

Draft Minutes

**Exeter Board of Selectman**

April 10, 2017

**1. Call Meeting to Order**

Chairman Don Clement called the meeting to order at 7:03pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chair Ann Surman, Clerk Kathy Corson, Dan Chartrand. Town Manager Russell Dean was also present.

**2. Public Comment**

There was no public comment.

**3. Minutes & Proclamations**

There were none.

**4. Approval of Minutes**

**a. April 3, 2017**

Selectman Clement wanted to amend page 4, “there was a remark from Selectwoman Gilman about difficulty on the Heritage Commission” he thinks this should be “getting members on the Heritage Commission.” On page 10, second paragraph in the discussion on changing the water ban this should say “Selectman Chartrand asked if it was a good idea”. Also on page 10, it says that “Exeter is looking at things called incubators” it was suggested they were looking at them during an EDC meeting. Selectwoman Surman said on page 10, the second line under committee reports that should say “that has to do with the force main project that is in the fall”.

**MOTION:** Selectwoman Surman moved to approve the March 13, 2017 meeting as amended. Selectwoman Corson seconded. The motion passed unanimously.

**5. Appointments—Water Sewer Advisory Committee, Zoning Board of Adjustment, Memorial Day Parade Committee**

**MOTION:** Selectwoman Surman moved to nominate Ben Mosher to the Water Sewer Advisory Committee with a term set to expire 4/30/20, Selectman Chartrand seconded. The motion passed unanimously.

**MOTION:** Selectwoman Surman moved to nominate Joanne Petito as an alternate member to the Zoning Board of Adjustment with a term to expire 4/30/2018, Selectman Chartrand seconded. The motion passed 3-0-1. Selectwoman Corson abstained.

**MOTION:** Selectwoman Surman moved to nominate Mike Lampert to the Memorial Day Parade Committee, Selectman Chartrand seconded. The motion passed unanimously.

**6. Discussion Action/Items**

**a. Update on the Sewer Main Break**

Jennifer Perry appeared before the Board to discuss the sewer main collapse on High Street, just west of Portsmouth Ave. There had been a sewer backup in this area earlier in the week, and they had removed

a lot of grease and they thought this was similar. As they got to cleaning yesterday they quickly realized this was a line collapse. They have a detour up for most of the day today, and they did mobilize a contractor that specializes in pumping because this is pumping interceptor. This is very slow going, because there are gas mains in the area and they ask for everyone's patience and understanding. They do not know when this will be completed at this point and they will let everyone know as soon as they have more information. This was not a planned event, this was and still is an emergency.

**b. Swasey Parkway Trustees re: Parkway Use During upcoming WWTF project**

Selectwoman Surman introduced the Chair of the Swasey Parkway Trustees for a presentation. Mr. Damsell had a calendar for the Board of all the events for the year. Mr. Damsell said the park is a very special place that gets used year-round. He feels it is very important to keep safety in mind at this historic park that was given to the town over 100 years ago. There have been several projects completed in the past few years inside the park. They awarded the mowing contract for the park for this year. There has been some vandalizing in the park, most recently there was some graffiti in the park and they were able to find the person responsible who will be painting over the work. The police will have more presence in the park due to complaints about speeding, dogs in the park, etc. The committee has been meeting with the town about the new sewer mains that will come through the park to make sure it has the least amount of impact. All the parties involved in this project have taken the time to understand the significance of the park. Unfortunately, due to this project they will be losing some old growth trees. Selectman Clement asked when construction starts on the project. Mr. Damsell explained they are working around the list of events in the summer, most of the digging and construction will start almost immediately in the fall after the Beer Keg and Chili Fest. Selectman Clement asked if they should close the park for safety reasons during this time, It was explained they are looking at a road closure for a couple months or a one way for some time. They do want to keep the park open for pedestrians though. Gerry Hamel explained the force main will take about 15 months. Which is why they are talking about closing the road for the winter months. If the Board deems it proper to close the road for two months they would reopen and then come spring time they would have to come back and dress up the area. The engineer would like to do one way, and Chief Shupe thought the one way or the closure could work but he also thought the closure was a good idea. They wouldn't have traffic down in the area at the same time as the work is ongoing. Selectman Clement asked if they could expect a recommendation from Chief Shupe and it was explained that at this point he is ok with either option.

