

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

February 10, 2020

<b>PRESENT:</b>	Gary Daniels, Chairman	John Shannon, Town Administrator
	Paul Dargie, Vice Chairman	Mark Bender, Town Administrator
	Mike Putnam, Member	Tina Philbrick, Recording Secretary
	Laura Dudziak, Member	Tyler Berry, Videographer
	Chris Labonte, Member	

**1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING**

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

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

**5:30 p.m.** – Public Hearing in accordance with NH RSA 72:74, Payment in Lieu of Taxes – Solar Pilot Agreement – Dominic LeBel and Mike Kaplan, Olivewood Energy. Chairman Daniels opened the hearing on the PILOT Agreement.

Dominic gave a brief presentation of the Milford Spartan Solar Proposed PILOT Agreement.

- PILOT would commence upon the exercise of the lease option and the start of construction.
- Up to 2-year Construction Term, followed by a 40 year Ordinary Term, generating up to \$3.23 million in revenue for the Town of Milford.
  - Construction Term: \$24,000 / year
  - One-time Land Use Change Tax of \$11,145 for removing the private landowner parcel from Current Use status
- Ordinary Term payments will start at \$48,000 per year, 2.5% annual escalation which is .5% more than what was originally proposed at 2%.
  - Current tax revenue on Project land is approximately four hundred dollars per year
- A PILOT enables projects to be funded and built.
- Absent a PILOT, a project's assessment may be contested based on changes in energy prices (e.g. Merrimack Station).
- Energy prices move based on factors other than inflation.

Revenues (\$, thousands)

▪ Year 1:

- Current
- \$168 Proposed
- \$167 Increase

▪ 25-year Cumulative

- \$14 Current
- \$5,109 Proposed
- \$5,095 Increase

▪ 40-year Cumulative:

- \$28 Current
- \$9,575 Proposed
- \$9,548 Increase

Per MW-year Average – Lease and PILOT

- Year 1 - \$10,476
- 25-year - \$12,771
- 40-year - \$14,961

Rodny Richey, Milford resident, asked what we would be doing with the remainder of unused 119.6 acres, would it be broken up and would we still hold the lease on the remaining acres. Dominic said there will be some separated panel areas, but almost the entire remaining amount in the NorthWest section will remain intact. Mike said the unused land will be released at the time the option is exercised and the town can use it for whatever they want. Rodny said the property was partly acquired for the prevention of a large housing development. There are other benefits that will continue there if there is no PILOT or Solar Farm. We use it for DPW, recreation and other things. He is concerned about tying the land up for the next 40 years. He hopes the Board will look closely at the value of the PILOT and what we are giving up in potential tax revenue in future years. Bob Labonte, Milford resident said he agrees with Rodny. There were no further public comments.

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Chairman Daniels closed the public hearing on the PILOT agreement. Selectman Dargie asked for more clarification on our PILOT being higher than a previously negotiated PILOT in Hopkinton NH. Dominic said total revenue to Milford is higher than the revenue to Hopkinton even when they had the escalation at 2%. They brought it up to 2.5% and total revenue is even higher for Milford now.

Selectman Dargie asked what is different about Hopkinton as they are at 2.5% but their PILOT is \$3,500 per MW? Mike said the numbers of acres and size of the project. It's a smaller number of MW's on town land. Selectman Labonte said he thinks they are manipulating the lease together and the PILOT. He feels the lease should be irrelevant and it's two separate things that shouldn't be combined.

Selectman Labonte focused on Massachusetts having more of a solar credit type thing and asked Mike and Dominic if they would be willing to put something in their PILOT, that if New Hampshire ever came up with a solar credit, then we could re-do the PILOT. Mike said they would need for that to be symmetrical so that something moves in both directions and not just one way. Selectman Labonte said the lowest PILOT in Massachusetts was \$5,000 and there could be more tax credit on it. Mike said the way states meet their renewable energy obligation is to purchase renewable energy credit. Massachusetts solar project gets round numbers like \$300 per MW hours. In New Hampshire it would be about \$30.

