

**BOARD OF SELECTMEN
APRIL 17, 2017
DRAFT MINUTES**

1. Call Meeting to Order

Chairman Clement called the session to order at 6:50 pm and immediately moved it to the Wheelwright Room for Board Interviews.

2. Board Interviews—Economic Development Commission

The Board interviewed Mr. John Tremblay, 17 Heritage Way, for a position on the Economic Development Commission. After asking a few questions, the Board thanked Mr. Tremblay for his time and informed his application would be taken up at a subsequent meeting.

The Chair reconvened the regular session in the Nowak Room at 7:02 pm and introduced the Members: Anne Surman, Vice Chair; Don Clement, Chair; Kathy Corson, Clerk; and Julie Gilman.

Staff present were Town Manager Russ Dean and Recording Secretary David Pancoast. Members of the public were present as well.

3. Public Comment

There was none.

4. Minutes & Proclamations

a. Proclamations/Recognitions

There were none.

5. Approval of Minutes

a. April 10, 2017

Ms. Surman moved approval of the Minutes of April 10, 2017 as submitted, seconded by Ms. Gilman and the vote was unanimous, except Ms. Gilman abstained.

6. Appointments

There were none. Selectman Clement mentioned he is hoping to bring reappointments forward at the next meeting.

7. Discussion/Action Items

a. 79-E Application: Soaring Hawk LLC

Chairman Clement outlined that the last 2 weeks there have been public hearings on the application, and the hearings were closed. Now there is more discussion on the relief. Ms. Gilman missed last week so perhaps she has insight.

Ms. Gilman had no issues she was ready to move forward with the discussion on the relief. Ms. Corson discussed how the board held off for her opinion on the section 5 relief qualifier. Ms. Gilman said the property is in a nationally registered historic district so it is a qualifying structure. The additional four years fits right in. The person who does the work has to be aware of the US Secretary of Interior's guidelines during construction. Chair Clement confirmed the outside renovations done on the building adhered to HDC guidelines with Ms. Gilman. Selectwoman Surman asked about procedure whether there would be one or two votes and how the votes would occur.

There was discussion on the procedure of handling this. Mr. Clement said that first the Board needs to determine if Section 7 public benefits have been met and decide that, then decide the four components of 79-E, then the length of the tax relief and the covenant, which can be longer than the tax relief period.

The Board evaluated the criteria and decided that the structure met most of the listed public benefits criteria in the statute and that it must only meet one or more of them to qualify. Ms. Gilman moved that the Board declare the public benefits of the project at 139 Water Street from Soaring Hawk LLC under RSA 79-E.7 are economic vitality, improves the structure, historically important location and promotes the reuse of an existing building, under RSA 79-E.7: 1, IIA and III; seconded by Ms. Surman and unanimously approved.

There was discussion on the tax relief period to be granted. RSA 79-E.5 allows for up to 5 years upon completion of the work.

The covenant is the contract between the Grantor Town and the Grantee owner. Ms. Surman said up to five years is applicable for the tax relief under the statute, but another section says the Board can add in another 4 years of tax relief, so it is up to 9 years total for possible tax relief. The Board has a lot of discretion and latitude on this decision. Ms. Corson asked if other communities have done this. Mr. Dean said he reached out to Concord but didn't hear back yet. His sense is five years is the norm. There was discussion on the variations in factors that apply to the term of years.

Mr. Clement said his opinion is that up to five years works very well on this. This linchpin building has been empty and dormant for 2+ years. It will be a restaurant and pub that Exeter doesn't have. It will benefit the people and will help to get folks downtown, thus helping improve vitality. This will be a dramatic impact that wouldn't otherwise happen. It will bring in jobs, some traffic increase which has pros and cons. All that may help other businesses too. He is comfortable with at least the five year term for this. Ms. Gilman said she is fine with 5 years for the baseline.

Ms. Corson said Somersworth did a couple of these and Dave Sharples was there at that time. Mr. Dave Sharples commented that he was involved in both of the projects in that town and both were for 7 years. It works "but...for." The delta of the tax relief is only on the improvements. There was no historic aspect on those projects, though both were in the district, they didn't ask for that. Mr. Clement said a substantial investment of capital is being made for this project. The consensus was for at least five years.

