

## 5:30 Review of Alternate Language for Chapter 7, Disciplinary Rules - HR Director, Karen Blow

**TO:** Town of Milford Board of Selectmen  
**FROM:** John Shannon, Town Administrator  
**DATE:** December 14, 2021  
**Subject:** Alternate language for Chapter 7, Disciplinary Rules – 5 day reporting timeframe

As previously discussed, below is some alternate language we would like to recommend for the **Employee Handbook, Chapter 7, page 3, Section B3 & B4, lines 4-24**. The Town's attorney has advised that a 5 working day window should be removed and replaced with language as reflected below:

**B. 3. Suspension** ... In case of serious infractions of Town rules and policies or repeated infractions of those rules and policies, after warning has been issued, a Department Head may recommend to the Town Administrator that an employee be suspended with or without pay. Such recommendation should be forwarded in writing **as soon as possible but not to exceed 30 days** within five (5) working days with a copy to the employee. **If additional time is required due to the nature of an internal investigation, that shall be documented and conveyed to the Town Administrator, who can then grant a limited extension to the 30 day reporting timeframe.** A copy of the recommendation for suspension shall be placed in the employee's personnel file. The Town Administrator or designee may meet with the Department Head and the employee as soon as practical to review the matter. The Department Head shall, with the concurrence of the Town Administrator, decide whether, for how long, and under what conditions (e.g., with or without pay) to suspend the employee.

**B. 4. Termination for Cause**...In those cases where the act or acts of an employee are of such a serious nature that they demonstrate that the employee is unfit for continued employment with the Town, the Department Head may recommend to the Town Administrator that the employee be terminated. Such recommendation should be forwarded immediately in writing to the Town Administrator **as soon as possible but not to exceed 30 days** but not later than within five (5) working days from the date of the act or acts which gave rise to this recommendation to terminate. **If additional time is required due to the nature of an investigation, that shall be documented and conveyed to the Town Administrator, who can then grant a limited extension to the 30 day reporting timeframe.** A copy of the recommendation to terminate employment shall be placed in the employee's personnel file. As necessary, the Town Administrator or designee shall meet with the Department Head and the employee as soon as practical to review the matter and to decide whether the termination shall stand.

# Chapter 7 - Disciplinary Process & Appeal Procedure

## DISCIPLINARY PROCESS

A. The Town of Milford reserves the right to terminate the employment of any employee at any time, with or without notice, for any reason or no reason, as it deems appropriate. In some instances, the Town may elect to discipline or warn an employee about unacceptable conduct or performance and give the employee an opportunity to correct the problem; however, a strict or progressive disciplinary procedure is not required. All matters of discipline and/or discharge are at the discretion of the Board of Selectmen, the Town Administrator, and/or Department Heads. The following actions or conduct are examples of grounds for immediate dismissal from Town employment, however, this list is meant to be illustrative and should not be considered to include all reasons for dismissal:

1. Conviction of a felony.
2. Immoral behavior.
3. Working under the influence of alcohol or drugs (controlled substances).
4. Possession or distribution of alcohol or drugs (controlled substances).
5. Unauthorized possession of firearms.
6. Fighting and/or attempting to injure or recklessly endangering others.
7. Willful insubordination.
8. Willful falsification of claims for vacation or sick leave.
9. Stealing, embezzlement, or wrongful destruction of Town property.
10. Using the position for personal gain outside the scope of employment.
11. Falsifying information on the employment application or resume.
12. Failure to accept a duty assignment except for demonstrated and legitimate health or safety reasons.
13. Loss of driver's license or other operator's permit or certification for those positions requiring such license or permit.

B. In addition to the above-stated grounds for immediate dismissal, employees may be discharged for the following infractions; however, this list is provided for illustration purposes and shall not operate to limit the Town's discretion to discipline or dismiss employees:

1. Violation of a posted policy or rule of a department that is not in conflict with these rules.
2. Intoxicated behavior, under the influence of non-prescribed, controlled drugs, or misuse of prescribed drugs.

- 1 3. Offensive conduct or language which could reflect negatively on the  
2 employee or the Town.
- 3 4. Inappropriate, improper and/or unauthorized use of Town equipment, to  
4 include but not be limited to, Town vehicles, computers, telephones,  
5 photocopiers, fax machines, etc.
- 6 5. Failure to perform assigned duties.
- 7 6. Repeated lack of cooperation with other employees or members of the public.
- 8 7. Demonstrated inability to perform duties and responsibilities required for the  
9 position.
- 10 8. Absence for a period of three (3) days without adequate notification to the  
11 department unless a proper excuse is given.
- 12 9. Reoccurring unauthorized absenteeism or tardiness.
- 13 10. Any violation of the Town's Ethics Policy (Refer to Ethics Policy in Chapter 9)

## DISCIPLINARY RULES

14  
15  
16  
17 A. In order to operate smoothly, properly and efficiently, and for the mutual  
18 protection of employees, the public and the Town, the Town must enforce certain work  
19 rules and standards. Many of these rules and standards are outlined in this Handbook.  
20 In addition, the Board of Selectmen or its designee(s) (e.g., Town Administrator,  
21 Department Head) may from time to time post, publish and/or inform employees of new  
22 or additional policies or procedures. Violation of any of these rules or policies may  
23 result in disciplinary action being taken against the employee.

24  
25 B. Discipline may include oral warning, written warning, suspension (with or without  
26 pay), or termination. The type of discipline administered and the notice given will be  
27 determined by the Town in its sole discretion, taking into consideration the nature and  
28 circumstances of the violation. The following description of possible types of progressive  
29 discipline is offered as a guideline and the Town is not required to strictly follow these  
30 descriptions or any order of discipline when dealing with an employee.

31  
32 1. **Oral Warning** ... An immediate supervisor or Department Head may issue  
33 an oral warning to notify the employee of the nature of the infraction and offer  
34 suggestions for change or correction. Each department shall devise the  
35 memorandum format for notice of the oral warning. With the Department Head's  
36 approval, a written record of that oral warning shall be placed in the employee's  
37 personnel file.

38  
39 2. **Written Warning** ... The Department Head may issue a written warning of  
40 a serious infraction of Town rules and policies or for repeated infraction(s) of  
41 Town rules or policies. The warning should explain the nature of the infraction(s)  
42 and offer suggestions for change or correction. The written warning should be  
43 signed by the employee, the immediate supervisor, and the Department Head. If  
44 the employee does not wish to sign the written warning, it is to be so noted on  
45 the warning document and then signed by the supervisor. The written warning,

1 together with all existing memorandum of verbal warnings, shall be included in  
2 the employee's personnel file.

3  
4 **3. Suspension ...** In case of serious infractions of Town rules and policies or  
5 repeated infractions of those rules and policies, after warning has been issued, a  
6 Department Head may recommend to the Town Administrator that an employee  
7 be suspended with or without pay. Such recommendation should be forwarded  
8 in writing within five (5) working days of the infraction with a copy to the  
9 employee. A copy shall be placed in the employee's personnel file. The Town  
10 Administrator or designee may meet with the Department Head and the  
11 employee as soon as practical to review the matter. The Department Head shall,  
12 with the concurrence of the Town Administrator, decide whether, for how long,  
13 and under what conditions (e.g., with or without pay) to suspend the employee.

14  
15 **4. Termination for Cause...**In those cases where the act or acts of an  
16 employee are of such a serious nature that they demonstrate that the employee  
17 is unfit for continued employment with the Town, the Department Head may  
18 recommend to the Town Administrator that the employee be terminated. Such  
19 recommendation should be forwarded immediately in writing to the Town  
20 Administrator but **not later than** within five (5) working days from the date of the  
21 act or acts which gave rise to this recommendation to terminate. A copy shall be  
22 placed in the employee's personnel file. As necessary, the Town Administrator or  
23 designee shall meet with the Department Head and the employee as soon as  
24 practical to review the matter and to decide whether the termination shall stand.

25  
26 **N.B.:** All records of disciplinary action(s) are considered to be a permanent part of the  
27 employee's personnel records with the Town of Milford.

### 28 **APPEAL PROCEDURE**

29 *(revised and approved by BOS 7.26.2021)*

30  
31  
32 A. It is the policy of the Town of Milford to provide its employees with the opportunity  
33 to appeal any disciplinary actions regarding the employee that the employee  
34 feels is not justified by the facts and circumstances of the situation.