Selectman Labonte said 40 years is too long and he proposes going no more than 25 years, like in the lease. He would like to see closer to \$5,000 per MW. Mike said based on the land cost we would not be in favor of that because it would make it less likely that anything gets built and it becomes paper and not a project. Selectman Labonte said because there is no counter offer except for the \$3,000 and 2.5% escalation so he would not be in favor of this PILOT. Mike said he thinks this is a very fair offer.

Selectman Labonte said he feels it's more value to the taxpayers not to take the \$3,000 per MW and he agrees with Rodny Richey. Mike said one of the nice things that came out of this project is that many of the benefits of the land will still continue with this project with most of the town land still being available for recreational use and whatever other purpose the town feels appropriate for it, and the solar project doesn't add to the school population.

Administrator Bender said that staff has worked very hard to negotiate the lease and the PILOT for this project. Voters approved the Solar Project by warrant article last year. It's a long term revenue stream for the town. The annual revenue over 40 years can be used to offset annual payments for much needed capital projects such as dispatch, library renovations, water utility projects and more. A portion of the annual revenue should be set aside for infrastructure improvements on the Commercial and Industrial Land. We have to make this property suitable for industrial development and that means complete roads, water, sewer and underground utilities. If we build it they will come, but companies will not build it for us. Commercial and industrial development will also provide additional revenue for the town. The gravel project has been good and has generated about \$250,000 including timber and other things, but over the next 40 years, this will provide about \$9.5 million or approximately \$240,000 per year for the town and we still own the land. It's a good use of the property and he thinks it's in the best long-term interest of the town. It's clean energy and there are solar farms all over the state.

Selectman Dudziak agrees with Administrator Bender. They are only using a portion of the 119.6 acres and the remaining acres will be released back to the town. There are no other big businesses knocking on our door to try to buy this property. She is in favor of this PILOT. Chairman Daniels is very excited about this project. He was here when the town first voted to buy the BROX property. For 20 years we've had some bites for businesses that wanted to buy the property but for a variety of reasons it fell through. We had plans to build infrastructure out there and that hasn't happened either. He's been here a number of times when land has come in to be put into perpetuity for conservation and no one cared that we wouldn't have a chance to go back and do something later with that land. This is long term and if people want to do something with the land after 40 years, at least they have the chance because the town will still own it. He feels that we have the best of all worlds. He appreciates the escalator being moved up to 2.5%, it's the best deal for the town.

Selectman Dargie agrees with the previous comments and supports this project. Selectman Dargie made a motion to approve the Solar PILOT Agreement as presented. Seconded by Selectman Dudziak. The motion passed 4/1 with Selectman Labonte opposed.

**6:10 p.m. – Approval of Land Use Change Tax for 6 parcels: Map 23-2-4 through 23-2-7, and Map 23-2 use for road (Clifford St.) – Marti Noel**

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The above referenced parcels are part of a recent subdivision located behind 118 Amherst St, commonly known as the Keough subdivision. The parcels exist as paper lots only until the access road, to be known as Clifford St, and other necessary infrastructure can be completed to allow the lots to become buildable lots.

The lots are removed from current use as the total acreage of the combined parcels under identical ownership no longer meets current use criteria of 10 acres or more. The area of the subdivision affected is the backland area of the original parcel Map 23-2. The full value of the parcels is estimated to be higher than simply back land because of the subdivision approval, but is reduced from fully buildable lot value as these lots are not buildable at the time of removal from Current Use as discussed above.

A motion was made by Selectman Putnam to accept the Land Use Tax Changes as recommended. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0

### 3. PUBLIC COMMENTS – There were no public comments at this time.

**a) CONSENT CALENDAR.** Chairman Daniels requested to remove 4. a) 9 from the consent calendar. Selectman Putnam made a motion to approve the consent calendar except for 4. a) 9). Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0. Selectman Putnam made a motion to go into non-public in accordance with (RSA 91-A:3, II (c)) – Reputation to discuss 4. a) 9) from the consent calendar. Seconded by Selectman Dudziak. All were in favor. The motion passed by roll call vote 5/0.