The applicant has asked for historic considerations for substantial rehab of a qualifying structure that is listed on the National or State Register of Historic Places. Ms. Gilman said an additional four years can be granted and that would be good in this project. Ms. Corson said she feels that 9 years seems like a long time. She'd like something written in on this if the building became vacant. \$1.4 million is quite substantial. Ms. Gilman added that other buildings downtown might be nudged in this direction due to this.

Ms. Surman said that the Board can do the five years and also the four. Her minority view is not to go to the maximum, but still have an incentive on it. There is latitude in the RSA on this. Mr. Clement said this sends a message that the Town is willing to grant maximum tax relief on this. This is the heart of the downtown and another historic structure is right across the street to this. He is comfortable with adding in the four years.

Ms. Surman moved to grant tax relief under 79-E: 5 for Soaring Hawk LLC for a period of 9 years for the building located at 139 Water Street. There was discussion on the number of years and Ms. Gilman then seconded. Ms. Corson offered the outstanding nature of the renovations, there are examples. The building was about to fall into the river and the river was entering into the building. We will use this process in the future to determine the tax relief period in this area of Town. The vote was approved unanimously.

Mr. Clement said a motion to send the Covenant to Town Counsel to be completed. How many years does the Board want it to go? The Board granted nine years of tax relief but can do more than nine years to enforce the Covenant, to direct what happens to the property in the future. Ms. Corson mentioned this might affect salability on the building. Discussion was held on that aspect of this matter. Mr. Clement said the Covenant is to protect the public interest. He summarized the benefits that apply. The issue is whether the Board wants a Covenant that will continue beyond the approved nine years of tax relief. Mr. Clement asked the applicant about his view on the present decision. Applicant Steve Kaneb said the term is fine but he has to wait to have a signed Covenant before any construction can begin.

Ms. Surman said protection of the Town is the important thing here. Town Counsel has to review this. The Chair asked what the Board wants to see at the next session. Ms. Gilman said she doubted Town Counsel could get it back to the Board in an only a week. She would like examples of what other towns have done on covenant time frames. The Chair said there aren't that many examples for 79-E projects. Mr. Dean said he has to reach out for a formula on this to provide a sense of what other communities have done. Mr. Clement said this shouldn't drag out too long. Once the Covenant is done, building can start.

The Chair ruled the Board will delay action until final Covenant language in terms of years can be resolved. He asked Mr. Dean to try to get it back in one week. The Covenant duration is not yet decided.

b. Chamber of Commerce Lease Request: Lower Level Town Hall

Ms. Surman drafted language for what the lease agreement would be from the Town's perspective. Ms. Surman said this is a framework with a placeholder for utilities. The overarching question is whether this is a whole office. Mr. Dean said they are assessing this space for usability. The Chamber office will be downsized. Mr. Dean will clarify the exact nature of the relocation. There was discussion on melding versions of the lease provided by Mr. Dean. Consensus was that use of the space was fine but the rent number is needed. Repairs and renovation of judges' bench and bar would be great but what would happen to it if not renovated. Mr. Dean said that has been discussed in-house and it is a component that is attractive to any user but it is undecided what would happen to them if they were not to be used.

Mr. Clement visited the area this morning and said bathrooms are being renovated. It's 700 sq. ft. not 600 sq. ft. Air handling filter system is a concern of the Chair, \$15,000 to 18,000. Is there a minimum amount of lease years the Chamber is are looking for? There was discussion on that. It is currently set for year to year at this point. The applicant will likely want a lease for longer than one year. The use of the second floor room is an issue. The Chamber has offered to move it all out. The room is a good-sized room and it is used. There was discussion on this and the need for clarification of it.

Ms. Gilman asked about ventilation and air conditioning. Mr. Clement said air filtration was put in by Provident Bank when they leased it. The front windows can't be opened due to the proximity of the street and car emissions. Mr. Dean said the Town would retain right of approval over any system that goes in there.

Mr. Clement said many questions exist and the Chamber should come back with answers. Mr. Dean said the Maintenance Dept. is working there and would like the Town to hold off for another week or so. Mr. Dean said Chamber members would like to go on the site walk with the Board. Mr. Dean said he can contact the Chamber on response to these issues. Mr. Dean's issues recap was to check into air filtering/ventilation costs, use of the main space, longer or different lease term, and the upstairs storage space/disposition of materials in there and whether it would be part of the lease.

c. Human Services ("HR") Funding Disbursement Process

This was a budget line item of \$100,000. How should the Board handle the disbursements? Mr. Clement said the Board is responsible for the budget payments that are made.

