

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
September 13, 2021

<b>PRESENT:</b>	Gary Daniels, Chairman	John Shannon, Town Administrator
	Chris Labonte, Vice Chairman	Tina Philbrick, Executive Assistant
	Laura Dudziak, Member	Andy Kouropoulos, Videographer
	Paul Dargie, Member	
	David Freel, Member	

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

Chairman Daniels welcomed members of the public accessing this meeting remotely. He intends to continue using zoom at the Board meetings because there is more participation using this tool.

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

**5:30 p.m. – New Appointment to the Planning Board as an Alternate Member – Elaine Cohen**

Ms. Cohen is offering her 24 years of experience as a preeminent builder/developer specializing in building single-family residences in large-scale, master-planned communities. Recently retired, she would be honored to contribute to the Planning Board.

The Board asked a couple of questions about Ms. Cohen's background. She said her decisions would be based on a case-by-case basis. She found the Planning Board meetings that she attended were interesting.

**Selectman Freel moved to approve Ms. Cohen as an Alternate Member of the Planning Board. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.**

**5:35 p.m. – Information Technology Overview – IT Director, Bruce Dickerson**

Bruce provided an overview of IT activities.

**Previous Year Highlights**

- Hiring of full-time IT Assistant
- Update Microsoft Network & Servers to “supportable” level (Server 2012)
- Update & Migrate Exchange Server to supportable level (Exchange 2013)
- Update and upgrade our VMware virtual system (hardware & software)
- Plan and start the process of moving the IT department (including the server room) to the Town hall basement break-room/kitchen area

**Goals for the upcoming year**

- Upgrade our security hardware, software & policies
- Upgrade our NEC Phone system (including handsets)
- Start the process of upgrading our 14 Town Servers to the latest level (Server 2021) by acquiring the necessary licensing
- Upgrade our Microsoft Office 2010 to Office 365
- Upgrade many of our old network switches which I bought 2nd hand years ago

Selectman Freel asked what the cost would be to get into the Microsoft licensing. Bruce is working with someone to find out. The \$87,000 he spoke about would be for a security overhaul. Selectman Freel asked about the approximate cost. Bruce said he doesn't want to give a number until he has better information.

Selectman Dudziak asked about updating Office 365. Bruce said there are two different 365's. Exchange 365 is the e-mail server and Office 365 is word, excel, PowerPoint, etc., which is all cloud-based and will become an annual fee that we don't have currently.

Selectman Dargie asked about pending bandwidth issues. Bruce said no. Selectman Labonte asked about Consolidated running fiber. Bruce said that's a whole different thing, he explained the difference. Chairman Daniels asked if Bruce knew about the trucks around town running wires. Bruce said they are stringing fiber cables either above or underground. This will make phone calls and everything else much clearer and faster.

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Selectman Labonte asked about e-mails to include more town committees and things. Bruce said they are going on a per-user basis. The fewer e-mails we have the cheaper it will be. Selectman Freel asked if anything was spent from the last warrant article. Bruce said they haven't spent anything yet. They will be adding a little to that capital reserve every year.

### 5:50 p.m. – Replacement Ballot Counting Machines – Town Moderator, Pete Basiliere, and Town Clerk Joan Dargie

Pete thanked all the department and people that made the 9/11 ceremony meaningful.

**In summary:** Milford and other NH communities are at risk of the AccuVote ballot-counting machines ("tabulators") not being available for use at some point during the 2024 election season. Milford should collaborate with state officials to test alternatives to the AccuVote tabulators.

Milford has successfully used AccuVote tabulating machines to count town, school, state, and national Votes. The town owns four machines. AccuVote is no longer making these machines. The software for these machines is no longer supported.

The Board of Selectmen is responsible for equipping (arranging) the polling place. It's suggested that an alternative is in place before the 2024 Presidential primary election.

Milford provides an excellent environment to test an alternative tabulator. The Board of Selectmen has several options going forward:

- a. Ask the Ballot Law Commission for permission to use an alternative tabulating machine during the 2022 elections.
  1. The BOS would work with the moderator, town clerk, and vendor representatives to assess which alternative tabulating machine to submit for the Commission's approval.
- b. Notify the Ballot Law Commission and the Secretary of State that Milford is willing to support their work to ensure the latest secure and accurate technology is approved for use in NH elections.
  1. Our involvement could range from providing input on the tabulating machine's design, security features, and ease of use by voters and election officials to testing tabulators in one or more 2022 elections.
- c. Await the Ballot Law Commission's approval of new tabulating machine(s) before acting.

Milford's elections are safe, secure, and trustworthy. We should participate in the state's certification of new tabulators to ensure residents may continue relying on the integrity of our elections.

Chairman Daniels asked if the Secretary of state allows each town to use different machines or do they try to standardize it. Pete said they prefer everyone to use the same.

Joan said she's hoping that this Board will approve and asked permission from the Ballot Law Commission to try out the new machines. There is no extra cost; the equipment would be loaned to us.

