

# TOWN OF MILFORD

## BOARD OF SELECTMEN

October 25, 2021

Lindsey M. Stepp, Commissioner  
New Hampshire Department of Revenue Administration  
Governor Hugh Gallen State Office Park  
109 Pleasant Street (Medical and Surgical Building)  
Concord, NH 03301



**Re: Application for RSA 32:11, Emergency Expenditure  
and Over-Expenditure**

Dear Commissioner Stepp:

This letter is submitted as an application by the Milford Board of Selectmen per RSA 32:11 due to unusual circumstances that have arisen during this year. The Town has had issues that have arisen relating to the functionality of the Town's emergency services communication system. The Selectmen strongly believe that the system must be fixed as soon as possible to protect the health, safety and welfare of Milford residents, to protect the public and to better support the safety and work related responses of the Town's public safety employees.

The Selectmen request an emergency expenditure of over-expenditure sum of two hundred sixty four thousand six hundred and thirty five dollars in order to be able to proceed to correct these functionality problems.




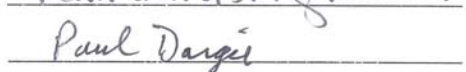
The source of funds for this requested emergency expenditure or over-expenditure is the Town's Unrestricted Fund Balance, which is sufficient to cover this request.

As the Town of Milford does not have a budget committee, the Board of Selectmen conducted a duly noticed public hearing on this application on October 25, 2021. Attached please find a copy of the public hearing meeting minutes.

Thank you for your consideration.

Respectfully submitted,

Town of Milford Board of Selectmen

  
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DRAFT  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
October 25, 2021

**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.

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. - Public Hearing in accordance with RSA 32:11 Emergency Expenditures and Over expenditures - Reference Communications.**

Chairman Daniels opened the public hearing. The Selectman proposed a letter to be submitted to the Department of Revenue (DRA) requesting expenditures of \$264, 635 in order to correct the functionality problems with our communications system. This constitutes a public hearing before submitting the letter.

Peggy Seward, a Milford resident, is concerned because the amount of money being on this project hasn't been before the CIP Committee or the Budget Advisory Committee. She asked if this went out to bid. Chairman Daniels said they chose 2-Way Communications as a sole source. Some of this is being financed through the ARPA money that the town received and the remaining through fund balance if this is approved. Administrator Shannon explained that one year rental for Crown Castle was also included in that money. Ms. Seward asked what the emergency was to get this money. Chairman Daniels said for two or three years we have told the people that there is an emergency and we need to get this fix, he explained the dead spots throughout the town and lack of communication putting our emergency services personnel and residents at risk on a daily basis. The fact that we are continually putting this forward not setting it aside shows that we feel that something needs to be done soon. We were willing to take \$700,000 out of fund balance last year to fix this, but the warrant didn't pass. This is the number one issue facing this town. We can't take the money out of fund balance without the approval of DRA. Ms. Seward asked about phase II. Administrator Shannon said Phase II it isn't set up yet. It depends on how much coverage we get from Phase I. We are hoping that Phase I fixes the problems. Ms. Seward asked how many radios would we need.

Captain Frye said they are replacing 9 out of 12. DPW and Ambulance are getting new radios, and the Fire Department will get some new ones as well. Ms. Seward asked if we were planning to do a communications center in Phase II. Administrator Shannon said we are not planning on that. If this fixes our problem, we don't need to go any further. This works in conjunction with MACC Base. It doesn't get rid of them and continues our relationship that we currently have with MACC Base. Our contract runs out with MACC Base at the end of 2022.

Captain Frye read a list of radios being replaced. Selectman Labonte asked if they were the same number on the original quote. Captain Frye said no, some of them dropped off and they were able to get the price lowered by \$64,000.

Katherine Kokko, a Milford Resident, doesn't feel that this is enough of an emergency. She said that she read the RSA. She doesn't know of any unusual event that has occurred since the town voted against the dispatch warrant article except for the \$28,000 that the town has spent from the Police budget on this project without a long term plan. Chairman Daniels said the longer the issues go on, the more of an emergency it becomes. This has been ongoing for several years and it is getting worse each year as the equipment gets older. We have several dead spots in town. Something has to be done. The Board has done its best to bring to the voters the best information it has. We feel we can't continually put our emergency personnel and our citizens in harm's way by not having the right equipment to keep them safe. Ms. Kokko still feels that letter is misleading. Chairman Daniels said it will ultimately be up to the DRA to determine whether they consider it an emergency or not.