35  
36 B. The supervisory levels of appeal shall be:

- 37 1. Supervisor
- 38 2. Department Head
- 39 3. Town Administrator
- 40 4. Board of Selectmen

41  
42 C. Before accessing the appeal process, the employee should first discuss the  
43 disciplinary action with his/her immediate supervisor within fifteen (15) calendar  
44 days of the act or omission with which the employee takes exception. If, after  
45 discussing with their immediate supervisor the disciplinary action taken against  
46 him/her, the employee is not satisfied with the decision of their immediate  
47 supervisor, the employee may appeal the disciplinary action taken against  
48 him/her to the next higher supervisory level.

- 1 D. If dissatisfied with the decision at any supervisory level of appeal, the employee  
2 may appeal the decision of that level to the next higher level of appeal, in writing,  
3 within five (5) working days of the decision. The entity to which the appeal is  
4 being made shall review the matter with both parties and then issue a written  
5 decision within seven (7) working days.  
6
- 7 E. To ensure due process for all parties, at each level of appeal, the appeal process  
8 shall consist of the following:  
9
- 10 a. The meeting at each respective supervisory level of appeal shall be  
11 scheduled as to be convenient to both parties and the employee shall be  
12 credited with work time for the time spent attending the hearing.  
13
- 14 b. The appealing party shall be afforded the opportunity to defend him/herself.  
15
- 16 c. The employee may, at his/her own expense, be represented by counsel at  
17 any meeting in the appeal process.  
18
- 19 d. In appeals to the Board of Selectmen, a minimum of three (3) members of the  
20 Board of Selectmen (constituting a quorum) shall be required to hold a  
21 hearing. Any decision rendered at this hearing has to be a unanimous  
22 decision where only 3 members are present.  
23  
24

**4. a) 1) Request to re-appoint Tracy Steel to the Zoning Board of Adjustments as a Full Member -  
Term expires 2025**

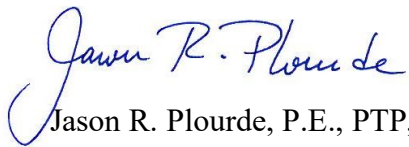
January 6, 2022

Mr. Gary Daniels  
Chairman, Board of Selectmen  
Town of Milford  
1 Union Square  
Milford, NH 03055

Chairman Daniels:

As Chair of the Milford Zoning Board of Adjustment, I would like for you and fellow Board of Selectmen members to strongly consider allowing Mrs. Tracy Steel to serve our community for another term on our Board. Tracy's involvement with the ZBA is valued and appreciated in helping to make Milford a better, safer, and stronger community.

Sincerely,



Jason R. Plourde, P.E., PTP, LPA  
Chair, Zoning Board of Adjustment

**4. a) 2) Request to re-appoint Nancy Amato and Mary Burdett to the Recycling/  
Solid Waste Committee as Full Members - Terms expires 2025**

February 9, 2022

To the Milford Board of Selectmen

The Milford NH Committee on Recycling & Solid Waste wishes to have Nancy Amato and Mary Burdett reappointed as full members for another term ending 2025.

Thank you.

Celeste Barr, chair

Milford Recycling & Solid Waste

4. a) 3) Request to Change Sara Weyant-Bunn from an Alternate Member to a Full Member of the Heritage Commission - Term expires 2025



## Milford Heritage Commission

Town Hall  
1 Union Square  
Milford NH 03055

Board of Selectmen  
Town of Milford  
1 Union Square  
Milford NH 03055

23 January 2022

The Heritage Commission is honored to nominate the following members to the terms described:

- David Palance to continue as Chairman until the term of the year 2023.
- Polly Cote has asked to step down as her term will expire this year.
- Sara Weyant-Bunn has stepped-up to take Polly's commission for a three-year term ending in 2025.
- Sarah Brown will continue to serve until her term expires in 2024.
- Chris Thompson & Chuck Worcester will serve their terms until the year of 2023.
- Herbert Adams & Katherine Kokko will continue as alternate members until the year 2024.

The terms are suggested to minimize the number of elections in a given year and to provide overlapping service for consistency. These terms are understood to be on the last day of March in the year stated.

Thank you for the consideration.

Respectfully,

A handwritten signature in cursive script, appearing to read "David Palance", is written over a light blue horizontal line.

David Palance  
Chairman  
Milford Heritage Commission

Meets 2<sup>nd</sup> Wednesday of each month 7:00PM  
Wadleigh Memorial Library  
Lull Room



**4. a. 4) Acceptance and Appropriation of Unanticipated Revenues under \$10,000 (31:95(b))**  
**4. a. 5) Acceptance of Gifts of Property Under \$5,000 (31:95(e)).**

Board of Selectmen  
 Agenda Date: 2/14/2022

**Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b))**

Source	Amount	Purpose
COVID19 Vaccination Aid Grant (FEMA)	TBD	Funding from the NH Dept of Health & Human Services to administer vaccinations at Milford state run vaccination sites - January 1, 2022 - March 31, 2022. This reimbursement is for salary, wages, and fringe benefits for the Fire Dept. No match is required.
COVID19 Vaccination Aid Grant (FEMA)	TBD	Funding from the NH Dept of Health & Human Services to administer vaccinations at Milford state run vaccination sites - January 1, 2022 - March 31, 2022. This reimbursement is for salary, wages, and fringe benefits for the Ambulance Dept. No match is required.
COVID19 Vaccination Aid Grant (FEMA)	TBD	Funding from the NH Dept of Health & Human Services to administer vaccinations at Milford state run vaccination sites - January 1, 2022 - March 31, 2022. This reimbursement is for salary, wages, and fringe benefits for the Police Dept. No match is required.
Brady Mitchell, Eagle Scout	\$ 9.82	Remaining fundraising monies from Eagle Project at Adams Field to deposit into the General Fund - Parks Maintenance-Supplies account. See attached memo.
Margaret M. Seward Revocable Trust	\$ 1,000.00	Donation to be used for the restoration/repair of the Scout House at Shepard Park. See attached memo.
Acceptance of Gifts of Property Under \$5,000 (31:95(e))		
Brady Mitchell - Eagle Scout Project		Donation of 10' x 10' covered structure and poly metal plaque at Adams Field. These have a total estimated value of \$4,500. See attached memo.
Elizabeth Abaid		Donation of framed hand painted picture of the Milford gazebo. This has an estimated value of \$125. See attached memo.

**New Hampshire State of Health and Human Services  
COVID-19 Vaccination Aid**



**TERMS OF COVID-19 VACCINATION AID AGREEMENT**

This document sets forth the terms of this COVID-19 Vaccination Aid Agreement (Agreement) is entered into between the **State of New Hampshire, Department of Health and Human Services** (hereinafter referred to as the "DHHS" or "State"), and Milford Fire, Police, Ambulance (First Responder Organization), with a principal place of business of Town of Milford, for the provision of aid in the administration of the New Hampshire Coronavirus Disease 2019 Vaccination Plan. This Agreement is effective to January 1, 2022, upon the signature of the parties, subject to Governor and Council approval, and the completion date is March 31, 2022, unless terminated earlier in accordance with Section 9 below.

WHEREAS, the First Responder Organization shall provide personnel to assist with vaccinating individuals against COVID-19 in accordance with the terms and conditions set forth below; and

NOW THEREFORE, in consideration of the foregoing and the mutual covenants and conditions contained in the Agreement and set forth herein, the parties hereto agree to the following:

**1. REIMBURSABLE SERVICES**

1.1 The State shall reimburse the First Responder Organization for actual personnel expenditures incurred, which may include, but are not limited to, salary, wages, administrative expenses, stipends, and fringe benefits ("personnel expenditures"), by the First Responder Organization for employees who assist the State with vaccination efforts between January 1, 2022, through March 31, 2022, provided that such personnel expenditures are incurred while at state-approved point of dispensing vaccine site, or in assisting the State with COVID-19 vaccination efforts, where directed, while working under the direction of DHHS. DHHS shall reimburse for personnel expenditures incurred for hours worked at vaccine sites and those assisting the State with COVID-19 vaccination efforts and travel time to and from the vaccination sites on the date the travel occurred.

**2. FEE SCHEDULE AND PAYMENT CONDITIONS**

- 2.1 Funding for this Agreement is a shared price limitation of \$6,000,000 across all First Responder Organizations statewide from January 1, 2022, through March 31, 2022.
- 2.2 The First Responder Organization shall complete the online Vaccination Reimbursement Request Form (Form) located on the New Hampshire State of Safety, Homeland Security and Emergency Management's website ([https://prd.blogs.nh.gov/dos/hsem/?page\\_id=11123](https://prd.blogs.nh.gov/dos/hsem/?page_id=11123)) by the fifteenth (15th) calendar day of the following month. The completion of this online Form shall serve as a formal invoice submission by the First Responder Organization to DHHS for actual personnel expenditures incurred.
- 2.3 DHHS shall make payment to the First Responder Organization within thirty (30) days of receipt of each Form, subsequent to approval of the submitted Form and if sufficient funds are available, subject to Paragraph 5 Conditional Nature of Agreement.
- 2.4 The First Responder Organization shall retain all supporting documentation of expenses incurred for up to five (5) years from the Agreement period.
- 2.5 The final Form shall be due to DHHS no later than April 30, 2022.