Selectman Clement would like them to think about these options a little more. Selectman Chartrand had some questions for the engineers, he is concerned that the time frame of the project is very tight. There are penalties to the town if they do not meet the schedule. While the park staying open is a high priority, but it is more important from his perspective to meet the schedule. Ed Leonard, project manager with Wright Pierce appeared before the Board to answer these questions. Mr. Leonard said they should meet the schedule, this is a complex project and they have been in discussion with the committee for a while. This has been broken down into 3 phases and they should break ground on the first part next month. In terms of schedule they need to get the pump station out to construction soon, and the force main they have several more months before they hit the schedule. There is contaminated material on the housing authority site, so they have to deal with this and they need to be able to get to the pump station. They are suggesting that the road be one way for 12-13 months. They would like the road completely closed in a limited window from fall to winter. This is all geared towards public safety. Selectman Chartrand, asked again if they were confident they would meet all the deadlines. It was

confirmed that yes they were confident. They have contingency measures in place as well but they have to focus on making sure they get the project advertised and come to a consensus. Selectwoman Corson asked how this would affect the next year events? Mr. Hamel said the events are well planned out and they will work around the events. Selectwoman Surman said so if they did the actual closure for a few months would the closure make this more efficient. They said that yes, they believe this will make it more efficient. Mr. Leonard also confirmed that the one way would need to start around August. Ms. Perry wanted to mention that she concurs with everything said so far, and they would have recommended the closure to get the pipe in because it's really important and it's for safety. Mr. Damsell said that they have marked the trees that will be removed with a red ribbon, and the green ribbons are saved. The green stakes are where the pipe will be placed. The white ribbons are where the historic group may dig for arrow heads. He also wanted to mention that metal detecting is not allowed in the park and that they have seen several people doing this recently.

**a. Continued 79-E Public Hearing: Soaring Hawk LLC**

Selectman Clement explained where this stood since the last time it was at the meeting and this is a continued public hearing from March 27, 2017. Selectman Chartrand and Selectwoman Corson were part of the EDC when 79E was passed and they both OK with not having another presentation. Selectwoman Surman asked if they were at the point where they determined the abatement on this. Will they be voting on this tonight. Selectman Clement said they have 45 days after they close the public hearing to make a final decision. Selectman Clement would like to see the entire board here when they finalize this because this is the first application. Selectman Chartrand asked if anyone in the general public spoke for against this at the last meeting. It was confirmed that no public spoke at the last meeting. Beth MacDonald, Chair of the Economic Development Commission spoke before the Board. She urges the Board to give great consideration to the application.

Selectwoman Corson asked what other towns had done with these. Mr. Kaneb appeared before the Board representing Soaring Hawk, he feels he owes the Board and the public why he feels this is a perfect project 79-E. He has called around to various municipalities, and he got a lot of information from Concord. They have had a lot of good luck with it and are happy with it. They are much further down the road with these than Exeter. Selectman Chartrand thanked the owner for being here tonight, and asked if it was fair to say they had invested a fair amount of money into the exterior and they will be investing a fair amount of money on the interior. This was confirmed, the interior would be in excess of a million dollars in work. Selectman Chartrand felt they should go through the criteria and determine length of time. He is also very much in favor of granting this status to this. Selectwoman Corson is as well, and it is in the numbers. She knows this has been done in Newmarket and she is trying to see what other places have done. Is there a formula they used to determine the numbers? Mr. Kaneb said he was no given any formulas or how they determined amounts in other towns. Selectwoman Surman said in one section it says they can grant up to 5 years, and then there are additions that may be able to add additional years. She would like to know how Concord broke it down to begin with, she just wants to be judicious on how they break this down. Is it fair to say they would get no less than five years? Mr. Winham said that all communities look at this differently. Some say if they qualify for this they will give them the boat, but he says Selectwoman Surman is looking at this the same way that he sees it. He agrees that the Board should go through each qualifier to determine this. Selectwoman Corson asked if they knew if other buildings would be using this. Mr. Winham knew of two others that were discussing submitting applications.