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62 Chief Viola, Police Chief said our officers need this to go through. This is an emergency situation; the radio system is get-  
63 ting worse. The infrastructure isn't working. As the Chief, he doesn't feel we should wait until someone gets hurt before  
64 fixing it. It's essential for this decision to be made soon. It's been a long process. We are not talking about leaving MACC  
65 Base; we are talking about fixing the system. The longer we wait; sooner or later someone will get hurt.  
66

67 Ms. Kokko said there hasn't been any clarity of what the problems are or tracking of those issues in her opinion. She feels  
68 that there are so many other options to provide changes to the infrastructure. She's said this is an all-encompassing ap-  
69 proach that focuses on all agencies including DPW who hasn't had radios for a long time. It's clear that there is an issue  
70 with the Police using the radios and struggling but I have not head the same level of concern from the other agencies and  
71 DPW doesn't constitute an emergency service in my opinion.  
72

73 Chairman Daniels said all the departments that are mentioned are part of what we consider our emergency services. Ms.  
74 Kokko said that because they are part of emergency services, all of their needs are considered emergency. Chairman Dan-  
75 iels said that isn't a correct statement. There are times when emergencies occur and DPW is instrumental in making sure  
76 that fire trucks or ambulances can get through snow or whatever obstacle is in their way. We have long considered DPW to  
77 be one of our emergency services.  
78

79 Ms. Kokko doesn't disagree that DPW provides an emergency service, what make it so that it needs radios now when they  
80 haven't had any for year. Chairman Daniels said we are trying to fix a problem and it's more than just police. It has to do  
81 with anytime there is an emergency and people being able to hear. We identified these four emergency services and it isn't  
82 out of the ordinary in looking at the whole solution and trying to fix the problems that we have. We have outlined what we  
83 feel are our emergency services and what we need to fix the safety of our emergency personnel.  
84

85 **Hearing no further questions from the public, Chairman Daniels closed the public hearing.**  
86

87 Selectman Labonte follows Ms. Kokko's thoughts about this being an emergency. We are already using \$349,000 in ARPA  
88 funds. According to 2-Ways' quote, that should take care of everything, why haven't we dealt with that already. Adminis-  
89 trator Shannon said if that is Selectman Labonte' feeling then he should make a motion to do that. No motions have been  
90 made by Selectman Labonte in the past few meetings. He goes on to say that he doesn't make policies for the town; he  
91 carries out the will of the Board. Selectman Labonte said he intends to make that motion. He mentioned that the voters  
92 didn't approve the warrant article which included language of an additional \$700,000 from fund balance. We didn't get the  
93 Fire Department Grant so he assumes that it must not have met their criteria of a major emergency.  
94

95 Ken Flaherty, Fire Chief, then quickly corrected Selectman Labonte' incorrect assumption. He received his answer today  
96 from FEMA, we were allotted 45% because our radios were 18 years old and the priority this year was a 25 year and older  
97 system. Next year the criteria will change and they may give it to us. We failed for that reason and that reason only. Se-  
98 lectman Labonte replied then why don't we move forward with the fix for the Police Department. Taking from fund bal-  
99 ance is tax payers' money that they didn't approve to spend. He is for this and asked if using the \$349,000 from ARPA fix  
100 the needs right now.  
101

102 Chief Viola wants the Police issues to be fixed because it's been an ongoing thing for years. He said all the departments  
103 need to be fixed before someone gets hurt. We work as a team and we are all involved when there is a call. We should do it  
104 all at the same time.  
105

106 Selectman Labonte said he doesn't disagree that the other departments need upgrading but it should be put in front of the  
107 voters. As far as DPW, to say that they have zero communication is not correct; they can use their cell phones. Chief Viola  
108 said he isn't going to speak for DPW; these problems need to be fixed for all services. The last three years in front of the  
109 voters was a whole different request. We are not looking to put our own place in, we are not talking about leaving MACC  
110 Base, we are looking to fix the overall problem and allowing us to communicate with our officers and other emergency  
111 services and also use MACC Base in this process. We are doing what the other towns are doing; everyone is trying to fix  
112 own problems like we were told to do.  
113