**3. CONFIDENTIALITY**

3.1 Any and all confidential information obtained or received by the First Responder

**New Hampshire State of Health and Human Services  
COVID-19 Vaccination Aid**



Organization shall be kept confidential and shall not be disclosed to anyone for any reason, unless required by law. "Confidential Information" means all information owned, managed, created, or received from the Individuals served under this Agreement, the DHHS, any other agency of the State, or any medical provider, that is protected by Federal or State information security, privacy or confidentiality laws or rules. Confidential Information includes, but is not limited to, Derivative Data, protected health information (PHI), personally identifiable information (PII), federal tax information (FTI), Social Security Administration information (SSA) and criminal justice information services (CJIS) and any other sensitive confidential information provided under the Agreement. This covenant shall survive the termination of the Agreement.

- 3.2 The First Responder Organization shall use and disclose Protected Health Information in compliance with the Standards for Privacy of Individually Identifiable Health Information (Privacy Rule) (45 CFR Parts 160 and 164) under the Health Insurance Portability and Accountability Act (HIPAA) of 1996, and in accordance with the attached Exhibit A, Business Associate Agreement, which has been executed by the parties.

**4. IMPACTS RESULTING FROM COURT ORDERS OR LEGISLATIVE CHANGES Impacts**

- 4.1 The First Responder Organization agrees that, to the extent future state or federal legislation or court orders may have an impact on the Services described herein, DHHS has the right to modify Service priorities and expenditure requirements under this Agreement so as to achieve compliance therewith

**5. CONDITIONAL NATURE OF AGREEMENT**

- 5.1 The First Responder Organization acknowledges that no funds will be paid to the First Responder Organization once the price limitation is reached.
- 5.2 Notwithstanding any provision of this Agreement to the contrary, all obligations of continuance of payments, in whole or in part under this Agreement, are contingent upon the continued appropriation or availability of funds, including any subsequent changes to the appropriation or availability, and in no event shall the State be liable for any payments hereunder in excess of such available appropriated funds.

**6. PERSONNEL**

- 6.1 The First Responder Organization warrants that all personnel engaged in the Services shall be qualified to perform the Services and shall be properly licensed and otherwise authorized to do so under all applicable laws.

**7. COMPLIANCE WITH LAWS AND REGULATIONS**

- 7.1 In connection with the performance of the Services, the First Responder Organization shall comply with all statutes, laws, regulations and orders of federal, state, county or municipal authorities which impose any obligation or duty upon the First Responder Organization, including but not limited to, the Health Insurance Portability and Accountability Act, HIPAA; Pub. L. 104-191, 110 Stat. 1936 (1996), the Standards for Privacy and Security of Individually Identifiable Health Information, 45 CFR Parts 160 and 164, and civil rights and equal opportunity laws.
- 7.2 During the term of this Agreement, the First Responder Organization shall not discriminate against employees or applicants for employment because of race, color, religion, creed, age, sex, handicap, sexual orientation, or national origin and will take affirmative action to prevent such discrimination.
- 7.3 The First Responder Organization agrees to permit the State or United States access to

**New Hampshire State of Health and Human Services  
COVID-19 Vaccination Aid**



any of the First Responder Organization's books, records and accounts for the purpose of ascertaining compliance with all rules, regulations and orders, and the covenants, terms and conditions of this Agreement.

**8. ASSIGNMENT/DELEGATION/SUBCONTRACTS**

- 8.1 The First Responder Organization shall not assign, or otherwise transfer any interest in this Agreement without the prior written notice, which shall be provided to the State at least fifteen (15) days prior to the assignment, and a written consent of the State.
- 8.2 None of the Services shall be subcontracted by the First Responder Organization without prior written notice and consent of the State. The State is entitled to copies of all subcontracts and assignment agreements and shall not be bound by any provisions contained in a subcontract or an assignment agreement to which it is not a party.

**9. RIGHT OF TERMINATION/EVENT OF DEFAULT**

- 9.1 This Agreement may be terminated by either party for any reason by providing a thirty (30) day written notice to the other party.

**10. CHOICE OF LAW AND FORUM**

- 10.1 This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of New Hampshire. Any actions arising out of this Agreement shall be brought and maintained in a New Hampshire Superior Court which shall have exclusive jurisdiction thereof.

**11. FIRST RESPONDER ORGANIZATION'S RELATION TO THE STATE**

- 11.1 In the performance of this Agreement the First Responder Organization is neither an agent nor an employee of the State, provided, however, that nothing in this agreement shall limit or otherwise prohibit the State's authority to designate as an agent of the state any of the officers, employees, agents or members of the First Responder Organization pursuant to RSA 508:17-a. Neither the First Responder Organization nor any of its officers, employees, agents or members shall have authority to bind the State or, except as provided in RSA 508:17-a (if applicable) to receive any benefits, worker's compensation or other emoluments provided by the State to its employees. It is expressly agreed, pursuant to RSA 281-A:2, VII (a) (6), that the First Responder Organization shall solely be responsible for any worker's compensation benefits for any services or duties performed by its officers, employees, agents or members provided in connection with this agreement.

**12. AMENDMENT**

- 12.1 This Agreement may be amended, waived, or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver, or discharge by the Governor and Executive Council of the State of New Hampshire unless no such approval is required under the circumstances pursuant to State law, rule, or policy.


**13. ENTIRE AGREEMENT**

- 13.1 This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Agreement and understanding between the parties, and supersedes all prior agreements and understandings with respect to the subject matter hereof.

New Hampshire State of Health and Human Services  
COVID-19 Vaccination Aid



FIRST RESPONDER ORGANIZATION

  
\_\_\_\_\_  
Print Name: KENNETH FAHMY  
Print Title: CHIEF  
First Responder Organization Name: Milford Fire  
Duly Authorized

1/4/22  
\_\_\_\_\_  
Date

NH DEPARTMENT OF HEALTH AND HUMAN SERVICES

\_\_\_\_\_  
Lori Weaver, Deputy Commissioner  
NH Department of Health of Human Services

\_\_\_\_\_  
Date

The preceding Agreement, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

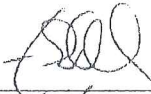
\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

New Hampshire State of Health and Human Services  
COVID-19 Vaccination Aid



FIRST RESPONDER ORGANIZATION

  
 \_\_\_\_\_  
 Print Name: Eric Scheuborn  
 Print Title: Director, MHS  
 First Responder Organization Name: Milford Ambulance Service  
 Duly Authorized

\_\_\_\_\_  
 01/07/2022  
 Date

NH DEPARTMENT OF HEALTH AND HUMAN SERVICES

\_\_\_\_\_  
 Lori Weaver, Deputy Commissioner  
 NH Department of Health of Human Services

\_\_\_\_\_  
 Date

The preceding Agreement, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Name:  
 Title:

New Hampshire State of Health and Human Services  
COVID-19 Vaccination Aid



FIRST RESPONDER ORGANIZATION

*Michael J. Viola*

*01/05/2022*

Print Name: *Michael J. Viola*  
Print Title: *Chief of Police*  
First Responder Organization Name: *Milford Police*  
Duly Authorized

Date

NH DEPARTMENT OF HEALTH AND HUMAN SERVICES

\_\_\_\_\_  
Lori Weaver, Deputy Commissioner  
NH Department of Health of Human Services

\_\_\_\_\_  
Date

The preceding Agreement, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

CERTIFICATE OF AUTHORITY

I, John Shannon, hereby certify that:  
(Name of the Municipality Clerk/Municipality Official)

1. I am a duly elected Municipality Clerk/Municipality Official) of Milford NH.  
(Municipality Name)

2. I hereby certify that KEN FLAHERTY, ERIC Schelby, Mike Vid/A (may list more than one  
(Authorized Signatory)

person) is authorized on behalf of this municipality to enter into the said contract with the State and to execute any and all documents, agreements, and other instruments; and any amendments, revisions, or modifications thereto, as he/she may deem necessary, desirable, or appropriate.