Ms. Gilman said a committee that would meet quarterly would work. Ms. Surman wondered if the Board might be making it worse by creating another Committee with a need to decide on money disbursements. Discussion on the need for a new committee lead to the same approval numbers would likely result. The Chair said the agencies have standing requests for money from the Town and have built their budgets around getting certain amounts of money, but those should be vetted by the Board. Prior Warrant Articles showed who was asking for how much and it was approved in total, not broken down. The process changes affect allocations. Mr. Dean offered the staff perspective: the prior Welfare Director had direct knowledge of only some agencies and would weigh in with only those she knew about. It should not be one person making the decision on how much these agencies get. Discussion was for a joint effort on moving forward. There are two new agencies in this year's request list. There is more requested than was allocated in the Budget. The subcommittee isn't authorized to spend money. The BudCom found it burdensome to do this.

Mr. Clement said it's improper for a subcommittee to have any opinion on how public money is spent, that rests with the Board. Ms. Surman said the Town voted on this in the past, based on what they were told was needed by the agencies. The Town Meeting or Board should vote the money. The BudCom probably didn't realize the effects of what resulted on this. For this year, the Board must come up with a fair and workable way to disburse the funds. Ms. Gilman said the welfare director can make recommendations but not the decisions, so the Board isn't giving away its authority. Mr. Clement suggested the available \$100,000 is about 90% of the total requests, so the Board could just adjust all the requests to cap each at 90% of the amount requested. Ms. Gilman agreed and suggested Mr. Dean be given a direction to the welfare director to disburse the funds that way. Mr. Dean said Ms. Riffle is performing the role of welfare Director. Mr. Clement said Mr. Dean has the power to appoint a welfare director. Mr. Dean he will put a memo together on that. He asked if the two new agencies would be included in the 90% decision. They did submit their requests to the Budget subcommittee. Ms. Gilman asked what the process was. Ms. Surman said a committee was to be formed to make the determinations on funding. The reduction percentage would be reduced if the new agencies were not included. The Chair said the base amount would be \$108,000 not \$114,000 in that case. Ms. Gilman wants to see the new agencies compared in the same framework as the others. The Chair asked Mr. Dean for information on the two new

agencies: if they have met the criteria for the agencies. How much would be spent on clients and do they serve Exeter residents? Mr. Dean said the application form should have that information and he will provide it to the Board for next week.

d. 2017 Warrant Article Winter Parking Ban Discussion

At the March 2017 Town Meeting, voters approved Article 24 which he read into the record for the viewing public. The purpose is to do away with the blanket winter parking ban and have the Board put bans into effect storm by storm. The Board is not required by law to follow a citizen's petition that does not involve a specific monetary amount, but should be responsive to public desires. He recommended the Board have the Police, Fire, and DPW Departments assess this and report back with opinions on it to Board. They should report back not later than the end of July 2017. Mr. Dean will poll them and get a reaction. Ms. Surman said not sure about this since it's not funded-time and resources will be put in place on advancing this matter. Much discussion on pros and cons was held. The burden on Public Works Dept. will be high if this passes and is done. Dept. review of this proposal for a staff report on it would be sufficient.

Paul Royal of 3 Pumpkin Circle, spoke: there were three late winter snow emergencies recently, all three had different ways of getting news out to the public. Law enforcement and DPW usually know what weather is likely to come into play. He will submit a report on this to the Board too. Part of this proposal is the warrant article signers thought the change was perfectly reasonable. If there is to be a parking ban, need to know when there is a snow emergency. Summary is if the Board passes this and a system is in place to get notice out, then the onus is on people to listen. No doubt more convenient for departments to have winter parking ban in place on set hours. Most folks are not expecting a snow emergency called late at night, so they don't have their cars off the streets. If people know in time, they will move their cars off the roads. Broader view of this is that even if more complicated to DPW or Police, if it doesn't snow, it's not a big deal- they just erred on side of safety. A snow emergency can be called anytime the Town wants. Most of discussion is dismissive but the current system is inefficient. Please take the long view. Mr. Clement said that they need to find out what is involved for the Town and what it will cost the Town. The town can't call folks in the middle of the night. Mr. Royal said snow emergency should be called earlier in evening based on forecasts, so late calls don't have to be made.