**Selectman Freel made a motion to authorized Joan Dargie, Town Clerk, and Pete Basiliere, Town Moderator, to ask the Ballot Law Commission for permission to use an alternative tabulating machine during the 2022 elections. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.**

### 6:05 p.m. – Fire Department Overview – Fire Chief, Ken Flaherty

Ken provided an overview of Fire Department activities.

#### 2021 Statistic (1/01/21- 9/06/21)

Call for Service – 787 (76 ahead of 2020)

Inspections – 721 (152 ahead of 2020)

Health Complaints – 25 (not COVID related).

The Fire Department is also the Health Office. It could be standalone and self-sufficient. The initial investigation for restaurant complaints goes through the Fire Department then the state gets involved. He is in discussions with Community Development about this. It could be self-funded. The Fire Department does not issue permits, they come from the state. The permits can be from \$465 to \$500 per permit, which would be about \$45,000 in revenue to help with offsetting the cost. There are currently 15 communities that have health departments. This could also include environmental health, like what Fred Elkind did.

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**Station -The facility is now two years old as of last month.**

### **Apparatus**

The average age of apparatus 2003

Rescue 1 - 1988 CIP Replacement 2020 – They are thinking of bringing this forward next year as a warrant since it failed last year. We swapped engines 1 and 4.

Engine 1 – 2012 CIP Replacement 2028

Engine 2 - 2006 CIP Replacement 2022

Engine 3 - 2006 CIP Replacement 2023

Engine 4 - 1993 CIP Replacement 2027

Ladder 1 - 2015 CIP Replacement 2034

### **Staffing**

6 Full-Time Employees – (Chief, Captain, Fire Inspector, and two firefighters). 25 Call Firefighters which is 14 members short.

He will bring forward a suggestion of bringing on 3 more full-time employees for next year because we are understaffed and not meeting the minimum standards to get out the door. He explained why they need additional people. Milford also doesn't take other members from other communities because it makes those communities short-staffed.

Selectman Labonte asked if the pay is an issue for on-call firefighters. Ken said no, they do this because they want to. Selectman Labonte asked about upping the call pay. Ken said they could try; it would certainly help the people already here. They have lost 21 people in the last four years due to retirement or leaving town. There was some discussion about leasing/bonding. Paul Calabria, Finance Director said it's 3/5<sup>th</sup> or 60%. If you don't use the capital reserve, it's 50%.

Selectman Dargie provided the new RSA for lease-purchase vehicles. RSA 35:50 III, senate bill 87

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

Janet Langdell, a Milford resident put a plugin for the citizen of the year. They have some nominations but can entertain more. Forms can be found in the town hall lobby or online at [www.milfordpumpkinfestival.org](http://www.milfordpumpkinfestival.org).

Ms. Mongeon, NH DES, reminded people why we should put the GMZ ordinance in place. Chairman Daniels said she could speak later in the meeting.

Katherine Kokko, a Milford resident, asked how the ARPA funds fit into the budget. She asked when they can be spent. Administrator Shannon said they have to be obligated by the end of 2023. Ms. Kokko mentioned a contract for the communications project for ten years using ARPA funding. She understands that if something is being added to the municipal budget, it has to go through the regular budget cycle approval process and she said it hasn't been done yet. How can the Town of Milford make a ten-year commitment for expenditure over that period based on funds that have to be obligated within three years?

Captain Frye said license agreements can be approved by the Board of Selectmen. Selectman Dargie said that expenditure is similar to other leases that we encumbered and the Board has authority to do that. Ms. Kokko questions the ten-year lease. Chairman Daniels said they would get more information to Ms. Kokko.

Selectman Labonte said in the initial proposal that the Board approved, we approved the first-year cost of \$1,500 a month for a 12-month lease for a total of \$18,000. The contract that was signed was for \$1,600 per month, would that fall into the motion that was approved by the Board. Chairman Daniels said we will discuss that later in the meeting.

**4. DECISIONS – Selectman Labonte moved to approve the consent calendar. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0.**

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

1) Request for Approval of Milford Pumpkin Festival Beer, Wine & Spirits Tasting Tent.

2) Request for Acceptance and Appropriation of Unanticipated Revenues under \$10,000 (31:95(b)) Labor Day Parade Donations. - \$250.00 – Sons of the American Legion

3) Request for Acceptance of Gifts of Property Under \$5,000 (31:95(e)) GBC Ultima 65 Refurbished Laminator - \$398.83 (approximate resale value) – Milford High School

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- 4) Approval of Release Deed under Article 26, Discontinuance of Linden St. Extension on March 8, 2016.
- 5) Approval of Curtis Commons Subdivision Maintenance Surety Reduction/Release – Map 42 Lot 37.

### b) OTHER DECISIONS

- 1) Milford Municipal Code, Title 5 Health & Safety, Chapter 5.35 Savage Well Superfund Groundwater Management Zone Ordinance Decision.

Ms. Mongeon summarized why the GMZ is needed. They want to restrict the use of groundwater contaminants. They can make allowances and review more than the standard five years. They are preserving water beyond the GMZ. This is similar to the Fletcher Paint Site. It's easier to do an ordinance. The other option would be to add notices to all deeds within the GMZ.