3. I hereby certify that this authority has not been amended or repealed and remains in full force and effect as of the date of the contract/contract amendment/agreement to which this certificate is attached. This authority **remains valid for thirty (30) days** from the date of this Certificate of Authority. I further certify that it is understood that the State of New Hampshire will rely on this certificate as evidence that the person(s) listed above currently occupy the position(s) indicated and that they have full authority to bind the municipality. To the extent that there are any limits on the authority of any listed individual to bind the municipality in contracts or other agreements with the State of New Hampshire, all such limitations are expressly stated herein.

Dated: 1/4/22

John Shannon  
Signature of Municipality Clerk/Municipality Official  
Name:  
Title:



# TOWN OF MILFORD

## OFFICE OF THE SELECTMEN

**TO:** Board of Selectmen  
**FROM:** Tina M. Philbrick, Executive Assistant  
**DATE:** February 14, 2022  
**SUBJ:** Eagle Scout Project - donation



Brady Mitchell built a 10ft x 10ft covered structure at Adams Field and a poly metal plaque as well. He fundraised money and as a part of his Eagle Project the leftover funds must go to the beneficiary. The remaining amount of money fundraised was \$9.82.

Thank you

Tina M. Philbrick  
Executive Assistant



**Milford Heritage Commission**  
**Town Hall**  
**1 Union Square**  
**Milford NH 03055**

Board of Selectmen  
Town of Milford  
1 Union Square  
Milford NH 03055

December 31, 2021

Reference check # 1114 from the account of Margaret M. Seward Revocable Trust

The Heritage Commission is pleased and honored to accept the gift of \$1,000.00 from the family of Hubbard Seward to be used toward upkeep and restoration of the celebrated Laurel Schoolhouse & Scout Troup #4 House. The commission recommends the entering of these funds into the Laurel School Refurbishment Account and to be restricted for the purpose so stated.

This gift is being made to the memory of "Hub" Seward who among his many contributions to the town of Milford, volunteered to the benefit of the Scout Troops including both the Boys and Girl Scouts.

Thank you for the consideration.

Respectfully

David Palance  
Chairman  
Milford Heritage Commission

Meets 2<sup>nd</sup> Wednesday of each month 7:00PM  
Wadleigh Memorial Library  
Lull Room

*Rec'd 1/24/22  
K.S.S.*

Kathy Townsend

---

**From:** Mary Dickson  
**Sent:** Wednesday, February 09, 2022 1:38 PM  
**To:** Kathy Townsend  
**Subject:** Adams Field

Please consider for acceptance by the town of the 10' x 10' covered structure at Adams Field and a poly metal plaque that were installed by Brady Mitchell as his Eagle Scout Project. The estimated value of these items is \$4,500.

*Mary Dickson  
Administrative Assistant  
Milford Public Works  
603-673-1662*

# TOWN OF MILFORD

## OFFICE OF THE SELECTMEN

*TO:* Board of Selectmen  
*FROM:* Tina M. Philbrick, Executive Assistant  
*DATE:* February 14, 2022  
*SUBJ:* Framed Picture



Framed hand painted picture of the Milford gazebo by Elizabeth Abaid. Ms. Abaid's picture was chosen for the cover of the 2022 Voters Guide, so she gifted the Town with a copy. Approximate value \$125.

Thank you

Tina M. Philbrick  
Executive Assistant



Default Budget of the Municipality  
**Milford**

For the period beginning January 1, 2022 and ending December 31, 2022

*RSA 40:13, IX (b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.*

This form was posted with the warrant on: 1/27/22

**GOVERNING BODY OR BUDGET COMMITTEE CERTIFICATION**

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Name	Position	Signature

This form must be signed, scanned, and uploaded to the Municipal Tax Rate Setting Portal:  
<https://www.proptax.org/>

**For assistance please contact:**  
NH DRA Municipal and Property Division  
(603) 230-5090  
<http://www.revenue.nh.gov/mun-prop/>



**Default Budget of the Municipality**

Account	Purpose	Prior Year Adopted Budget	Reductions or Increases	One-Time Appropriations	Default Budget
<b>General Government</b>					
0000-0000	Collective Bargaining	\$0	\$0	\$0	\$0
4130-4139	Executive	\$197,943	\$0	\$0	\$197,943
4140-4149	Election, Registration, and Vital Statistics	\$190,844	\$31,520	\$0	\$222,364
4150-4151	Financial Administration	\$918,862	\$15,317	\$0	\$934,179
4152	Revaluation of Property	\$0	\$0	\$0	\$0
4153	Legal Expense	\$40,000	\$0	\$0	\$40,000
4155-4159	Personnel Administration	\$3,302,390	\$353,824	\$0	\$3,656,214
4191-4193	Planning and Zoning	\$301,507	(\$17,000)	\$0	\$284,507
4194	General Government Buildings	\$404,392	\$10,581	\$0	\$414,973
4195	Cemeteries	\$98,811	(\$5,417)	\$0	\$93,394
4196	Insurance	\$158,112	\$0	\$0	\$158,112
4197	Advertising and Regional Association	\$0	\$0	\$0	\$0
4199	Other General Government	\$13,587	\$0	\$0	\$13,587
<b>General Government Subtotal</b>		<b>\$5,626,448</b>	<b>\$388,825</b>	<b>\$0</b>	<b>\$6,015,273</b>
<b>Public Safety</b>					
4210-4214	Police	\$2,564,417	\$33,000	\$0	\$2,597,417
4215-4219	Ambulance	\$930,628	\$0	\$0	\$930,628
4220-4229	Fire	\$653,289	\$0	\$0	\$653,289
4240-4249	Building Inspection	\$131,971	\$0	\$0	\$131,971
4290-4298	Emergency Management	\$8,100	\$0	\$0	\$8,100
4299	Other (Including Communications)	\$700,734	\$50,255	\$0	\$750,989
<b>Public Safety Subtotal</b>		<b>\$4,989,139</b>	<b>\$83,255</b>	<b>\$0</b>	<b>\$5,072,394</b>
<b>Airport/Aviation Center</b>					
4301-4309	Airport Operations	\$0	\$0	\$0	\$0
<b>Airport/Aviation Center Subtotal</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Highways and Streets</b>					
4311	Administration	\$199,805	\$0	\$0	\$199,805
4312	Highways and Streets	\$1,435,962	\$8,655	\$0	\$1,444,617
4313	Bridges	\$0	\$0	\$0	\$0
4316	Street Lighting	\$45,600	\$0	\$0	\$45,600
4319	Other	\$0	\$0	\$0	\$0
<b>Highways and Streets Subtotal</b>		<b>\$1,681,367</b>	<b>\$8,655</b>	<b>\$0</b>	<b>\$1,690,022</b>
<b>Sanitation</b>					
4321	Administration	\$0	\$0	\$0	\$0
4323	Solid Waste Collection	\$859,868	\$0	\$0	\$859,868
4324	Solid Waste Disposal	\$0	\$0	\$0	\$0
4325	Solid Waste Cleanup	\$0	\$0	\$0	\$0
4326-4328	Sewage Collection and Disposal	\$0	\$0	\$0	\$0
4329	Other Sanitation	\$0	\$0	\$0	\$0
<b>Sanitation Subtotal</b>		<b>\$859,868</b>	<b>\$0</b>	<b>\$0</b>	<b>\$859,868</b>



**Default Budget of the Municipality**

**Water Distribution and Treatment**

4331	Administration	\$0	\$0	\$0	\$0
4332	Water Services	\$0	\$0	\$0	\$0
4335	Water Treatment	\$0	\$0	\$0	\$0
4338-4339	Water Conservation and Other	\$0	\$0	\$0	\$0
<b>Water Distribution and Treatment Subtotal</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Electric**

4351-4352	Administration and Generation	\$0	\$0	\$0	\$0
4353	Purchase Costs	\$0	\$0	\$0	\$0
4354	Electric Equipment Maintenance	\$0	\$0	\$0	\$0
4359	Other Electric Costs	\$0	\$0	\$0	\$0
<b>Electric Subtotal</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Health**

4411	Administration	\$0	\$0	\$0	\$0
4414	Pest Control	\$0	\$0	\$0	\$0
4415-4419	Health Agencies, Hospitals, and Other	\$0	\$0	\$0	\$0
<b>Health Subtotal</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Welfare**

4441-4442	Administration and Direct Assistance	\$160,561	\$0	\$0	\$160,561
4444	Intergovernmental Welfare Payments	\$0	\$0	\$0	\$0
4445-4449	Vendor Payments and Other	\$0	\$0	\$0	\$0
<b>Welfare Subtotal</b>		<b>\$160,561</b>	<b>\$0</b>	<b>\$0</b>	<b>\$160,561</b>

