

APPROVED  
SPECIAL MEETING MINUTES OF THE MILFORD BOARD OF SELECTMEN

August 22, 2019

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

Chairman Daniels called the work session to order at 6:00 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. The purpose of this meeting is for the Board to discuss Osgood Pond and the Town Administrators Job Description. Both issues were time sensitive.

**Discussion: Osgood Pond** – They have received approval from the State to continue the Dredging of Osgood Pond. The Board will need to give approval for that to continue. The Procurement Policy allows us to waiver the bid process; however, there are at least two companies that are interested in bidding on the dredging of Phase II, (final phase). He is recommending that they approve going out to bid.

Selectman Dudziak agrees with going out to bid. Selectman Dargie asked if there was a specification document that describes what they will be doing. Administrator Bender said they would use the same one they used for Phase I; they will modify it for some additional State requirements as well as other things that need to be added. We should have it by early next week.

Selectman Dargie asked if the dredging was based on a specific area. Chairman Daniels said it would be based on the money that voters approved. There was some left over from the first dredging. The amount dredged is limited on the amount we have to spend. Administrator Bender said we will try to get as close to six acres in the second part of the dredging with the \$350,000 awarded.

Selectman Dargie asked where the materials being removed would go. Administrator Bender said he will give a more detailed overview and status update at the next Board meeting. The Board will have to decide where to go with the spoils. Selectman Labonte said they would they have to figure that out prior to the bid. Administrator Bender said he didn't think they were ready to make that decision. Selectman Labonte asked how they are bidding. Administrator Bender said removal of materials for the dollar amount that we have. We will show them the plans and the work area. We would have to put in the bid that the spoils would need to go to BROX's which is where we went before. If the Board wants to sell or give away the spoils they would have to amend the bid. The completion date for the State is August of 2020. We will need to work with DES and Fish and Game on the timeline to start.

Selectman Dargie said he's ok going out to bid he just wants to make sure they are both bidding on the same thing. Administrator Bender said the bids would be open until September 9th but not much further.

Selectman Dargie made a motion to approve going out to bid on the project. Seconded by Selectman Dudziak. All were in favor. The motion passed 4/0.

Suzanne Fournier, Milford resident asked if they were taking comments. Chairman Daniels said they were just talking about going out to bid; they did not want to get into discussions at this time. There are steps they will need to go through with the State and we want to go forward with what the voters authorized. Discussions will take place at a later date.

Suzanne said they just dealt with the spoils and didn't open it up for discussion. Selectman Dudziak and Selectman Dargie said it was not dealt with at all. There was no definition of it, it will be determined later. Suzanne proceeded to tell the Board what they have to control according to what she knew and the impact to what is at Osgood now. She also said that Lincoln Daley refers this as the "amended phase". What do you mean by that? Chairman Daniels said that was the state's language. They consider this a continuation of the first project. It's considered as an amended project because of phase II. The first phase will be used as a model to continue with the second phase. The Board will approve the RFP and review the bids before it goes out.

Rodny Richie, Milford resident said Osgood Pond is pretty in the Fall. Hopefully it won't ruin the view for the Fall. The growth of the five acres around the shoreline has been extensive. Maybe it can be addressed in the second phase. Chairman Daniels said it was his understanding by the State that they needed to leave a buffer around the pond in the first phase.

**Discussion: Town Administrators Job Description and Ad to go out for a New Town Administrator.**

Chairman Daniels explained that Town Administrator Mark Bender has given notice of his retirement with his last day being February 20, 2020.