John DeSanto is the majority owner of the building across the street which is Long Block. He will say that the issue here with Concord is that unless you have a very large building you are shut out of development. This is a small town and small individual owners who develop these towns. The incentives really have to be at a much lower level going forward. In terms of fairness he has not received any incentives. He has issues with the assessors and not the 79-E.

Mr. Dean wanted to say that page 4 of the application, and the statute are worth a quick review of the state's explanation of the public benefit criteria. On page 4 of the Mr. Kaneb application he goes through each category and lays out how the project may meet those goals.

**MOTION:** Selectman Chartrand moved to close the public hearing, Selectwoman Surman seconded. The motion passed unanimously.

Selectwoman Surman and Selectwoman Corson would like to see the whole Board here to discuss the criteria. Selectman Clement asked if anyone had any aversion to any of the criteria. Selectwoman Surman felt the weakest link was the residential unit. She personally would not consider this one of the benefits. Selectwoman Corson agreed. Selectman Chartrand wanted to speak in the positive on the public benefit, this will revitalize this part of town and be a tremendous public benefit of getting an unused building back online. Selectman Clement added it will also bring in jobs as well.

Selectman Clement said the next one is the 4 years for the historic portion. Mr. Kaneb said the building was accepted into the historic district and has met the conditions for the exterior renovations. The remaining work is almost entirely inside. Selectman Clement asked about why the United States Government were giving the standards for this. This item was discussed at length. The Board would like Selectwoman Gilman to weigh in on this portion.

Selectman Chartrand said the last portion, efficiency safety and greater sense of community they meet right on target. He also agrees with Selectwoman Surman the residential piece may not need to be included as it doesn't provide much benefit to housing in Exeter.

Selectman Clement said they would take this up at the next meeting to come to a decision hopefully with a full board. Selectman Chartrand said in case he is not here, he would like to see the Board err on the side of giving more tax benefit as this is the first one. The Board also would have town counsel look at the covenant draft.

#### **b. MS4 Stormwater Management Presentation**

Jennifer Perry, Director of Public Works appeared before the Board. They were finally issued the permit in January. There is a lot that needs to be gone through tonight. Lyndsay Butler with Wright-Pierce who would be going through this project tonight. A PowerPoint presentation was presented to the Board. This presentation would be on the town website.

Selectman Chartrand asked that since Exeter is one community in the Swampscott River Basin what are the other point sources doing upstream? It was explained that some are being given waivers and only a few were added to MS4. Selectman Chartrand felt this was disappointing as a lot of the nitrogen is coming from up stream. Selectman Clement explained that some of the little towns do not have urban compacts so they do not qualify for MS4. They are trying to address their own issues which will be a benefit to the watershed. Selectman Chartrand said he didn't want to be misunderstood, it is important that Exeter meets this, but there are a lot of issues upstream as well. Paul Vlasich, Town Engineer

explained that they are trying to put their arms around the nitrogen numbers. Once they get to figuring out the numbers they will have more discussion on these issues later. Mr. Dean asked if one of the consultants could talk if this permit was under appeal in Massachusetts. Ms. Butler explained that the Massachusetts MS4 permit was a year ahead of NH. There were a lot of appeals submitted and the EPA is working through the legal process. As of now they are still planning that Massachusetts will go final in July 2017. There has been one NH appeal submitted so far, but they believe there will be more. Hopefully there will be more information on this process as more appeals get submitted.