**Culture and Recreation**

4520-4529	Parks and Recreation	\$277,018	\$0	\$0	\$277,018
4550-4559	Library	\$844,488	\$0	\$0	\$844,488
4583	Patriotic Purposes	\$0	\$0	\$0	\$0
4589	Other Culture and Recreation	\$3,000	\$0	\$0	\$3,000
<b>Culture and Recreation Subtotal</b>		<b>\$1,124,506</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,124,506</b>

**Conservation and Development**

4611-4612	Administration and Purchasing of Natural Resources	\$24,695	\$0	\$0	\$24,695
4619	Other Conservation	\$0	\$0	\$0	\$0
4631-4632	Redevelopment and Housing	\$0	\$0	\$0	\$0
4651-4659	Economic Development	\$0	\$0	\$0	\$0
<b>Conservation and Development Subtotal</b>		<b>\$24,695</b>	<b>\$0</b>	<b>\$0</b>	<b>\$24,695</b>

**Debt Service**

4711	Long Term Bonds and Notes - Principal	\$955,192	\$2,387	\$0	\$957,579
4721	Long Term Bonds and Notes - Interest	\$233,232	(\$31,048)	\$0	\$202,184
4723	Tax Anticipation Notes - Interest	\$3,000	\$0	\$0	\$3,000
4790-4799	Other Debt Service	\$1,500	\$0	\$0	\$1,500
<b>Debt Service Subtotal</b>		<b>\$1,192,924</b>	<b>(\$28,661)</b>	<b>\$0</b>	<b>\$1,164,263</b>



**Default Budget of the Municipality**

**Capital Outlay**

4901	Land	\$0	\$0	\$0	\$0
4902	Machinery, Vehicles, and Equipment	\$0	\$0	\$0	\$0
4903	Buildings	\$0	\$0	\$0	\$0
4909	Improvements Other than Buildings	\$0	\$0	\$0	\$0
<b>Capital Outlay Subtotal</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Operating Transfers Out**

4912	To Special Revenue Fund	\$5,000	(\$5,000)	\$0	\$0
4913	To Capital Projects Fund	\$0	\$0	\$0	\$0
4914A	To Proprietary Fund - Airport	\$0	\$0	\$0	\$0
4914E	To Proprietary Fund - Electric	\$0	\$0	\$0	\$0
4914O	To Proprietary Fund - Other	\$0	\$0	\$0	\$0
4914S	To Proprietary Fund - Sewer	\$0	\$0	\$0	\$0
4914W	To Proprietary Fund - Water	\$0	\$0	\$0	\$0
4915	To Capital Reserve Fund	\$0	\$0	\$0	\$0
4916	To Expendable Trusts/Fiduciary Funds	\$0	\$0	\$0	\$0
4917	To Health Maintenance Trust Funds	\$0	\$0	\$0	\$0
4918	To Non-Expendable Trust Funds	\$0	\$0	\$0	\$0
4919	To Fiduciary Funds	\$0	\$0	\$0	\$0
<b>Operating Transfers Out Subtotal</b>		<b>\$5,000</b>	<b>(\$5,000)</b>	<b>\$0</b>	<b>\$0</b>

<b>Total Operating Budget Appropriations</b>		<b>\$15,664,508</b>	<b>\$447,074</b>	<b>\$0</b>	<b>\$16,111,582</b>
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**Default Budget of the Municipality**

Account	Explanation
4195	Personnel Reallocation
4140-4149	3 Elections in 2022
4150-4151	New I.T. Position
4194	Personnel Reallocation
4312	Teamsters
4721	Debt Payments
4711	Principal Refinance Adjustment
4299	MACC BASE & Hydrant Cost Increase
4155-4159	NHRS, Health Ins & AFSCME
4191-4193	MS-4 Adjustment
4210-4214	AFSCME & Teamsters
4912	5th Annual Payment Made In 2021!

**4. a. b) Voting Day Schedule**

**Selectman Labonte cannot be scheduled as he is running for re-election.**

**Schedule of Selectmen at Polling/Voting Location  
(RSA's 658:23, 658:24, & 659:9)**

**Date of Vote: March 8, 2022**

**Location of Vote: Milford High School, 100 West Street**

**5:00 am: Café on the Oval Breakfast (invitation from Pete Basilere to poll workers)**

**6:00 am: Polls Open**

**Selectman that will be present**

<b>6:00 am – 7:00 am:</b>	_____	_____	Tina Philbrick
<b>7:00 am – 8:00 am:</b>	_____	_____	Tina Philbrick
<b>8:00 am – 9:00 am:</b>	_____	_____	Tina Philbrick
<b>9:00 am – 10:00 am:</b>	_____	_____	Tina Philbrick
<b>10:00 am – 11:00 am:</b>	_____	_____	Tina Philbrick
<b>11:00 am – 12:00 pm:</b>	_____	_____	_____
<b>12:00 pm – 1:00 pm:</b>	_____	_____	_____
<b>1:00 pm – 2:00 pm:</b>	_____	_____	_____
<b>2:00 pm – 3:00 pm:</b>	_____	_____	_____
<b>3:00 pm – 4:00 pm:</b>	_____	_____	Tina Philbrick
<b>4:00 pm – 5:00 pm:</b>	_____	_____	Tina Philbrick
<b>5:00 pm – 6:00 pm:</b>	_____	_____	Tina Philbrick
<b>6:00 pm – 7:00 pm:</b>	_____	_____	Tina Philbrick
<b>7:00 pm – 8:00 pm:</b>	_____	_____	Tina Philbrick

**8:00 pm (Three Selectmen must be present to close polls and sign ballot boxes):**

\_\_\_\_\_

# 9. Approval of Final Minutes - January 24, 2022

DRAFT

## MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

January 24, 2022

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

### 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.

### 2. APPOINTMENTS – (Approximate times)

#### 5:30 p.m. – Deliberative Session Planning – Town Moderator, Pete Basiliere (VERBAL)

Mr. Basiliere said if the requirement to have people wear masks in the town hall extends to the deliberative session date then we won't be able to have it here because we would be excluding voters that are unwilling or unable to wear masks. He spoke to the high school people and it is available if needed. It can accommodate all of the people. We would need to give voters a two-week notice.

Administrator Shannon said the mandate was temporary due to the increase of COVID-19 after the holidays. We can lift it at any time. Chairman Daniels said we will have the Deliberative Session in the Town Hall at this time. They have done a lot of work getting the audio up and running.

Mr. Basiliere said he will let the school district know.

#### 5:40 – Review of Alternate Language for Chapter 7, Disciplinary Rules – HR Director, Karen Blow

Ms. Blow said due to an incident in 2021, the Attorney recommended that we change the time from 5 days to within 30 days. Five days is too constricting and doesn't give enough time for investigations. Administrator Shannon said the goal would be to rectify the situation as soon as possible.

Selectman Labonte asked if the employee would be notified within 5 days of the infraction. Administrator Shannon said yes, and not everything will need a long investigation. It will be handled promptly.

Chairman Daniels's concern is that you could have an infraction but someone could wait 29 days to report it, he would hope an infraction would be addressed quickly. Ms. Blow said she can change this to whatever the Board wants. She also put within 30 days.

Selectman Freel doesn't understand why we need 30 days for this process. Administrator Shannon said it's time to do what is needed and investigate. Ms. Blow said there will be a time that fact-finding needs to be done and they need time to do that. The employee labor attorney recommended this. The Board would not entertain an earlier suggestion outside the five days. Selectman Dudziak said department heads will not wait until the last minute.

Selectman Dargie supports this change. Before you suspend anyone, you want to make sure it's correct. Chairman Daniels asked Ms. Blow to remove one line under Termination for Cause. "Such recommendation should be forwarded immediately in writing to the Town Administrator". Chairman Daniels asked what they would do if it was a Department Head. There was a discussion about that additional process.

Chief Viola said the Board is part of the process if there is a grievance, not the disciplinary process. An investigation takes time; you can notify the employee at the beginning. Selectman Labonte said it doesn't say in the original policy that it stops at the Town Administrator. Administrator Shannon said they can work on verbiage.

Selectman Labonte wants to see this again before they approve it. Chairman Daniels asked Ms. Blow to bring this back with changes at the next meeting.

#### 5:50 – Bronze Plaque for the Town Hall – Historical Society Chairman, Mark Genovesi

Mr. Genovesi referenced a letter that the town hall was listed on the National Register of Historic Places in 1988 and there was never anything provided about this. He recommended some language. Administrator Shannon recommended the front door as an official place to place the plaque.

