH retirement benefits. The affordable care act says that a part-time employee can work no more than 1500 hours in a measurement period or you have to offer them benefits. His full-time employees already get full benefits so they won't get additional benefits. Selectman Daniels asked if Mr. Schelberg could cover the \$14,000 additional cost in his budget. Mr. Schelberg said most, but not all. Selectman Daniels asked why this wasn't part of the recent budget that just passed if it's been going on for a couple of years. Mr. Schelberg said at the time we were able to cover what we needed and we are reaching a critical level that we

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can't now. It's a universal staffing issue. Selectman Finan asked if covering it in the budget included the \$36,000 in potential additional revenue. Mr. Schelberg said it could protect that much revenue if we cover all these hours.

Selectman Freel asked if the numbers dropped, would these guys just be hanging out. Mr. Schelberg said they average about a 3% increase yearly. They had a couple of years that it dropped, but more times they increase.

Selectman Freel said if a part-timer when over on hours would the town be able to supplement benefits? Mr. Schelberg said he can do the math, but it will be more. Selectman Freel wants to find out the difference in cost for a full-time employee vs increasing overtime for the additional 32 hours. Chairman Dargie said it would be more depending on the benefits package for a single person versus a person with a family.

Chairman Dargie is in favor of hiring someone who would be one step in what Mr. Schelberg is proposing for next year. Selectman Finan asked what it would cost. There was some speculation, but they don't have real numbers to play with. Chairman Dargie said the intent of having a full-time person would be to avoid overtime.

Selectman Finan said if Mr. Schelberg is going to come back with a plan for full-time next year, why don't we just give him what he suggests for six months to cover his hours. Chairman Dargie said if someone is sick or already working overtime you can't flex that time.

Chris Labonte, a Milford resident, said if you are taking someone that is working 36 hours already and making them full time you only have a net gain of 4 hours and you now have to replace a part-time employee. Mr. Schelberg said that his part-time staff is usually scheduled for about 24 hours per week. The max that they can go to is 34 if needed.

Chairman Dargie said they would post the job and if a part-time person wanted to apply and got hired, then there would be a part-time position open.

Selectman Daniels asked where the additional money will come from that won't be covered in the Ambulance budget, and what won't get done if we find the money elsewhere. He understood that there wasn't a lot of surplus in the budget. We already passed \$5,900 from the budget at the last meeting that was not budgeted previously.

Chairman Dargie asked the Town Administrator if he could give a number on what was saved in the budget so far this year in the first three months on unfilled positions. Administrator Shannon said no, it's all over the chart. At this point, they were just speculating. Selectman Finan said there will be additional revenue. Mr. Schelberg said its revenue that we would protect.

**Selectman Free made a motion to table this discussion for additional information until the next meeting. Seconded by Selectman Daniels. All were in favor. The motion passed 5/0.**

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

Katherine Kokko asked if Town Council approved adding \$3,500 to the fireworks warrant. Administrator Shannon said yes.

Mike Thornton, a Milford resident, referenced three e-mails that he sent to the Town Administrator and confirmed that they are in the works.

### **4. DECISIONS**

#### **a) CONSENT CALENDAR**

1. Approval of two (2) Taxicab Operator's Permits and License – Milford Taxi LLC.
2. Acceptance and Appropriation of Gifts of Property under \$5,000 (31:95€) – Donation of Lumber from the School Department to help rebuild the Dugout roof and sides - \$3,600.
3. Approval of Timber Tax, Map 3 Lot 10.
4. Approval to change Elaine Cohen from an Alternative Member to a Full Member of the Planning Board – Term Expires 2024

Selectman Daniels made a motion to approve the consent calendar. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.

**b) OTHER DECISIONS**

1. Request for Update to the Board of Selectmen's Representatives Listing 2022 – 2023 Boards, Commissions, etc. (Draft Listing) – Additional Alternatives – Chairman Dargie requested that we have backup members for some of the committees.