Mr. Dean will get reports by the end of July with implementation aspects.

e. Exeter Sportsmen's Club Invitation

This came about several weeks ago, to ask Sportsmen's Club in to have a discussion with the Board. They went to the Planning Board for a new "shoot house." The Club wanted a specific list of what would be discussed. The Board has a copy of the lease between the Town and Sportsmen Club. What topics should be addressed? Ms. Gilman said the Stewardship Plan aspect needs to be discussed for status and update, as required in the lease. Ms. Surman said the additional structure that was approved by the Planning Board, but permit held by Code Enforcement. On Page 3 of the Lease, Section 8: [she recited that lease language], the Board is the landlord so needs to approve it, but the language seems to indicate the Club could go to either authority, Planning Board or Board of Selectmen, on the new structure. That requirement should be raised with them. Noise attenuation is also important to her. Do we meet with them every five years? The Chair said he is not sure but it should be at least every five years.

Ms. Corson would like to see a timeline of what has occurred per Section 13 and if they are in compliance with it. Mr. Dean said that report just arrived today. Ms. Corson wanted an update on the berm that was constructed and definitely has the club been in every five years. The Chair said they have been in periodically for specific issues, not generally for an update. Ms. Corson suggested a discussion on how things are going for the club should be addressed, for folks who aren't aware of them-their mission and such.

Mr. Clement then raised the clean-up efforts going back to 2005 with Town involvement. Remedial action plan work was done by AECOM as consultants and we have a copy. There is a Phase II or III (next remedial action plan to occur). Discussion in past from Health Dept. (part of Fire Dept.) was for "Area II." There were options on remediation, some costly, soil removal, capping etc. Least costly was to do an Activity Use Restriction ("AUR")-to fence it in and have a contract covering no use of it. NH Dept. of Environmental Services ("DES") has said need greater control than just a prohibition on entry. The new expansion of the shooting range is on the edge of Area II. Mr. Dean should review this with Health Dept. Mr. Dean said he met with the representatives from AECOM. DES has reached out to the Town to go over next steps. Amy Doherty is the new responsible person at DES now. The Board needs a fuller update. Mr. Dean said he needs to meet with DES and bring Exeter's consultant in to update the Board. Chair: the existing shooting range is just on the edge of the AUR, new area is within it so DES will have to weigh in here. That will be another topic for Club discussion.

Finally sound testing has been done but within the purview of the lease at Item #16, attenuation of sound will be addressed during the periodic meeting, The Board can ask the Sportsmen's Club what they are doing to attenuate sound. The Planning Board can't address sound per the statute, it has to be the Selectboard. Ms. Corson pointed out that Section 8, Paragraphs 2 & 3 are important and the Planning Board needs clarification on its role versus the Selectmen's role. The Chair said the Planning Board had done its job but the Selectboard could exercise requirements beyond what it did. He said he wanted to resolve this situation with the Club first, then clarify things for the Planning Board but the Town should meet with DES first, then the Club.

Mr. Dean will provide the Club with a list of the issues.

f. Department Heads Schedule of Periodic Updates to Board

Chair said that monthly written reports provided to the Town Manager should be provided to the Board and he can decide when to schedule them. Ms. Surman asked if Mr. Sharples' report was an example, because it was excellent. Mr. Dean will scan the monthly department reports and send them to the Board. Mr. Clement said twice a year for some and annually would probably work. The reports would put the depts. in front of the people. Ten minute updates would be good. General overview is the best approach. Mr. Dean will schedule these with department heads.

8. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

The Chair took Mr. Sharples' Permits and Approvals matter below out of order:

Mr. Sharples reported that COAST Bus plans a concrete pad at its stop as was discussed in the fall and approved. The Transportation Fund has enough money to put in the pad and install the comfort station there. The area is staked out and he went to the Historic District Commission, which approved it with one condition, that they move it up the hill as far as possible. There is an underground cable to be avoided and that is marked. DPW is

ready to do the excavation. He only needs the Board's authorization on the Purchase Order and for release of the funds. DPW will do the excavation. Comfort station will be picked up in Dover by Town and brought here. The concrete contractor will assemble it for the Town.

Ms. Surman moved approval and to release up to \$2,000 in Transportation Fund money for this, seconded by Ms. Corson, and unanimously approved.

The Chair returned to the regular agenda:

Ms. Gilman moved approval of the current use application for Map 71, Lot 119, seconded by Ms. Corson and unanimously approved.