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 01/24/2022**

63 Mr. Genovesi referenced the Swing Bridge and he is hoping something may be placed there as well when the bridge is re-  
64 stored.

65  
66 **Selectman Labonte made a motion to approve the Bronze Plaque for the Town Hall. Seconded by Selectman Dargie. Selectmen Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Chairman Daniels yes and Selectman**  
67 **Freel yes. All were in favor. The motion passed 5/0.**  
68

69  
70 **3. PUBLIC COMMENTS (regarding items that are not on the agenda)**  
71 **Selectman Dargie moved to approve the consent calendar. Seconded by Selectman Dudziak. Selectmen Dargie yes,**  
72 **Selectman Dudziak yes, Selectman Labonte yes, Chairman Daniels yes and Selectman Freel yes. All were in favor.**  
73 **The motion passed 5/0.**  
74

75 **4. DECISIONS**

- 76 **a) CONSENT CALENDAR**  
77 1. Request for Approval of Intent to Cut Wood or Timber, Map 52, Lot 18-3  
78 2. Approval of Reduction of the Subdivision Performance Surety – Timber Ridge Drive

- 79 **b) OTHER DECISIONS**  
80 1. N/A

81 **5. TOWN STATUS REPORT –**

82 **1. Fire Department Personnel – Chief Flaherty (VERBAL)**

83 Administrator Shannon said there are 3 full-time firefighters on the budget for this year. He was asked if it would be better  
84 to raise the volunteer call rate instead of adding full-time people.

85  
86 Ken Flaherty, Fire Chief said there are not enough volunteers to cover the shifts. We can't fill the weekend spots. The  
87 community was left unprotected this past weekend. People work other jobs not necessarily in town so they can't make the  
88 calls.

89  
90 Chairman Daniels asked if they've analyzed this to find out why they can't get the volunteers. Chief Flaherty said we are  
91 not the only organization in the state and country having this same problem. We can raise the rate, but we won't get the  
92 volunteers, and at that point, they would be employees because they would be here for the pay instead. People are not com-  
93 ing into volunteer. The current rate is \$15.08 per hour and they average 250 hours per year. They are not here for the mon-  
94 ey. We've had multiple discussions about this with staff. We are trying to make sure the community is protected. People  
95 found other things to do with their time with the pandemic and are now spending more time with their families. Selectman  
96 Freel witnessed this when there was a 14 minute response time for a building fire in his neighborhood. We reviewed per  
97 diems which would be hard to manage because they don't live in the community and are not vested in the community. Call  
98 force per diems now become part-time employees and you need to start watching wages for retirement and insurance.  
99

100 Chief Flaherty said they can't do anything with two firemen because they need three to run a truck. He explained how he  
101 covers shifts now which don't include weekends and holidays. It's approximately \$292,000 for 12 months. This year we  
102 would only have to staff for 6 months.

103  
104 Deputy Jeff Marshall said three firefighters on a single piece vehicle do not cover us for all of our calls. The call staff is  
105 very important to our model. Selectman Freel asked why we haven't been adding people in the last 5 years. Chef Flaherty  
106 said they have. Since 1986 we've hired a chief, training officer, then two more firefighters. We currently have 4 employ-  
107 ees plus our Administrator. We would do a rotating shift.  
108

109 Selectman Labonte said he's worried that the call firemen won't make a truck. Chief Flaherty said that is an inaccurate  
110 statement because they still come and they are still very important to us. That second piece of apparatus is a crucial piece  
111 and we are not meeting the time deadlines for it. It's over 15 minutes to get the second piece out. Selectman Labonte said  
112 in his opinion, he feels that they will suffer. Chief Flaherty said that isn't the culture of a call firefighter. We currently  
113 have 6 or 7 that come to everything and they are getting burnt out.  
114

115 Deputy Marshall explained the model. We feel it's important to take this next step to service the town of Milford. We are in  
116 competition with 32 other communities daily who are looking for per diem help. Some towns are paying \$25 to \$35 per  
117 hour for per diem firefighters. Per Diem people don't get benefits. Selectman Labonte asked if most places start off as per  
118 diem. Chief Flaherty said it depends. Deputy Marshall said that most departments that ease into full-time are a combination  
119 of Fire and EMS which brings in revenue.

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Selectman Freel feels that this is important but if we are going to add this to the budget, we need to take something out of the budget. The tax rate is going up by 30%; we need to get the budget to go down. Mr. Calabria clarified that only the town's portion will go up, we don't know what the county and school will be. For the shock factor for everyone, the tax rate isn't going up 31%; the town's tax rate is a very small portion of the overall tax rate.

Administrator Shannon said the firefighters are already included in the budget. The tax rate went from 5.74 to 4.03. There was additional discussion throwing out more tax rate numbers from last year and this year.

**2. Radio Process Report – Captain Frye**

Captain Frye presented the Board with a multiple-page spreadsheet of Milford Police Department radio failures from 2016 through 2021. This report consisted of dates of failures, Officers, and eight types of ways the failures occurred. This report did not outline the location of failures for the safety of the town's people and officers. He will give Director Johnson the full copy. Radio failures have occurred over 373 times in the last 5 years. The problems are all over the place. Hopefully, with the antenna, it will be fixed, or at least most of it.

Jason Johnson, MACC Base Director, said portable to portable never goes through MACC Base. He doesn't know much about what the planned system will be. This is the first time he's seen this list. He has dealt with specific issues with Captain Frye. Every service has some things that will have problems. He gave examples of types of issues that can occur. There needs to be a process in place on what to do when these issues come up. Captain Frye said this is an ongoing problem.

Selectman Labonte asked if radios from other emergency services have been tracked. Eric Schelberg, Ambulance Director said there have been very few and they know where the issues are. Deputy Marshall said police and fire are on different frequencies physically so there will be differences. There will be a better advantage to being on one system that is currently being proposed which will make it easier to manage. A unified system will be a much better advantage to do these ongoing measurements. We will get data from the new system to help us with this process. We've had 6 different radio vendors tell us what the problems are, we've paid for surveys, and now we want a piece of paper that causes our Police Officers to stop what they are doing for their job to write something down because their radio doesn't work. We now have invested in new technology that can give us this work. We already bought the new system.

Katherine Kokko, Milford resident, asked how many of these incidents have been investigated by a vendor. Captain Frye said they know about them and they say the system and equipment need to be updated; it's the same thing that they have been saying for the last 5 years. The guys are getting tired of tracking because they don't think it will ever get fixed. Ms. Kokko said she's been asking for a process for several months now. Chairman Daniels said we are starting with this.

Ms. Kokko asked if we know that the new system will do the automated reports that Mr. Marshall mentioned. Captain Frye said he would check into it. Ms. Kokko said recording a problem doesn't help get to the bottom of the problem.

Selectman Freel asked if there was an estimated time to get this up and running. Captain Frye said Spring/Summer. The tower will be usable in late spring.

Dave Palance, a Milford resident said we need to be smart about this. We need technical data to back up what decisions we are making. This sheet is meaningless because it doesn't have documentation backing it up. This data is useless.

Chairman Daniels said much of this will have to be done in non-public so we don't divulge problem areas due to safety issues. Mr. Palance said he doesn't think we need to go non-public.

Chairman Daniels said we know that using the tower on Crown Castle will improve our communications. The process that we've started gives us a base, to begin with. There is no value in having the officers repeat what they have already done. He feels that by supporting the tower we can evaluate the processes and see where we are at.