- Conservation Commission - Selectman Dudziak (Liaison), Alternate Tina Philbrick
- Granite Town Media - Selectman Finan (Voting member), Alternate Paul Dargie
- Heritage Commission - Selectman Dargie (Voting member), Alternate Selectman Finan
- Library Trustees - Selectman Dudziak (Liaison), Alternate Selectman Freel
- Recreation Commission - Selectman Freel (Liaison), Alternate Selectman Dudziak
- Zoning Board of Appeals - Selectman Freel (Liaison), Alternate Selectman Dargie

**5. TOWN STATUS REPORT –**

**1. Recreation Scholarship Program (VERBAL)**

This will be expanded out to a full-year program instead of just summer. The donors asked the town to do this. This doesn't cost the town any money.

**2. MACC Base Update (VERBAL)**

Captain Frye, Milford Police introduced Ray Anderson who started April 4<sup>th</sup> and replaced the old MACC Base Director. Mr. Anderson provided some background on his work history. Captain Frye feels that Mr. Anderson will be a really good Director.

Chairman Dargie welcomed Mr. Anderson and said he's looking forward to upgrading Milford's part of the system and getting it operational. Captain Frye said the Board of Governors is currently updating the employee and policy handbooks, the bylaws, and the IMA. The estimated surplus is about \$73,000. He mentioned to the other Board members that with approval, Milford may keep that money up at MACC Base. It would help offset the Federal Hill cost in conjunction with the ARPA funds. They will be housing some of Mont Vernon's equipment for their firehouse. They need some space and we are already building an outdoor cabinet. They will also go up on our antenna at Federal Hill. He will get the exact number.

Chairman Dargie is in favor of applying the money towards Federal Hill. Selectman Finan asked when we project revenue for the year do we assume a refund from MACC Base. Captain Frye said we never have; we always seem to have a surplus. Chairman Dargie said one year we put in \$5,000 as a placeholder. Selectman Daniels said we did in the year before last, around \$60,000. Captain Frye said this would be bigger but we did about \$55,000 in maintenance to MACC Base.

Captain Frye said if we leave it with MACC Base, it won't go back into the general fund. Selectmen Daniels asked if any of the federal funds be used for Federal Hill. Captain Frye said yes, and this would be to help offset that. We are working with MACC Base; it's a coordinated project.

**3. Milford Marker Discussion**

In summary: On April 22nd of 2019 the Board discussed a location for the Milford Stone marker. They again discussed it on April 29, 2019, thus given the public time to weigh in on the location. No one moved to speak on this subject at that meeting. The Board then voted 4/0 to put the Milford Stone marker on the Historical Society's property at the Carey House. Selectman Daniels stated that it would be on loan to the Historical Society, but still belong to the town.

After a recent discussion on social media about the marker, Janet Langdell sent an e-mail to the Board asking for reconsideration of the location. She gave two additional suggestions, "on the east side of the Oval facing the convergence of Nashua Street, South Street, and Union Square", and at the new east entrance to Keyes Memorial Park.

Mark Genovesi, Historical Society Member, said the marker is sitting at the Riverside Cemetery behind the maintenance barn on a couple of pallets. The previous administration told us that the DPW workers could bring it to the Carey House but they would not be allowed to put it in the ground. We were not physically able to move this and through a series of events, it's still sitting in the same spot.



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Ms. Langdell said this is what prompted the e-mail for a more visible spot. Selectman Freel likes the idea of having it at Keyes Field but the people who made the Amphitheater are planning something for that entryway. He would like their input. Selectman Dudziak said most of the people she spoke to want it put back where it came from. Ms. Langdell said the NH DOT requires breakaway signs.

Selectman Daniels said we thought of the Carey House because the place is historical. It wasn't meant to be permanent. Selectman Finan likes the entrance to Keyes but it seems random there. On the oval says, "You've arrived in Milford". He thought either side of the front of the Town Hall would be nice if it wasn't so crowded. Ms. Langdell had concerns about the irrigation system running under the oval.

Clair Brewer suggests doing a survey monkey, having certain locations picked out and allowing input from the public. Ms. Langdell said you can also leave a spot for suggestions. Chairman Dargie asked the Town Administrator to come up with some type of system and bring it back to the Board.