Ms. Gilman moved approval of the cut application for Map 5, Lot 2, seconded by Ms. Surman and unanimously approved.

Ms. Corson moved to grant an elderly exemption for Map 104, Lot 79, Unit #9 for \$152,251, seconded by Ms. Gilman and unanimously approved. Ms. Corson moved to a grant elderly exemption for Map 104, Lot 79, Unit #1001 for \$152,251, seconded by Ms. Gilman and unanimously approved. Ms. Corson then moved to grant a disability exemption for Map 104, Lot 79, Unit #225 for \$125,000, seconded by Ms. Gilman and unanimously approved.

LCHIP grant: Ms. Gilman moved to authorize the Town Manager to sign all documents for the LCHIP Grant of 2017 for \$13,000, seconded by Ms. Surman and unanimously approved.

Last session an appointment was made with the word nominate instead of appointed, so Town Counsel recommended the Board confirm the votes of appointments made for 4/10/17 as appointments of those 3 individuals to their respective committees: Ms. Corson moved appointment, Ms. Surman seconded, Ms. Gilman abstained, and the vote was unanimously approved.

b. Permits & Approvals

Ms. Gilman moved approval of Historical Society for use of Town Hall on 8/12/17 for a meeting, seconded by Ms. Corson, unanimously approved.

The Historical Society also requested a waiver of the fee for its use of the Town Hall, which was moved by Ms. Gilman, seconded by Ms. Corson, and unanimously approved.

c. Town Manager's Report

Fish & Game representatives and others meeting at the former Dam site last week: purpose of visit was to have the State talk about the river changes and dam removal as to the fish run that is starting.

3 Sanborn St: a portion of the property has been cleaned up, work is proceeding.

Karl Kapinos, new officer, with the Police Dept. is being sworn this week. Board members are invited to attend.

Trash collection bids will be opened soon on the 24th of April.

Master Plan Steering Committee meeting was good and is available to view on Town Hall Steams.

They are striping crosswalks now.

Easter egg hunt on Swasey Parkway Friday was a huge success. Parks/Recreation Department believes it is the highest turnout ever.

DPW report on High St work by Unitil. Relocation of that is happening, done by week's end, subject to change. Ms. Perry anticipates about \$100,000 to \$150,000 budget, so they might need to request reserves from Sewer Fund. Old gas line there is being removed by Unitil.

d. Selectmen's Committee Reports

Ms. Gilman reported the Heritage Commission meets tomorrow night and LCHIP grant is to be discussed.

Historic District Commission meeting Thursday. On State level, Senate amended HB329 on special town meetings. They simplified it and governing body will be able to decide if special Town meeting is necessary or not. Moving the date might disenfranchise voters. Mr. Clement said this is hurting our ability to go to the Bond Bank.

Ms. Corson reported on Planning Board: Phillips Exeter Academy ("PES") application for a fertilizer waiver, the ordinance needs to be tweaked. Good Educational opportunity for public.

Ms. Surman said the Conservation Commission met and Conditional Use Permit for 128 Portsmouth Ave for Exeter Carwash was not disapproved.

Mr. Kelly came in with list of trails he will be doing maintenance on. April 22nd, Evening with Singing Woodcock, prior meeting at the SST before. This Saturday evening at 6:30 pm.

April 26th PEA Climate Action Day trail work at Swasey is being done. May 2nd Lincoln St School Arbor Day where they provide kids with trees.

Trail Committee meeting was on March 22nd for trail issues review.

Mr. Clement reported that there will be a sign warning for rapids to be placed on the bridge before the rapids.

Fish and Game installed a solar-powered fish tube at Pickpocket Park to count fish automatically. Last Friday they first appeared.

Memorial Day parade meeting last week and another tomorrow.

Horsley Witten Master Plan folks want to have one meeting with Board for 45 minutes to an hour. Can do a Board Work Session for that on May 1, 2017, Monday at 6 pm. He needs to get back to them on it.

Next week: reappointments of current committee members.

8. Correspondence:

There was none.

9. Review Board Calendar:

The next session of the Board is April 24, 2017.

10. Non-Public Session:

There was none

11. Adjournment:

There being no further business before the Board, Ms. Gilman moved to adjourn, seconded by Ms. Surman, and the vote was unanimous. The Chair adjourned the session at 10:01 pm.

Respectfully submitted by,

David Pancoast, Recording Secretary