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 01/24/2022**

175 Selectman Labonte asked if we will be continuing this discussion, he feels we should have a process to go forward. Chair-  
176 man Daniels said this is what Captain Frye can give us and we can look at it further. Selectman Freel said why not wait  
177 until the system is up and running to see if it fixes most of the problem. We shouldn't need a whole other process in place.  
178

179 **2. ARPA Update**

180 Town Administrator Shannon presented the Board with an updated Proposed Milford Projects that can be covered under  
181 ARPA funding according to the final guidelines. We should be getting about \$860,000 in June, maybe more. He updated  
182 the original suggested list which includes a Paramedic Response (PRV) Replacement Vehicle for \$57,659 and a Police  
183 SUV Vehicle for \$56,392. He asked the Board to consider using the ARPA funding for the Ambulance SUV vehicle in-  
184 stead of keeping it in the budget. There was some discussion as to why or why not it should be left in the budget. He will  
185 send out the full ARPA list. Federal Hill tower will be coming down in March and he just found out about it. It will be  
186 about \$300,000. Selectman Labonte asked why it wasn't on as a warrant article this year. Administrator Shannon said we  
187 don't have a set price. Chief Flaherty said the tower information just came out to us. They will put up a temporary piece;  
188 we won't lose communication abilities but may lose some coverage as the new one will be lower. There was some discus-  
189 sion about the list.  
190

191 Mr. Calabria said if we were to fund the Ambulance response vehicle with ARPA funding, it would shrink the operating  
192 budget. Selectman Labonte still wants to keep it in the operating budget.  
193

194 **Selectman Dargie made a motion to approve the purchase of the Ambulance SUV from the ARPA funding for**  
195 **\$57,659. Seconded by Selectman Dudziak.**

196  
197 Selectman Labonte wants to know what we are doing with the old vehicle. Selectman Dargie said they are using it as a  
198 trade-in. Chairman Daniels asked the Town Administrator to prioritize the list and get back to the Board.  
199

200 **Selectmen Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Chairman Daniels no and Selectman Freel no.**  
201 **The motion failed 2/3 with Selectmen Daniels, Labonte and Freel opposed.**  
202

203 **6. DISCUSSIONS**

204 **1. 2022 Warrant Articles**

205 Chairman Daniels asked that someone identify the warrants that have changed. Tina Philbrick, Executive Assistant said  
206 that the library warrant increased around \$100,000. The Ratification of 10-year public safety cell tower license contract  
207 changed for additional clarification. She said we didn't need all the information that everyone is suggesting be put into the  
208 warrant article. She reviewed the previous lease that was done in 2019 for the Solar Farm and people tried to do the same  
209 thing, it was simplified at the deliberative session with an amendment and all the additional information was removed. We  
210 didn't need a ton of information in the warrant article itself when we can put it in the voter's guide. She starts the warrant  
211 articles and then receives information from other departments, and they work together on language and additional clarifica-  
212 tion.  
213

214 This is a lease, and the first year of the lease is paid for. We will include all the information needed to explain this in the  
215 voter's guide. This warrant according to the DRA, NHMA, and Town Council, whom we've gone to several times to re-  
216 view this, have all said that this is the way it should read for our town vote in March. The changes have been continual and  
217 at one point you have to stop. If someone wants to try to amend this warrant article, and it passes, we can change it again  
218 before voting. Warrant Article 25 is a 10-year lease and its fine like it is. She turned the discussion over to the Town Ad-  
219 ministrator to explain why \$1,648 was removed from the warrant article.  
220

221 Selectman Labonte is confused as to why the warrant article doesn't have \$220,000 in the header because that is what it will  
222 cost over 10 years. Administrator Shannon said this has no tax dollars associated with it for 2022. Due to concerns that  
223 some people had, we are now executing a one-year contract for 2022. This is paid for in ARPA money, already approved  
224 in July 2021. This warrant article is for a contract that won't start until January 2023. No tax dollars will be spent in 2022.  
225 We involved Town Counsel and the legal Counsel at NHMA and this is how we are proceeding. The warrant contract will  
226 go into effect next year in 2023.  
227

228 Selectman Freel has no problem with the way this warrant article is written. Selectman Dargie asked to add "This article  
229 has no tax impact in 2022" to the bottom of the warrant article. Selectman Labonte questioned not having a tax impact  
230 statement for 2023 on this warrant article as we do in warrant article 3. Paul Calabria said we typically have that statement  
231 on bond articles only.

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 01/24/2022**

232 Selectman Labonte asked why we changed to a one-year lease from a 10-year lease. Administrator Shannon said to correct  
233 some issues that people had with the warrant article.

234  
235 **Selectmen Dargie made a motion to add “This article has no tax impact in 2022” to the bottom of the warrant arti-**  
236 **cle. Selectmen Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Chairman Daniels yes and Selectman**  
237 **Freel yes. All were in favor. The motion passed 5/0.**

238  
239 WADLEIGH LIBRARY HVAC/Electrical Systems Upgrades – BOND \$1,423,000 (the selectmen requested additional information)  
240 **Selectman Dargie made a motion to recommend the TOWN OPERATING BUDGET Warrant. Seconded by Selectman Dudziak. Selectmen**  
241 **Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Chairman Daniels no and Selectman Freel no. The motion failed 2/3 with Selectmen**  
242 **Daniels, Labonte and Freel opposed.**

243  
244 TOWN OPERATING BUDGET \$16,349,126  
245 **Selectman Labonte changed his vote to oppose. The Selectmen now recommend this warrant article 4/1**

246  
247 Selectman Dargie asked Administration to look at the tax impact number. Mr. Calabria said he’s still looking at how the number is calculated and hopes  
248 to have something by the end of the week. There was a lengthy discussion on how the tax rate number should or could be calculated. Multiple numbers  
249 were thrown out. There was confusion about tax rates on the regular budget and default budget. Mr. Calabria recommends taking time to educate the  
250 public before making any drastic changes and implementing the changes next year. Selectman Dargie objects to having the wrong number in the warrant  
251 article. Administrator Shannon feels it's reckless to make changes now with so little time before the town vote. Selectman Dargie would like to simplify it  
252 "a vote yes is \$12 per \$100,000 higher than a vote no. Selectman Dargie said the language in the operating budget is fixed by law. You can adjust the tax  
253 rate only.

254  
255 DPW VEHICLES AND HEAVY EQUIPMENT CAPITAL RESERVE \$40,000  
256 **Selectman Labonte changed his vote to oppose. The Selectmen now recommend this warrant article 4/1**

257  
258 TOWN FACILITIES RENOVATION AND MAJOR REPAIR REPLACEMENT CAPITAL RESERVE \$25,000  
259 **Selectman Labonte changed vote to oppose. The Selectmen now recommend this warrant article 4/1**

260  
261 AMBULANCE VEHICLE REPLACEMENT CAPITAL RESERVE \$25,000  
262 **Selectman Labonte changed his vote to oppose. The Selectmen now recommend this warrant article 4/1.**

263  
264 KEYES PARK EXPANSION COMMITTEE PROJECT CAPITAL RESERVE \$25,000  
265 **The Selectmen re-voted on this warrant article:**  
266 **Selectman Dargie made a motion to recommend the KEYES PARK EXPANSION COMMITTEE PROJECT CAPITAL RESERVE Warrant. Seconded by Selectman Dudziak. Selectmen Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Chairman Daniels no and Selectman**  
267 **Freel no. The motion failed 2/3 with Selectmen Daniels, Labonte and Freel opposed.**

268  
269  
270 TEAMSTERS UNION COLLECTIVE BARGAINING AGREEMENT \$32,070  
271 **Selectman Dargie made a motion to recommend the TEAMSTERS UNION COLLECTIVE BARGAINING AGREEMENT Warrant. Seconded**  
272 **by Selectman Dudziak. Selectmen Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Chairman Daniels yes and Selectman Freel yes.**  
273 **The motion passed 5/0**

274  
275 TEAMSTERS UNION COLLECTIVE BARGAINING AGREEMENT SPECIAL MEETING \$0  
276  
277 Chairman Daniels said people don’t typically go to special meetings. It also adds incentive for the parties to agree. Selectman Dargie is opposed but  
278 would rather let the voters decide if they want the meeting or not. Selectman Labonte asked how much it would cost to do a special election. Tina Phil-  
279 brick said around \$14,000. Chairman Daniels said you could still have a special meeting without this warrant article but you would have to go through the  
280 court. Selectman Labonte asked how these have been handled in the past. Ms. Philbrick said they have never had this type of warrant article and all Team-  
281 ster contract warrants have passed since she has been here. Selectman Freel asked what would happen if the above warrant failed. Mr. Calabria said they  
282 would go status quo and everything would stay the same until the next town vote.

283  
284 **Selectman Daniels made a motion to remove the TEAMSTERS UNION COLLECTIVE BARGAINING AGREEMENT SPECIAL MEETING**  
285 **Warrant. Seconded by Selectman Labonte. Selectmen Dargie no, Selectman Dudziak no, Selectman Labonte yes Chairman Daniels yes and**  
286 **Selectman Freel yes. The motion passed 3/2 with Selectman Dargie and Dudziak opposed.**

287  
288 CONSERVATION LAND FUND \$20,000 (the selectmen requested additional information)  
289 Selectman Labonte said conservation is getting additional land with warrant article 29 and that helps them build their inventory. We are already high in the  
290 tax rate. He will be voting against this. Selectman Dargie feels we should be adding money to conservation regularly yearly. You don’t know when  
291 something will become available.