With that, Chairman Daniels opened the discussion of the Town Administrator (TA) job description and invited Karen Blow, HR Director to join the discussion. The Board reviewed the current job description and a recently revised version with changes noted in red. The changes included:

- Page 1 Duties and Responsibilities – added list of departments reporting to TA.
- Page 3 Desired Minimum Qualifications
  - o Changed Master's Degree to Bachelor's Degree from an accredited college or university (Master's preferred).
  - o Added the following Supervisory experience section:
  - o **Supervision Scope** - Performs complex and highly responsible duties, requiring the exercise of a high level of independent judgment in providing professional advice to the Board of Selectmen town, officials, boards and committees concerning the development, implementation and administration of the policies, goals, regulations, and statutory requirements related to the administration and operation of the town.
  - o **Supervision Received** – Works under the policy direction of the Board of Selectmen and within the latitude provided by the Board for independent judgment and initiative. Assumes responsibility for developing and achieving the goals and objectives as developed or assigned. Works according to established professional, department and town policies and procedures, standards, special directives, instructions and intent. The position is subject to review and evaluation by the Board of Selectmen
  - o **Supervision Given** - Requires prior supervisory experience. Necessitates supervision of Department Heads.
- Added the following Licensure/Certification Requirements section:
  - o Valid New Hampshire motor vehicle operator's license
- Added the following Other Training, and/or Necessary (KSA's) Knowledge, Skills and Abilities

**Knowledge of:**

- o Management functions including goal setting, planning, staffing and project management
- o Budget preparation
- o Union negotiations
- o Contract negotiations
- o Familiarity with NH Municipal Law
- o Familiarity with computer applications

**Ability to:**

- o Speak effectively before public groups and respond to questions
- o Communicate effectively both in writing and orally
- o Negotiate and resolve disputes effectively
- o Operate with multiple deadlines and competing demands
- o Read, analyze and interpret professional periodicals and journals, technical procedures and government regulations
- o Interpret a variety of technical instructions with abstract and/or concrete variables
- o Maintain effective working relationships with department heads, employees, Board of Selectmen, citizens of Milford, the business community and state, regional and federal officials
- o Ability to work collaboratively with all Town boards, commissions, departments and committees

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- o Maintain confidentiality and demonstrate integrity and tact

### **Skilled in:**

- o Planning, organizing, analyzing, decision-making and problem solving
- o Public and interpersonal relations
- o Development of short-term and long-term plans
- o Performing analytical operations
- o Establishing priorities and organizing work
- o Managing multiple and concurrent projects
- o Leadership, management and supervision
- o Facilitating meetings and forums
- o Added the following to the Other Considerations and Requirements section on page 4
- o Required to work outside of normal Business hours and attend frequent evening meetings.
- o Reasonable accommodations may be made to enable individuals with disabilities to perform essential duties.

Discussion ensued regarding the proposed changes:

Chairman Daniels stated that 5 years of experience is more important than the master's degree.

Selectman Dargie questioned New Hampshire driver's license and the requirement was changed to valid motor vehicle driver's license.

Selectmen Labonte questioned if the town should require a clean driving record. In discussion this was not added as old infractions should not impact a candidate's qualification because we do background checks and there is no impact on our insurance.

Suzanne Fournier addressed the Board questioning the job description. She referenced a Town & City article detailing the difference between Town Administrator and Town Manager. She stated that if there is no authority for a Town Manager, the Board of Selectmen (BOS) remains the executive, managerial and administrative body that carries out the votes.

Karen Blow explained that the BOS has the authority but delegate the day-to-day responsibility of operations to the TA.

Suzanne Fournier went on the detail the Town Manager duties defined in state statute. Selectman Dudziak and Chairman Daniels stated we are moving off topic. Milford does not have a Town Manager we have a Town Administrator. Suzanne Fournier argued that we can't have it both ways and need to follow the laws. Selectman Dudziak found it offensive that Suzanne would state that we don't know the law.

Administrator Bender interjected stating there is NH Statute for a Town Manager, but not for a Town Administrator. He then read the following from the 2019 Knowing the Territory, a New Hampshire Municipal Association publication:

### **C. Administrative Staff**

The position of town administrator, administrative assistant or similar title is not specifically referenced in statute. (Note that the position of town manager is governed by RSA Chapter 37). However, it is common for New Hampshire municipalities to employ someone in this position and towns are largely free to mold it to fit their needs.