The Board raised additional questions to address the boundaries of the GMZ and concerns raised by property owners. Ms. Mongeon will come back to the Board with answers to some of the questions on September 27, 2021.

### 5. TOWN STATUS REPORT – Town Administrator, John Shannon

**1) Communications Update** – The Town is currently in the process of improving its emergency communications system following a vote of the BOS. As of today, the Town has signed a contract to place antennae and other equipment at Crown Castle and is waiting on a final contract from 2-Way Communications. This will greatly improve emergency services radio reception and transmission throughout the town and with MACC Base. Once this phase is completed and evaluated, additional phases will be studied and presented as needed. All information, including contracts, has been or will be placed on the Town website once finalized.

Administrator Shannon said he will reach out to Town Council about Ms. Kokko's question on the 10-year lease. Administrator Shannon said currently, the lease isn't funded by ARPA money. We only approved ARPA funding of \$359,000. Additional money will either come from the operating budget, possible ARPA funding next year, a warrant article from Town vote, or an unencumbered fund balance that we can get permission to use from the state. Ms. Kokko said then we don't exactly know where it's coming from, so why are we moving ahead. She questions the need to have a contract.

Administrator Shannon explained the process to Ms. Kokko again.

Selectman Labonte repeated his question asked during public comments: in the initial proposal that the Board approved, we approved the first-year cost of \$1,500 a month for a 12-month lease for a total of \$18,000. The contract that was signed was for \$1,600 per month, would that fall into the motion that was approved by the Board. Administrator Shannon said they approved a bottom-line number and it's fine as long as that number doesn't go up. Selectman Labonte disagrees; a line item had a specific cost on it.

Captain Frye said in a discussion with 2-Way, batteries were mentioned and it was the Board's suggestion that we get a generator. The Crown Castle space is money, and a generator needs to be put on the outside of the building, not inside. That is where the cost of \$100 came in because we were going to use batteries.

Selectman Labonte said then the cost went up because the generator cost more than batteries and a generator wasn't included in the cost. Administrator Shannon said correct, but this Board approved up to a certain number and as long as the final cost comes in at that number.

Captain Frye said the bottom line number Administrator Shannon is speaking about, other than the \$100 more for the generator will still stay the same. They have placed purchase orders for the cost of the electrician, propane tanks, a mini-split, a generator, and the first month's rent which will come out of the Police Departments' budget at approximately \$27,752.

**2) Hiring Process DPW** - The Town is currently in the process of hiring a new Director of Public Works. The position is currently advertised on the Town's website. Once a list of candidates has been compiled, a three-member committee will interview the most qualified people and a new hire will be made. Any questions or concerns can be directed to the Town Administrator's Office.

### 6. DISCUSSIONS

- 1) N/A

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

8. SELECTMEN’S REPORTS/DISCUSSIONS

FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES

a. OTHER ITEMS (that are not on the agenda)

9. APPROVAL OF FINAL MINUTES - Selectman Dudziak moved to approve the minutes of August 23, 2021, and August 30, 2021, (5<sup>th</sup> Monday Forum). Seconded by Selectman Dargie. All were in favor. The motion passed 5/0.

10. INFORMATION ITEMS REQUIRING NO DECISIONS.

1. N/A

11. NOTICES. Notices were read. Chairman Daniels asked to change the 5<sup>th</sup> Monday forum on August 30<sup>th</sup> to 6:00 instead of 7:00. Selectman Labonte said he may not attend. MACC Base is holding a meeting at 5:00 and he will be attending that one instead.

12. NON-PUBLIC SESSION a motion made by Selectman Dudziak to enter into a non-public session in accordance with (RSA 91-A:3, II(c)) Reputation and unsealing of non-public minutes for March 8, 2021, and April 12, 2021. Seconded by Selectmen Dargie. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.

Selectman Labonte made a motion to leave the non-public session. Seconded by Selectmen Freel. A roll call vote was taken, Selectman Dargie yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0. Selectman Dudziak left the meeting before the vote.

Selectman Dargie made a motion to unseal the non-public minutes of March 8, 2021, as amended, and April 12, 2021. Seconded by Selectman Labonte. A roll call vote was taken with Selectman Dargie, yes, Selectman Labonte no, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0.

Selectman Dargie made a motion to seal the non-public minutes of September 13, 2021. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie, yes, Selectman Labonte no, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 4/0. The minutes were sealed under reputation because if not, it would affect adversely the reputation of the person who requested the non-public meeting.

In non-public, the Board discussed the non-public minutes and decided that they could unseal them. No further decisions were made by the Board.

13. ADJOURNMENT: Selectman Freel moved to adjourn at 9:45 pm. Seconded by Selectman Dargie. 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 4/0.

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Gary Daniels, Chairman

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Paul Dargie, Member

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Chris Labonte, Vice-Chairman

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David Freel, Member

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Laura Dudziak, Member