

BOARD OF SELECTMEN

MAY 8, 2017

DRAFT MINUTES

1. CALL TO ORDER:

Chair Don Clement called the session to order at 6:50 p.m. and immediately moved it to the Wheelwright Room for Board interviews at 6:50 p.m.

2. BOARD INTERVIEWS:

The Board interviewed Mike Dawley, 10 Hunter Place, for a position on the Economic Development Commission. Mr. Dawley suggested he would like to see the EDC meet more frequently and he would like to see them be more task oriented, and take on a manageable task or project. They may need more time to do this. The parking survey was raised but the board didn't want to do it. Selectwoman Corson raised the issue of recent zoning amendments and needing data to inform. The EDC needs data. Selectman Chartrand reminded Mr. Dawley there was a warrant article for a downtown parking study last year that Mr. Dawley opposed. He will vote no on the appointment. The next EDC meeting is May 23rd and the appointment can be completed in time for that meeting.

The Chair reconvened the regular session in the Nowak Room at 7:01 pm. Members present were Dan Chartrand; Anne Surman, Vice Chair; Don Clement, Chair; Kathy Corson, Clerk; and Julie Gilman.

Staff present were Russ Dean, Town Manager; Jennifer Perry, Director of Public Works; and David Pancoast, Recording Secretary. Members of the public were present as well.

The Chair took a public hearing out of order, related to the March 2017 Town Meeting procedures and voting.

Ms. Surman moved to open the public hearing for 2017 Town Meeting vote confirmation, Ms. Gilman seconded, and approval was unanimous. Mr. Chartrand asked for some context on this for public information. Ms. Gilman gave the background related to the State of NH requiring that all Towns who rescheduled their 2017 Town Meetings due to the blizzard occurrence on that date must specially vote to ratify the votes taken during the rescheduled Town Meeting.

[At 7:04 the Board went into a brief recess for possible resolution of an audio problem with the tv broadcast.] The Chair reconvened the session at 7:12 pm and explained the situation.

Ms. Gilman explained that the 3/14/17 Town Meeting was postponed for weather issues to the following Thursday. The State disagreed with that action by any town and told those towns to ratify their votes to cover the votes taken at their rescheduled town meetings. The bond banks were unsure of legalities and Town is acting on Senate amendment to the house bill for ratification of the votes in town meetings. Mr. Clement asked for any public comments.

There were no public comments, so Mr. Chartrand moved to close the public hearing, Ms. Gilman seconded, and it was unanimously approved. Ms. Corson then moved the Board of Selectmen legalize the votes taken at the March 14, 2017 rescheduled Town Meeting and confirm and ratify them. It was seconded by Ms. Gilman and unanimously approved. Mr. Dean had a resolution for this matter to be signed by the Board. Mr. Clement read the resolution into the record, which resolution was made pursuant to Chapter 20 of House Bill #329 of the 2017 Legislative Session. [The full content of the resolution is available in the Stream for this session and at other locations in Town, but is omitted here for sake of minutes brevity.]

The Board signed the resolution.

3. PUBLIC COMMENTS:

Mike Dawley, of Hunter Place, spoke about downtown parking problems. The parking survey was shot down at Town Meeting, but he thought the Town needs at least a survey for the parking situation. Ms. Surman agreed but said it costs too much money-\$35,000. Needs to be done for less and if so, she would support it. Mr. Clement said the Planner is working on a low level parking review effort that won't be expensive and the Board is going to wait until Mr. Sharples' efforts come before it.

There were no other public comments.

4. Minutes and Proclamations:

There were no proclamations.

Regarding the Minutes of the 4/24/17 session, Ms. Gilman moved their acceptance as submitted, Ms Surman seconded. Mr. Chartrand abstained due to his absence from that session and the vote was otherwise unanimously approved.

5. APPOINTMENTS:

Ms. Corson moved to appoint Gregory Collings of 8 High St to the Historic District Commission as a voting member with a term to expire 4/30/2019, seconded by Ms. Gilman and unanimously approved.