1. Request for Approval to Re-Appoint Janet Urquhart until 2023, Kim Rimalover until 2023 and Anita Stevens, until 2023, as Full Members to the Conservation Commission.
2. Request for Approval to Re-Appoint Rodney Dellafelice, until 2023, as an Alternate Member to the Conservation Commission.
3. Request for Approval to Re-Appoint Zachary Williamson until 2023 and Paul Bartolomucci, until 2023, as Full Members of the Recreation Commission
4. Request for Approval to Re-Appoint Anne Edwards-Parker until 2023, Dennis Clemens until 2021, Daniel Ayotte until 2022, Chuck Kurtz until 2023 and Andy Seale, until 2022, as Full Members of the Ethics Committee.
5. Request for Approval to Re-Appoint Susan Smith until 2021, as an Alternate Member to the Ethics Committee.
6. Request for Approval to Re-Appoint David Palance until 2023, Polly Cote until 2022 and Herb Adams, until 2022, to the Heritage Commission.
7. Request for Approval to Re-Appoint Joan Dargie until 2021 and Michael Thornton until 2021, as Full Members of the Zoning Board of Adjustment Committee
8. Request for Approval to Re-Appoint Wade Scott Campbell until 2023 and Karen Lagro until 2023, as Alternate Members of the Zoning Board of Adjustment Committee.
9. Request for Approval to Re-Appoint Paul Amato until 2023 and Janet Langdell until 2023, as Full Members of the Planning Board.
10. NH RSA (31:95(b)) Request for Acceptance and Appropriation of Unanticipated Revenues under \$10,000 –
  - Donation from HealthTrust to the Milford Fire Department for Fire Wellness Campaign - \$500
  - Donation from HealthTrust to the Milford Administration Department for the Town Wellness Campaign - \$1,300

At this point, the Board came out of non-public and resumed their public session. In non-public the Board discussed one issue under (RSA 91-A:3, II (c)) – Reputation and no decisions were made.

Selectman Putnam made a motion to approve 4. a) 9 on the consent calendar as presented. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0

### b) OTHER DECISIONS.

1. N/A

### 5. TOWN STATUS REPORT – John Shannon

**a) AT&T Tower Update** - The Planning and Zoning Boards met on Tuesday, February 4, 2020 at which time there was discussion concerning a tower that AT&T would like to build in or around Milford. Questions concerning the tower's construction, height, location as well as other details were brought up by both the board members and the citizens attending. The purpose of this particular agenda item was to broach the topic of AT&T's interest with the board members. The specifics of any and all plans have not been fully developed at this time and will be presented as the process begins and when appropriate. Lastly, most interest from both board members and citizens dealt with

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the location of the tower and its height. All of the questions asked will be included in the meetings' minutes and will be discussed in future meetings as the process progresses.

Selectman Dargie attended the tower update meeting and he thought it was productive. There was some apprehension about the height of the tower. Selectman Dudziak said she felt like they needed to provide a lot more information. They didn't have an engineer with them so there were a lot of unanswered questions.

Chairman Daniels said if you are looking at the tower on Middle Street, it is about the same height as the potential one at the Police Station. It would also be the same height as the tower at the Bedford Safety Complex. Selectman Labonte questioned them doing a balloon test off of the fire truck. He thought AT&T should be doing the test on their dime and why does it involved the town. Chairman Daniels said it isn't precedent; it's the same thing we did when we put the tower on the top of the Town Hall so residents could see how high 200 feet was.

Selectman Labonte isn't opposed to the test, just the town fire truck doing the test. They could just rent a crane. Chief Viola, Milford Police said it was his department's idea. A crane would cost the taxpayers money and it would be easier to use the fire truck. They wanted people to see what it would look like and to be transparent to the abutters. They will also be doing an open house to provide additional information. Selectman Labonte said AT&T is a private entity, how would that cost the taxpayers money, why would we consider participating in this.