The decision to hire an administrative person, and the duties and responsibilities of the administrator, are generally determined by the select board acting as the governing body. However, in some circumstances, such a position could be created by a town meeting vote. Assuming the position was not

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defined by town meeting, the select board may change the scope and duties of the administrator as it sees fit without further vote of town meeting. The administrator often prepares information statements that serve as the basis for policy decisions made by the select board, and is frequently given authority to make routine or recurring administrative decisions without specific approval by the select board. Project research, grant writing, organizing, advising and public relations are some of the many duties assigned to the administrator.

Administrator Bender summarized that the duties of TA are determined by the Governing Body, the Board of Selectmen.

Director Blow stated that this job description has been in place since 1985 with amendments in 1987, 1990, 1993, 1999, 2006 & 2014.

Chairman Daniels stated the town managers have more authority to make decisions. There is more interaction between the BOS and TA. Milford has had a TA for decades and ultimately the BOS is responsible.

Suzanne Fournier continued expressing that the BOS has delegated too much to the TA.

Chairman Daniels again stated that the BOS determines the duties and responsibilities, but retains general authority and accountability.

Audrey Frazier again expressed support for the BOS and the job description of the TA.

Selectman Labonte asked if the TA hired all department heads. Chairman Daniels stated that the TA has authority to hire all department heads. Selectman Labonte would like the BOS to take back decision making authority to hire department heads, to approve or not approve. Selectman Labonte then said, I guess the job description says the board could exercise that authority so I am not asking that it be changed here. I am just asking the board to take back reins on hiring, capital purchases, land leases and vehicles. General discussion was that the board could do that at any time.

Chairman Daniels stated that the board changes yearly while the TA is there on an ongoing basis and has to be able to work with department heads on a daily basis as a team or we risk upheaval and turnover among department heads. Administrator Bender stated that his approach has been much more than a courtesy involvement of the BOS. Hiring has been very collaborative by including selectmen, department heads, HR and others in the process. It is a long careful process with input from many people. Selectman Labonte said he is OK as long as the TA is not the sole person in the hiring process. Selectman Dargie stated the BOS can delegate authority as a default position and take it back for select hiring's, like police chief.

Director Blow suggested the chairman assign a rotation of selectmen to serve on selection committees for department heads positions. Selectman Labonte was OK with the chair and vice-chair taking lead roles, but each selectman represents 20% of the BOS. We are all equal.

Director Blow then reviewed the timing of advertising and hiring for the TA position. All agreed to start running the draft ad for the position with a closing date of November 1, 2019. Selectman Dargie liked the timeline and felt that there should be 2 selectmen on the selection committee and they should attend all interviews. Administrator Bender stated that hiring a TA is much different than hiring department head. It is a very difficult decision. He hopes we have 100 candidates. The entire BOS should be involved in the complete process. The TA reports to the BOS. Audrey Frazier agreed. It is important that the entire BOS be part of the hiring process for the new TA. Director Blow said let me know how to proceed. Are we having preliminary questions to qualify or disqualify candidates?

Selectman Dudziak made a motion to approve the job description as amended. Suzanne Fournier interrupted suggesting an amendment adding "and general authority" of the BOS in line 2 of General Authority. General

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consensus of the BOS was that this amendment was unnecessary and already covered in the General Authority and Accountability sections. Selectman Labonte agreed with Suzanne stating there is no harm in including it. Selectman Dargie said it is fine the way it is. Chairman Daniels said that Selectman Labonte could make the amendment and we could vote on it.

Selectman Dargie seconded the motion to approve as amended.

Selectman Labonte proposed an amendment adding "and ultimate authority" as discussed. The amendment was not seconded.

Vote was 3-1 in favor with Selectman Labonte opposed.

Selectman Dudziak made a motion to approve the job advertisement as amended. Selectman Dargie seconded. Motion passed 4-0.

The selectmen then discussed the TA agreement. Director Blow will send copies for the selectmen to review.

Selectman Dudziak made a motion to adjourn. Selectman Dargie seconded. Passed unanimously 4/0.

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Gary Daniels, Chairman

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Laura Dudziak, Member

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Paul Dargie, Vice Chairman

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Chris Labonte, Member

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Mike Putnam, Member