292  
293 Chris Costantino, a Conservation member, said that there is \$105,000 in their fund. She said that the BAC gives a recommendation each year as to how  
294 much they should have in their fund at \$180,000. This is based on the average property value. They spent \$13,000 last year, but don't spend every year.  
295 They also used some money for legal work for conservation. They spent about \$30,000 in the last 5 years.

296  
297 **Selectman Dargie made a motion to recommend the CONSERVATION LAND FUND Warrant. Seconded by Selectman Dudzkak. Selectmen**  
298 **Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Chairman Daniels no and Selectman Freel no. The motion failed 2/3 with Selectman**  
299 **Daniels, Labonte and Freel opposed.**

300  
301 INFORMATION TECHNOLOGY INFRASTRUCTURE CAPITAL RESERVE \$20,000

DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 01/24/2022

302 Selectman Labonte changed his vote to oppose. The Selectmen now recommend this warrant article 4/1

303  
304 ELECT MEMBERS OF THE MILFORD PLANNING BOARD - \$0 by petition

305 Selectman Freel asked what was behind this. Administrator Shannon said it's a petition and you would have to go to the person who started this. Selectman Labonte said Amherst recently did this. Administrator Shannon said the terms would be scattered. Selectman Labonte would like more information. Ms. Philbrick said they could change their vote after the deliberative session.

309 Selectman Dargie made a motion to recommend the ELECT MEMBERS OF THE MILFORD PLANNING BOARD Warrant. Seconded by Selectman Daniels. Selectmen Dargie no, Selectman Dudziak no, Selectman Labonte no, Chairman Daniels no and Selectman Freel no. The motion failed 0/5 with everyone opposed.

312 **2. Designation of Majority and Minority Report Authors 2022**

Majority

Minority

315 WARRANT ARTICLE 3 - WADLEIGH LIBRARY HVAC/ ELECTRICAL SYSTEMS		
316 UPGRADES - \$1,423,000 (995,000 BOND and \$428,000 DONATIONS)	Selectman Daniels	Selectman Dudziak
317 TOWN OPERATING BUDGET \$16,349,126	Selectman Daniels	Selectman Labonte
318 DPW VEHICLES AND HEAVY EQUIPMENT CAPITAL RESERVE \$40,000	Selectman Dargie	Selectman Labonte
319 TOWN FACILITIES RENOVATION AND MAJOR REPAIR REPLACEMENT CAPITAL RESERVE \$25,000	Selectman Dudziak	Selectman Labonte
320		
321 AMBULANCE VEHICLE REPLACEMENT CAPITAL RESERVE \$25,000	Selectman Dargie	Selectman Labonte
322 KEYES PARK EXPANSION COMMITTEE PROJECT CAPITAL RESERVE \$25,000	Selectman Daniels	Selectman Dudziak
323 WARRANT ARTICLE 17 - TEAMSTERS UNION COLLECTIVE BARGAINING AGREEMENT (2022 — 2025) — \$32,070		
324	Selectman Daniels	
325 WARRANT ARTICLE 20 - CONSERVATION LAND FUND - \$20,000	Selectman Freel	Selectman Dargie
326 INFORMATINON TECHNOLOGY INFRASTRUCTURE CAPITAL RESERVE \$20,000	Selectman Daniels	Selectman Labonte
327 RATIFICATION OF 10 YEAR PUBLIC SAFETY CELL TOWER LICENSE CONTRACT \$0	Selectman Daniels	
328 WARRANT ARTICLE 31 - ELECT MEMBERS OF THE MILFORD PLANNING BOARD - \$0 by petition	Selectman Freel	
329		

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

332 Katherine Parenti, Library Chair, asked why the majority of the Board was not supporting the Library warrant article. Selectman Freel said because of the amount of money being spent and what is coming down to the voters in taxes. There will never be a good time, but this year for him isn't the best time. Ms. Parenti said there was a 10% increase in the warrant this year and we need to protect our patrons. Selectman Freel said at the end of the day it's up to the voters.

337 Katherine Kokko, a Milford resident, questioned the word "ratification" in Warrant article 25, is still ratification of a 10-year lease. Administrator Shannon said yes.

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

341 Selectman Labonte asked if we can put a new button on the town website to reflect 2022. Ms. Philbrick said yes.

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

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

346 **9. APPROVAL OF FINAL MINUTES – Selectman Dargie moved to approve the minutes of January 10, 2022 and January 10, 2022, Budget and Bond Hearing. Seconded by Selectman Dudziak. Selectmen Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Chairman Daniels yes and Selectman Freel yes. All were in favor. The motion passed 5/0.**

351 **10. INFORMATION ITEMS REQUIRING NO DECISIONS.**

352 1. N/A

353 **11. NOTICES.** Notices were read.

355 **12. NON-PUBLIC SESSION – N/A**

357 **The Board went into recess at 8:10.**

359 **13. ADJOURNMENT: Selectman Dargie moved to adjourn at 8:40 pm. Seconded by Selectman Dudziak. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.**



DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 01/24/2022

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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

## 9. Approval of Final Minutes - February 31, 2022 (5th Monday Forum)

DRAFT

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

January 31, 2022

**PRESENT:** Gary Daniels, Chairman Excused                      John Shannon, Town Administrator excused  
Paul Dargie, Vice Chairman                                      Andrew Kouropoulos, Videographer  
Laura Dudziak, Member    Tina Philbrick, Executive Assistant  
Chris Labonte, Member  
David Freel, Member

#### 1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:

Vice Chairman Labonte called the public meeting to order at 7:00 p.m., introduced Board members, and then led the audience in the Pledge of Allegiance.

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

**7:00 p.m. Town Voters Guide (Verbal)** – Tina Philbrick, Executive Assistant gave to Board an update as to the cost of the voters guide for 7,000 copies that will be mailed out to all mailboxes in town. The school will be helping with the cost, although she is not sure of the amount.

#### 7:00 p.m. OPEN FORUM

Brendon Philbrick, Wilton resident, Milford Business owner, has issues with the inadequate parking in Milford. The parking lot next to the Police Department isn't always cleared and doesn't have enough space. Wants to know what can be done to fix this. He gave some suggestions of what could be done. He suggested utilizing space at the Library.

Chief Viola said they really don't police the parking lot next to the Police Department, its open parking. If there are complaints, they look into it. DPW does the best they can do clearing out that lot but they sometimes have to go around vehicles.

Selectman Dargie said there is a committee that has been discussing parking, but they haven't met due to COVID. He expects them to start up again soon.

Captain Frye said parking is an issue all over town when it snows. The apartment buildings have the same issues moving vehicles to different areas so they can clear snow.

There was additional discussion, but nothing can really be done at this point until the committee starts to meet again.

Jeff Marshall, a Milford resident, asked why the Board didn't use ARPA money to buy an Ambulance vehicle given that the budget is high and the Board is trying to find ways to decrease the operating budget. It would have met the need without the tax impact.

Selectman Labonte said they want to prioritize the ARPA funding with \$850,000 coming in. They have \$2,400,000 in requests. Mr. Marshall asked if they were going to prioritize it then revisit this at a later date? Selectman Labonte said the ambulance vehicle is still in the budget. Mr. Marshall said he's driven the vehicle and it isn't in good condition, he wouldn't put additional money into it. We have money we can use for a new ambulance vehicle. He encourages the Board to reconsider their decision.

Selectman Labonte said they have \$2,400,000 in requests for the ARPA money. The ambulance is already in the operating budget. He is uncomfortable just randomly picking and grabbing. Selectman Dargie said we won't get the money until June. He felt that we should have encumbered the ambulance in the money left over last year. He feels we should prioritize the ARPA with number one being the new tower on Federal Hill for \$300,000. All the projects are valuable.

Mr. Philbrick also has an issue with his sewer bill increase to 26%. He said there used to be notices about meetings when the increases were going to happen. Selectman Labonte said there was a public meeting on the increase for sewer in September and no one showed up. Selectman Dargie said the Water/Sewer Commissioners usually do increases every 4 or 5 years. Their long term plans are reviewed in detail.

Mr. Philbrick said they went up on the commercial users not the residential users. The small business owners are being hit hard. Selectman Labonte said it's an increase on sewer, not water. He suggests that Mr. Philbrick go to the next meeting.

#### 3. DECISIONS

##### a. CONSENT CALENDAR

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 1/31/2022

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1) N/A

**4. ADJOURNMENT:** Selectman Freel moved to adjourn at 7:46. Seconded by Selectman Dargie. All were in favor. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, and Selectman Freel yes. All were in favor. The motion passed 4/0.

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Gary Daniels, Chairman EXCUSED

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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