6. PUBLIC HEARING FOR 2017 TOWN MEETING ELECTIONS: (see above)

7. BOND DOCUMENT FOR LINCOLN STREET PHASE ii AND THE COURT STREET PROJECT:

Mr. Dean reported the reasons for the Bond resolution related to borrowing for a bond that was voted at Town Meeting. The Board needs to sign the bond bank paperwork for this project, then the Bond Bank will process the bond sale in June with its bonds for debt including other communities, which it sells as a group. There was discussion on the bond premium – it can be taken in cash or used to offset debt payments resulting in a lower long term interest payment. A requisite Certificate of Vote was read into the record by Ms. Corson. For purposes of brevity the resolution read into the record is not incorporated verbatim into these Minutes. The resolution was for a \$4,183,000 bond by issuer for roads, sidewalks, streetscapes and water and sewer improvements. Bond dated as of its date of approval of March 16, 2017 (rescheduled) Town Meeting. The accompanying Loan Agreement was referenced. The maximum interest rate will be 3.5% per annum.

Ms. Surman moved to approve the bond Certificate of Vote and the associated Loan Agreement. Mr. Chartrand seconded and it was unanimously approved.

8. CHAMBER OF COMMERCE LEASE OF TOWN HALL FACILITIES:

Todd DeLuca, President of the Chamber of Commerce, gave the Chamber's background. The Chamber is non-profit. In order to strengthen its overall community assets and functions, the Chamber wants to operate a visitor center and tourist museum. The location has challenges of carbon monoxide influx from the street, making it unusable.

A downtown location positively impacts the Chamber's ability to entice visitors into the downtown, an important positive result of this proposal.

Governments do partner with Chambers and some of those include use of facilities. This proposed Visitor Info Center would operate 7 days per week.

He then discussed lease details. The Chamber can offer \$6,000 per year, and would like a three year initial term that can be renewed. It has other, additional expenses. Operationally, Ms. Corson said she had wanted representation of non-Chamber of Commerce members if this public property was being used. Discussion involved displays, fees and Water St as an ideal location. Ms. Surman asked about Lease Section 13, rent credit. Mr. DeLuca said the Chamber would like a rent credit for such things as HVAC systems which it would need to install. Mr. Chartrand added that he thought this was a great idea and the Board should embrace it. Chamber services are invaluable to the Town. The terms of a similar lease in Portsmouth of its old library building was done without rent. He felt the Board was negotiating too hard with the Chamber here-it should welcome this, give them a requested rent credit for the systems and lease it at \$6000 per year. This is too valuable a service for the space and Town. The Town

couldn't do this for the same money. The Chamber can get volunteers to staff it, which the Town likely couldn't do.

Ms. Corson said The Board needed some clarification so it can do this right. Ms. DeLuca said this lease will be the offices as well as the visitor center. All Chamber meetings will still be held at 24 Front St, but on the 4th floor only. He said the storage component has been taken out of the proposed lease as the Chamber just needs to discard older materials and it has other storage it can use. Ms. Gilman said she liked the overall idea and has no problem with the Chamber making necessary improvements, or with those being treated via a rent credit either, the Town would pay either way.

Mr. Clement said there are slight differences in the lease versions. Ultimately the Town will gain from the improvements. He is fine with the Town picking up some of the costs and granting a partial rent credit. Mr. DeLuca said the improvements, as set forth in its proposed revised lease, are \$7800. There is a thirty day opt out for either party. Mr. Clement said if the Board comfortable with this, he suggests Town legal counsel review for approval. Would like to get Board's thoughts on the counter proposal. Discussion involved the lease amount, rent credits, costs of air handlers, and any unplanned urgent need to terminate the lease. Mr. DeLuca said he had used the Provident Bank (prior) Lease as a basis for this one.

Ms. Surman said she is totally supportive and that she is "the devil in the details" since she drafted the original proposed lease but did so without Chamber input. She wants to get this done and can accept the lease terms.

Mr. Chartrand spoke in favor of the annual rent of \$6,000 and the credits. Mr. Clement said the Board could charge the Town Manager to finish up negotiations and take it to Town Counsel and come back to the Board with a final version for approval.

Mr. Jonathan Ring of Exeter spoke as a Chamber of Commerce Board Member. He urged the Board to fully support the lease. Don Briselden of Exeter said he supports this and encouraged the Board to support and approve this as well.

There were no other public comments.

The Chair asked for a motion to charge the Town Manager with crafting a contract draft, to have Town Counsel comment on it and bring it back to the Board as soon as he can. Mr. Chartrand made the motion, Ms. Gilman seconded and it was unanimously approved.

9. 79-E COVENANT FOR 1-9 WATER STREET, SOARING HAWK LLC:

Mr. Clement reported that the Board had previously approved most of this. Nine years of tax relief was approved. The Board now needs to agree to a covenant to protect the public benefit. Economic Development Director Darren Winham spoke to this. The document changes the Board wanted have all been done, Town Council has approved it as did the Applicant's attorney, so this is all set to go. A motion to approve the covenant was made by Mr. Chartrand, seconded

by Ms. Surman and unanimously approved. The associated paperwork was circulated for signatures.