Chairman Daniels said it wasn't just a private entity; the warrant article has in it, the construction of a tower. If AT&T decides that we can come to an agreement on the tower, they will pay for the erection of the tower at \$325,000 which will be taken off the total amount. In the meantime, part of the bond is that we would build the tower so it's still us doing our due diligence to let the people know how high the tower is. Selectman Labonte said there should be more clarification the next time it's on the Planning Boards agenda.

Bob Labonte, Milford resident said AT&T has a chance to make millions of dollars off this tower. He asked if other cell tower agencies had the chance to bid on this? Chairman Daniels said AT&T's primary purpose is FirstNet, (state wide emergency), it isn't just us, and they are going around to various towns to do the towers under FirstNet. They approached us. Bob asked if any of the other phone companies can get on anything like that. Maybe someone would come in less than AT&T. Selectman Putnam said the other cell companies have antennas in town. Bob said they must all fall under this emergency setup. Selectman Putnam said they do not. Bob said AT&T can pay for a crane, he repeated that they will be making millions on this.

Chairman Daniels said, why pay for a crane when you can take your fire truck out and hook a balloon to it. Bob said it ties the fire truck up for a day. Selectman Putnam said it can be pulled down quickly for them to go into service.

**b) Town Report and Voters Guide Update** - The 2019 Town Report and the Voters' Guide were proofed and corrected during the past week. Once all proofs were finalized they were sent to the printers for production and will be available at the end of the month. The telegraph will not be mailing out the voters guide. The voters guide will be available for pick up at the Town Hall, Middle School, High School, and Library. In addition to those places, we have volunteers willing to bring voter guides to the various apartment buildings around town.

Chairman Daniels and Selectman Dargie would like to look further into mailing out the voters guides out to the public. Selectman Labonte said he thought the question came up about this last year and mentioned a \$3,000 cost. Tina Philbrick, Executive Assistant said they hadn't discussed a cost. She asked RAM Printing (company who does the town report) to give her a quote on printing voters guides in the future, and she will be contacting other companies as well. Chairman Daniels said he thinks that the Milford Cabinet will have a copy of the voters guide in it when the guides are complete.

## 6. DISCUSSIONS:

### a) Osgood Pond Phase II (tabled from October 23, 2019)

Chairman Daniels said this was tabled in October. We had vendors give us bids for the dredging. We ran up against time constraints for 2019 and winter migration of the species. Selectman Dargie made a motion to bring this off the table. Seconded by Selectman Dudziak. The motion passed 3/2 with Selectmen Putnam and Labonte opposed.

Chairman Daniels asked the Board if they wanted to go forward to accept a vendor to finish this project in 2020 as the voters had approved. Selectman Labonte asked about the yardage and asked if it would be the full amount previously

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discussed. He thought it was around 40,000 yards and the bid came back at 18,000 yards. Chairman Daniels said it was an estimate. Selectman Labonte said it would be on the lower half of 50% on giving the voters what they voted for.

Chairman Daniels said if we are only able to do half of what we thought we could do with the money, it's still going to be the final phase. We can also get back to the vendors to see if anything has changed. Selectman Labonte said to do what the voters wanted would be twice the price.

Selectman Dargie said he's in favor of moving forward. The voters were focusing on the dollars not the amount of the yardage. Selectman Labonte interrupted and Selectman Dargie asked him to let him finish speaking. Selectman Dargie said in his opinion, the voters were focusing on the dollars and not the volume of material. We are getting matching funds from the state which we will lose if we don't move forward now. Selectman Dudziak asked if we would be losing the matching funds if it's not done this year. Selectman Dargie said yes. Selectman Dudziak said when this previously came before the Board in October; a vote was taken which resulted in a tie of 2/2. The motion failed and then it was too late in the season to move forward. When would they be starting to dredge if we moved forward?