**c. Chamber of Commerce re: request to lease town hall lower level**

Mr. Dean explained they were approached by the Chamber of Commerce who is interested in creating a visitor and information center in downtown. They are here tonight, asking for consideration to lease a space next to the finance office on Water Street. They would upgrade some of the space. Rachael Ela, the Vice Chair of the Exeter Chamber of Commerce appeared before the Board to discuss this possible lease. A central point of information would benefit tourists and residents to know event schedules. The Chamber of Commerce has focused much of their discussion on increasing foot traffic in the downtown area, having a visitor and information center would greatly help this. Selectwoman Surman felt the devil was in the details, these questions were more about the lease. She felt the Board should come with the lease so in case someone else came back before them for something similar. She felt the lease example submitted was a good start, just needed finalizing. She is not opposed to this, just wants to make sure the lease is correct. Selectman Chartrand is in favor of this, and would like to see this move forward quickly. Selectwoman Corson wondered why this space has never been use, and if the town is in need of this space. Mr. Dean said most recently it has been used for storage of documents and they had made efforts to move these documents to the back of town hall. This opened up the space, and they don't have any immediate plans for it. Mr. Dean said there is no need in the next year and it would involve planning if they wanted to start using it. Selectwoman Corson thought this was a great idea, but that this should encompass all of downtown and not if you are just a member of the Chamber or not. She is concerned about being left out. It was explained that they are very specific in their wording because they want to service not just residents but visitor and representing the whole of Exeter. Selectwoman Corson asked if this could be added to the lease.

Selectman Clement referenced the sample agreement they have, where it states the chamber has been using the 2<sup>nd</sup> floor for storage. This was confirmed that they have been using it for several years. Selectman Clement asked if it would be a benefit if members of the Board and a member of the Chamber visited the location to see everything. Selectwoman Corson has concerns if the town may need the space for. Selectman Clement said the Chamber is willing to spend a significant amount of money to upgrade the space, do they need a guarantee of a certain timed lease. It was explained that information is still being gathered on the repairs so she believes It will need to be based off of these final figures. Selectman Clement asked when they were looking for an answer, and it was confirmed that as soon as possible. Selectman Clement also said there were letters sent to the Board in favor of this.

Selectman Chartrand had to leave the meeting at 9:37PM.

**7. Regular Business**

**a. Tax, Water/Sewer Abatements & Exemptions**

**MOTION:** Selectwoman Corson moved to grant disability exemption for 104/79/1004 in the amount of \$125,000. Selectwoman Surman seconded. The

**MOTION:** Selectwoman Corson moved to grant elderly exemption for 104/79/705 in the amount of \$152,251, Selectwoman Surman seconded. The motion passed unanimously.

**MOTION:** Selectwoman Corson moved to grand elderly exemption for 94/22 in the amount of \$183,751, Selectwoman Surman seconded. The motion passed unanimously.

**MOTION:** Selectwoman Corson moved to grant elderly exemption for 103/13/8 in the amount of \$152,251, Selectwoman Surman seconded. The motion passed unanimously.

**MOTION:** Selectwoman Corson moved to accept a yield tax for 44/4 in the amount of \$960.26, Selectwoman Surman seconded. The motion passed unanimously.

**b. Permits & Approvals**

There were none.

**c. Town Managers Report**

Mr. Dean explained they were asking to rewrite their volunteer letter from Ginny Raub as it was felt it was like winning the lottery. It was wordsmithed a bit, and it would be submitted to the board for review. Mr. Dean went to the housing committee meeting on Friday, that report is becoming final and they will be looking to present the findings to the Board on April 24<sup>th</sup> tentatively.

**d. Update on Drought**

Jennifer Perry appeared before the Board to discuss an update on the drought. She has started to pull together a format that is not final yet. It does pull together the overall summary of where we are at. It will be updated probably monthly. We are still in a moderate drought but this is two levels less than where we were last fall. She is also working on trying to come up with a monitoring plan going forward to tell everyone how things are trending. Exeter is currently using around a million gallons a day, which is the low point and this will start to creep up. The town should be investigating how to maximize the surface water use. Selectman Clement thanked Ms. Perry for the reports, and he read that the next two weeks are more telling on seeing where the drought. He is still hesitant on removing the water ban tonight. Ms. Perry recommends looking at a lessening the restrictions but not completely removing them. Selectman Clement still wants to err on the side of caution and Selectwoman Corson would like to wait until the other two members are present. Selectwoman Surman does not mind being conservative for right now.

**e. Correspondence**

- State DOT on NH111 that they found a flashing yellow beacon that they will be removing.

**8. Review Board Calendar**

Next meeting is Monday, April 17, 2017

**9. Non Public Session**

There was no non-public session.

**10. Adjournment**

Selectwoman Surman moved to adjourn at 10:15PM, seconded by Selectwoman Corson. The motion passed.

Respectfully Submitted,

Jennifer Dionne, Recording Secretary