10. WATER RESTRICTIONS UPDATE:

Jennifer Perry, Public Works Director, reported on the state of the drought. She said this past Friday's update to the Board was accurate. About 15% change to surface water from groundwater has occurred due to conditions. Discussion ensued on the overall situation. She said the Town is using less than a million gallons per day right now-about 800,000 gallons per day. DPW is getting a lot of interest in this right now. Lawn irrigation is the biggest problem-many folks tend to water constantly and in the middle of the day, both bad. But she still thought a lesser restriction would be good. If current trends change and it dries up again, the Town can reinstitute the water ban anytime.

Ms. Gilman said the Town is at a Level 4 ban today, which is a mandatory outdoor watering ban. There are other lower levels that could be put into play. There was discussion on related State action through a legislative bill.

Mr. Clement said he was leery of state involvement in management of local water resources. Ms. Gilman said that occurs since water usage is across different watersheds. Ms. Perry said any decision needs to make some adjustments. Mr. Chartrand asked since the Board would be going from severe to voluntary conditions, has the DPW looked at other intermediate conditions? Ms. Perry said it can, but since the Town has been getting so much rain, folks haven't needed to run their irrigation systems. With any decision, the DPW does need time to notify public. Mr. Clement initiated a discussion on enforcement. If don't want folks to water every day, should consider an interim step to educate the public. Mr. Chartrand suggested a "quicker trigger finger" be utilized in the future, by going to intermediate steps. It would help educate the public. Mr. Clement asked if the Town was still technically in a drought. Ms. Perry said technically it is. One major water tank is offline for work which cannot be deferred any longer.

Mr. Clement said that due to Mr. Chartrand's important points, the Board should consider going to Level 1, not entirely open watering, but wondered how it will enforce that? Ms. Perry said it occurs through both staff and neighbors' input. Folks do let DPW know when someone is watering illicitly. If someone is chronically watering in mid-day, neighbors would tell them.

Mr. Clement asked about public notice if move between levels. Mr. Dean said if the ban was reduced from Level 4 to Level 1, as an easing of the situation, the Town would publish the decision as not terminating the Water Supply ban, just adjusting it.

Mr. Chartrand moved the Board approve a reduction in the current ban from Level 4 to Level 1, Ms. Surman seconded and it was unanimously approved.

11. SOLID WASTE CONTRACT BIDS:

Ms. Perry said DPW opened the bids, one from Waste Management and one from Casella. The bids were high, so the bidders were asked for other options. Volatile value of recyclables and of fuel uses caused the high bids. She said they needed to adjust it to meet Town's budgeted total amount. These offered numbers are competitive prices, to be expected in this region. Next 7 months with new vendor. Waste Management's low bid still results in a budget shortfall of \$29,000+, but that is not unexpected. DPW would review all fees and stickers and see if it can increase revenues for this. There is also a composting pilot at the transfer station: 15-20% if organic food waste would reduce overall tonnage for the Town. The Northside contract expires at end of this month and its trucks have been repurposed so it can't and won't continue in this service. The Town needs a contractor onboard for this ASAP. She recommended Waste Management's alternative bid, so DPW can continue to negotiate the contract and meet the deadline for the change-over. For the pilot program, DPW is already composting leaves and grass, but needs to separate food wastes and give those to a new contractor to be composted offsite.

This pilot program means users would have to bring materials to the composter. But the program would get materials out of the waste stream.

Ms. Perry said in the new contract bulky waste pickup would still be weekly. One item per week with sticker the residents pay for. Plastics #1-7 are ok. Discussion was held on future budget needs due to the new amount.

Ms. Gilman asked about other escalations in the contract. Ms. Perry said there were several annual escalations, such as all labor and services where Waste Management set forth 3% increases but did so under standard formulas used by both bidders. There is a blended value of all recyclables at \$98/ton. If the tonnage goes above that amount, there would be revenue sharing with the Town, but if tonnage goes down, the Town has to ultimately pay for recycling. Ms. Perry said the Town wasn't going to see any better pricing because operating costs for service-providers are rising.

Mr. Chartrand moved the Board award the 2017-2022 contract to Waste Management at its alternate bid price of \$846,977 and authorize Mr. Dean to sign it on behalf of the Town. Ms. Gilman seconded and it was approved unanimously.