Chairman Daniels said they would have to go according to the permit and let species move back from the winter. Administrator Shannon said there is a lot of lead-up that goes into the process which is why we should start soon. Selectman Labonte said they would have to re-visit the vendors because one of them specifically said it would be winter work.

Administrator Bender said the whole Osgood Pond was around 12 or 13 acres. We did between 4 and 5 acres in the first phase. The second part would get us up to about 7 or 8 acres total. We are not going as deep in the second phase. Mathewson Company was the contractor in the first phase and they had the best price for the second part of the operation. The project is fully permitted with the Army Corps of Engineers as well as DES. Mathewson is still interested in the project, they would have preferred to do it over the winter, but they understood the deadline that we were involved in. At this point it's a matter of if the Board wants to go ahead and do the project and then we have to see if the timing works and beat the deadline of the grant in September of 2020. We would have to start in March.

Chairman Daniels said he understands that there is nothing that would prevent private companies from coming in and taking the dredging like we did in Phase I. Selectman Labonte said we have to find another solution because he doesn't think we can bring it to the BROX property. Administrator Bender said we can bring the materials to BROX.

Rodny Richey, Milford resident said he reviewed last year's warrant and it was based on the understanding that the amount to be dredged in this phase would help prevent re-silting of what had been dredged. The concept was that it would be about the same amount as was previously dredged. He's concerned about losing funds but he is concerned that the people voting on this wanted not just the money, but to get the amount equivalent to Phase I.

Chairman Daniels said he thought it was more like 11 acres and a lot of the scrub brush had grown in to the point where DES was telling us that we couldn't dredge as far as we had anticipated. At some point we won't be able to do anything with it anyway.

Selectman Labonte made a motion that we don't go forward with this. Seconded by Selectman Putnam. Selectman Labonte said he can amend it pending more information on what exactly we can do out of it, where it's going to go, what we are taking out and what is it going to cost. Selectman Dudziak asked if it could be tabled again. Chairman Daniels said we could table it but we don't have a lot of time to act on it if we need to start in March. We could table it until the next meeting but we should be ready to take action at that time.

Selectman Putnam asked how long would it take to get the information that Selectman Labonte was looking for? Chairman Daniels said we have two weeks.

Chairman Daniels said there is a motion is on the table to not approve. Chairman Daniels made a motion to table the discussion until February 24, 2020, this is an overriding motion. Seconded by Selectman Dudziak. The motion failed 2/3 with Selectmen's Dargie, Putnam and Labonte opposed. Chairman Daniels said we are back to the motion to oppose the project.

Lincoln Daley, Community Development Director asked for clarification about what they would be asking for staff in regards to Osgood Pond. Selectman Labonte asked for clarification on the total yardage and where the materials are going.

Chairman Daniels clarified that a vote opposed to this would basically say that we are not doing anything. Selectman Dargie said yes, a vote in favor of the motion would stop doing things, we wouldn't have to worry about Lincoln brin-



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ing back information. After more clarification on the original motion, Selectman Labonte retracted his motion to not do anything.

Selectman Labonte made a motion to table the discussion. Seconded by Selectman Putnam. All were in favor. The motion passed 5/0.

**7. PUBLIC COMMENTS:** There were no public comments at this time.

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

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

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

**9. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of January 27, 2020 as amended. Seconded by Selectman Dudziak. The motion passed 5/0.

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

a. Treasurers Report October 2019 and November 2019

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

**12. NON-PUBLIC SESSION.** Selectman Dudziak made a motion to go into non-public in accordance with (RSA 91-A:3, II (c)) – Reputation. Selectman Dargie seconded. The motion passed 4/0 – Selectman Putnam left the room prior to the motion.

**13. ADJOURNMENT:** Selectman Putnam moved to adjourn at 7:20 Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

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Gary Daniels, Chairman

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Laura Dudziak, Member

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Paul Dargie, Vice Chairman

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Chris Labonte, Member

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Mike Putnam, Member