Selectman Finan asked what would be involved in moving and setting the marker. Mr. Lessard said he hasn't seen it. There was additional discussion on the size of the marker and what would be needed to plant it. Administrator Shannon said if Keyes Field was a location, EPA would have to be involved.

Ms. Kokko clarified that the sign couldn't be put back in its original location because of the breakaway rules. Administrator Shannon said yes. Chairman Dargie said once the survey is complete and is brought to the Board, the Board will make the final decision on the location of the marker.

Mr. Daley suggests taking the top three suggestions from the survey and having the Board decide on those.

**4. 2022 Paving Schedule Update** – Leo Lessard, Public Works Director, presented the Board with a **DRAFT** proposal of paving projects for 2022. Mr. Lessard said the prices are just estimates because we don't know what the cost is yet. He will find out more once he goes out to bid. There will also be doing some drainage work.

Mr. Daley gave the Board an update on the Amherst project that was being proposed. Mr. Daley said they are going forward with another section of their sidewalk program going towards Amherst. The pot of money was meant for state projects and not this project. They are looking for funds through Senator Shaheen's office to help with engineering designs. They are trying to partner with other funds that may pay for water and sewer and other infrastructure to fix Amherst Street.

Selectman Daniels said originally, he was told that there was a multi-jurisdictional multi-million-dollar grant. Mr. Daley said he reached out to the state officials who run that program and he doesn't think that Amherst and Milford were fully informed of that program. The money is already spoken for and didn't apply to this type of program. We have to apply for the design element of this by Friday of this week.

Chairman Dargie said we've had no luck in getting sidewalks passed with 80% match in funding. What is the probability of this passing? Mr. Daley said the design work has to happen regardless. There is an opportunity to replace water and sewer lines. Applying for this will potentially save the taxpayers about \$200,000 for the design.

Ammy Rice, a Milford resident, would like to know if the drainage on Colburn and Foster will be fixed. Mr. Lessard said he would get together with her to discuss it.

Chairman Dargie reviewed the summary and said that Mr. Lessard will do as much as he can with the money that he has allotted for this once the numbers come back.

Chairman Dargie asked about the leaves and brush at the Transfer Station and when they will be discussing it again. Tina Philbrick, Executive Assistant said she will be putting it on the agenda in May so they would have time to implement it by August. Chairman Dargie would it to come back to the Board soon.

Andrea Kokko, a Milford resident, asked why the brush and other stuff haven't been separated this year. There is a large difference in the cost when this is separated. Mr. Lessard said it's being separated now like it was 20 years ago. Ms. Kokko feels that August is very aggressive toward landscapers. The Board should be looking at what other towns do in this area. Where are they going to go if we say no dumping and are charging high costs? Chairman Dargie said that is what Administration is looking into.

**6. DISCUSSIONS**

**1. N/A**

**7. PUBLIC COMMENTS. (Regarding items that are not on the agenda)**

There were no public comments at this time.

**8. SELECTMEN'S REPORTS/DISCUSSIONS**

**a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES**

**b) OTHER ITEMS (that are not on the agenda)**

Selectman Daniels would like to have a joint meeting with the School Board to talk about both budgets and expectations before budget season. We should be working together.

**9. APPROVAL OF FINAL MINUTES – Selectman Dudziak moved to approve the minutes of March 28, 2022, as presented. Seconded by Selectman Freel. 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 Daniels to enter into a non-public session in accordance with (RSA 91-A:3, II(a)) Personnel. Seconded by Selectmen Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Daniels yes, Selectman Dudziak yes, Selectman Freel yes, and Selectman Finan yes. All were in favor. The motion passed 5/0.**

**In non-public, the Board discussed one item pertaining to Personnel. No decisions were made.**

**Selectman Daniels made a motion to seal the non-public minutes of April 11, 2022, under reputation. Seconded by Selectman Freel. All were in favor. The motion passed 5/0. The minutes were sealed under reputation because it would affect adversely the reputation of any person other than a member of this board.**

**13. ADJOURNMENT: Selectman Dudziak moved to adjourn at 8:24 pm. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

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Paul Dargie, Chairman

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Laura Dudziak, Member

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Tim Finan, Vice-Chairman

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Dave Freel, Member

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Gary Daniels, Member