12. REGULAR BUSINESS:

Tax Water and Sewer abatements:

Ms. Corson moved to approve abatement Map 83, Lot 70 for \$711.10. Selectwoman Gilman seconded. Motion carries.

Ms. Corson moved to approve the current use application for Map 53, Lot 7. Selectwoman Gilman seconded. This is 6.8 acres of wetlands on 1 Newfields Road. Motion carries unanimously.

Ms. Corson moved to approve the first half property tax warrant for \$22,751,779.71. Selectwoman Gilman seconded. Motion carried unanimously.

Permits and approvals:

James Duprie, Pine Street Players/Christ Church, use of Town Hall Main Floor and stage for May 6-14, 2018. Selectman Chartrand moved to approve, seconded by Selectwoman Gilman. Motion carries unanimously.

Chamber of Commerce use of the Town Hall main floor on 5/10/17 from 5 pm to 6:30 pm was moved by Ms. Surman, seconded by Ms. Gilman and unanimously approved.

Regeneration Church requested use of the Town Hall on 3-31 and 4-18 2018. Selectman Chartrand moved to approve, seconded by Selectwoman Surman. Motion carries unanimously. Regeneration church for a sunrise service on 10/28-29/17 for Sunday worship. The matter was moved by Mr. Chartrand, seconded by Selectwoman Gilman. Motion carries unanimously.

Mr. Dean reported several other approvals needed. The Main Street School project involves a request for a waiver of building permit fee. Mr. Chartrand said he is in favor of it. Mr. Clement asked if the fees cover the visits of Building inspectors. There was discussion on process and background practices on that. Mr. Chartrand said it is a good practice to waive fees for the Exeter School District because it is not a "cooperative school." Discussion was held on costs. Mr. Chartrand moved the Board waive the building permit fee of \$18,000 for the addition to the Main St School, seconded by Ms. Surman and it was unanimously approved. Mr. Clement suggested the School Dept include the permit fees for future projects in its project budgets.

13. DOWNTOWN BENCH APPROVAL:

Mr. Dean reported this matter is within the Town budget discussions and approvals. Planner Dave Sharples reported the proposed benches are to be securely anchored into concrete but can be removed and might come inside in the winter. He has a designated bench location plan from the budgeting process. That stays the same, but he will discuss the locations with business owners. They were going to put in 17, but when he actually saw them they were different and the ones the Town should get are more money and shipping costs are high-\$1300. So the Town will be getting only 14 benches now, due to shipping; plus two bike racks, and two bike stands. Ms. Gilman asked how this will be advertised. Discussion was held on other town's removal of such things for winter and room for sidewalk plowing and trash barrels being taken inside in winter. Mr. Chartrand said the Board needs to that last point in future, so as not to remove everything.

This is a courtesy update only, no need for a motion. The benches are plain style, easy on the backs of users, but really nice. Armrests can be added to them to prevent folks from sleeping on them. He will order them this week, but might take 8-10 weeks unless in stock.

14. BOARD POLICY DRAFT FOR MEMORIAL BENCHES IN TOWN:

Mr. Dean said that Swasey Parkway Trustees have a process, but the Town doesn't. He looked at other towns, the Board could use this example and decide what it wants to do. Need a policy for any request approvals. It would be best to have uniformity of benches, locations that are allowable, payment and costs, donor coverage for purchases, installations and maintenance for the entire lifecycle of each bench. There would not be donor ownership of any bench, and it would be replaced only if due to Town negligence. He has proposed a form for this purpose, as the Town faces it every 3 to 4 years.

Mr. Clement said the Board should review this first. Ms. Gilman said she will offer suggestions on it, for instance should memorial plaques be included? The Chair asked the Board to send any comments to Mr. Dean. Ms. Gilman said it could also use the Swasey Trustees policy as a model. There was discussion on various aspects of this proposal.

Ms. Corson asked if the Town has a tree program and Mr. Clement said it has a tree program but it is not a memorial tree program.

15. EXETER ZONING BOARD of ADJUSTMENT LETTER FROM PLANNER:

Mr. Sharples reported that a project proposed for 12 Front St is coming to the ZBA to put in condominiums and applicants want relief from this Board for access to the rear of the lot, as they want to move it. Mr. Sharples said he hasn't seen the proposed language of access yet. Ms. Gilman said they have or want a curb cut there. Mr. Clement said the Board should get legal input as he wants to see the legality of the claimed right of access. Discussion was held on this as a change in the Historic District. If access was not already available, it makes sense as the applicant has it laid out, but might come in from the front. The ZBA would only act within its authority. The Board would be waiting for ZBA to act on this matter.