114 Selectman Labonte said going forward we could get a much more receptive response from the votes because we are not  
115 asking for as much as we were before. Chief Viola wants to make it clear, it isn't just the Police Department that is doing  
116 this, and it's all our emergency services.  
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118 Chairman Daniels said it's the responsibility of this Board to watch out for the employees of the town and keeping them  
119 safe. We have been trying to do that by trying to put communications first for the last few years. Just because it hasn't  
120 approved by the town doesn't mean that it should just be set aside. It doesn't take away the liability that still exists. This is a  
121 small amount of money. Should one of our employees get caught up in an emergency situation and is killed or something  
122 else happens we would pay much more in a suit against the town because we didn't do something. This is the next step  
123 and something we haven't tried before. He recommends that if you are for it, vote to support it. If you don't feel that way,  
124 you may vote against it. Selectman Labonte said he won't be voting for this because he feels that we have not met the stipu-  
125 lations of RSA 32:11.  
126

127 **Selectman Dargie moved to approve sending the letter to Commissioner Stepp to use Fund Balance in the amount of**  
128 **\$264,635 for Communications. Seconded by Selectman Dudziak.**  
129

130 **Selectmen Dargie yes, Selectman Dudziak yes, Selectman Labonte no, Chairman Daniels yes and Selectman Freel**  
131 **yes. The motion passed 4/1 with Selectman Labonte opposed.**  
132

133 **5:45 - Recreation Overview – Director, Arene Berry**

134 **2021 Highlights**

- 135 • Return of programs, events and trips from many cancellations due to pandemic. This is done with flexibility of
- 136 various last minute changes that are needed as COVID numbers shift.
- 137 • First trips with new Recreation Bus that was delivered in July 2020.
- 138 • Successful pool season, swim meets, Easter Drive Thru, July 4th, Pumpkin Festival scarecrows, summer concerts,
- 139 senior trips and many programs.

140 **Looking Forward**

- 141 • Hiring and training of Program Coordinator
- 142 • New approach to maintenance and snow clearing at ice rink.
- 143 • Lights to be installed at ice rink, Rick Blasé is heading that.
- 144 • Fitness stations to be installed at Keyes Park.
- 145 • Rebuild volunteer base.

146 **Budget**

147 **Differences from 2021**

- 148 • \$4,000 – additional to lifeguard wages – 1<sup>st</sup> increase in 9 years
- 149 • \$6,580 – reinstate Park Rangers, they were removed from the budget last year.
- 150 • \$250 – NH Pool Certification
- 151 • \$800 – Tennis net replacement (four) the old ones be used as backups.
- 152 • (\$1,000) – Tents for pool deck
- 153 • Fireworks Warrant Article Options - \$8,500
- 154 • Keyes Expansion Capital Reserve

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156 Selectman Labonte asked why the Pool Certification and Tennis net replacement wasn't under DPW. Ms. Berry said they  
157 have always been in her budget, she handles the paperwork. As far as tennis nets, DPW handles it if it's something that  
158 every facility has they handle it. It it's unique to your facility, it's on that facility.  
159

160 Ms. Berry explained what items/use comes from the revolving fund and what items come from the town budget. Chairman  
161 Daniels asked if the tennis nets can come from the revolving fund. Ms. Berry said they could ask, she wasn't in charge of  
162 that fund, the Recreation Commission would need to approve that.  
163

164 Ms. Berry said gave the Board three options for the Fireworks. We will not be able to have fireworks on the 4<sup>th</sup> of July in  
165 the future. Companies take their regular customers first. Atlas said you need a higher budget for them to come out on the  
166 4<sup>th</sup>. She is presenting three options. First option is to keep the warrant article the same and she would get it as close to the  
167 4<sup>th</sup> of July as she could. She currently has July 2<sup>nd</sup> booked depending on the passing of the warrant article. The current  
168 budget is \$8,500. The second option is to increase the budget, she will try to get them for the 4<sup>th</sup>, Atlas would do it for  
169 \$25,000.  
170

171 Selectman Labonte asked about a previous contract. Ms. Berry explained what it was. There are also not many fireworks  
172 companies and very few shooters to set the fireworks off. The third option is to change the wording of the warrant article  
173 and move it as a celebration to kick off the summer. Milford will always have Summerfest on the last Saturday in June to