16. DISTRIBUTION OF HUMAN SERVICES APPROVED BUDGET OF \$100,000:

The BudCom's original recommendation was to create a new committee to review and disburse this money. Mr. Clement said he came up with a counter-proposal, in which he did a spread sheet of the approved 2016 allocations at 93%, so 2017 would basically be level funded. There were however, two new groups that made requests. He said he reviewed the approval criteria and Annie's Angels met it but Seacoast Eat Local did not. Annie's was therefore also included at 93%, but the other new one was denied.

There was discussion on process, expectations and reactions to the proposal, which involved the proposed alternative for dealing with the distribution being both fair and equitable. Discussion also dealt with new applicant criteria. Mr. Clement's intent was if Board was okay with this, it would all be funded, but for Seacoast Eat Local. Ms. Gilman said she agreed with funding the 93% with known agencies, but had thought the new subcommittee would do that. Mr. Clement said he did not want a subcommittee, he thought this process was best for this

year since funding needs to be done soon and the Town/Board can change it next year if that is decided. This is a stop gap for this year only to get money out to the applicants soon. After more discussion, Mr. Chartrand moved the Board appoint a committee for this as envisioned by the Budget Recommendation Committee, Ms. Gilman seconded. The vote was 3 ayes to 2 nays, so a subcommittee will be formed.

17. TOWN MANAGER'S REPORT:

Mr. Dean interviewed a candidate for a management internship recommended by Lionel Ingram. There are many things to do so he is looking to do this. The Board is welcome to provide input on tasks.

Mr. Dean will attend a meeting with Unitil on Wednesday to discuss pole licenses.

He circulated a Staff memo to restart the Capital Improvements process.

He met with the Planner to review the Facilities Plan.

The Train Station stockade fencing is in disrepair. Chain link might be the way to go. Richard Harmon owns the abutting property and the fence may be on his property so Mr. Dean is looking into that and will report back.

The Housing Committee is working on its report and details and there is a housing charrette scheduled for 10/18 & 20/2017.

He has initiated Departmental goal updates.

The Riverwoods Arbor Day Celebration is on May 12th.

The Boston Post Cane Ceremony is coming up on May 17th.

Charlie Tucker is retiring from Donahue & Tucker law firm and all are invited to attend, June 1st, 4 p.m. to 7 p.m.

Mr. Clement added that some street lights remain on during daytime around town and asked if the Town is being charged. Mr. Dean will check.

Mr. Clement raised the issue at the 18 Garrison Lane property, with the empty house there and who owns it? Mr. Dean said the Town owns it as it took it for taxes. Mr. Clement said the Town needs a decision on the disposition of it.

18. COMMITTEE REPORTS:

Ms. Gilman said that this Thursday was the final May session for state legislative updates. The casino bill went down in flames and is postponed for a long time. The State approved \$6.8 Million for Bridge Aid and municipal bridges and 30 million dollars for roads and highways. A

childhood lead poisoning act was changed making the threshold lower. Enrollment eligibility for career and technical programs making community college system to allow more high school classes to qualify for credits.

Ms. Surman reported the ConCom is meeting 5/9 and Comcast did a project with 50 Comcast employees and 12 Trail Committee members including Bob Kelly and Jim Clark, and got a good contribution from community. The Spring Tree program resulted in 200 Balsam Fir trees going out for planting.

Mr. Chartrand said he will be presenting the Housing Committee report on 5/22, and there is MSPSC on May 15th.

Ms. Corson reported the Planning Board Meeting Design Review for yield plan ended with no decision, per the rules. A 24 car wash facility was approved with operational date and time restrictions.

Correspondence: there were Arts Committee resignation emails submitted by Sharon Marston and Marissa Vitolo.

Board Calendar. The Board will not meet on the 15th.

19. NON-PUBLIC SESSION:

Selectman Chartrand moved to enter into non public session under RSA 91-A 3 2 L review of advice from legal counsel. Selectman Gilman seconded the motion. Roll call vote was taken by the clerk – Gilman aye, Clement aye, Surman aye, Chartrand aye, Corson aye.

ADJOURNMENT:

There being no further business before the Board, Selectwoman Gilman moved to adjourn, seconded by Selectwoman Surman and the motion passed unanimously. The Chair adjourned the session at 10:30 pm.

Respectfully submitted by David Pancoast, Recording Secretary.