

Final Minutes

Exeter Board of Selectman

June 26, 2017

1. Call Meeting to Order

Chairman Don Clement called the meeting to order at 6:40pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chair Anne Surman, Clerk Kathy Corson, Dan Chartrand and Julie Gilman. Town Manager Russell Dean was also present.

2. Board interview-Conservation Commission

The Board conducted an interview of Amy Farnham for a position on the Conservation Committee.

3. Public Comment

Gerry Hamel, 17 Little Pine Lane: People have been contacting him about damage on the Swasey Parkway, he wanted to clarify what is really going on. The original plan was to go through the road. If they were to have gone in the road that way they would have been pruning a majority of the old growth. So they went through Exeter Housing to avoid this, there has been a lot of diligent work going on.

Enna Grazier here on behalf of Exeter Rises. They are here tonight to propose that Exeter join the Paris Agreement on a Municipal Level. Exeter has already taken steps towards sustainability. Making this commitment would not be so much as making changes to what we are already doing, but to make a statement. Selectman Clement said that Selectwoman Gilman had mentioned last week wanting to bring forth something supporting the Paris Agreement. The intent is to still put something together and have this discussion.

Todd Piskovitz, 22 Forest Street: The goal here was not to come in and have something completed tonight, they were hoping it would open a discuss and be put on the agenda for a near future meeting.

Selectman Chartrand would love it if this could be on the agenda for the next meeting. Selectwoman Gilman said our Governor has not joined nearby states in saying NH was joining this. A petition was given to the Governor last week. She was upset by the climate deniers sending emails to representatives. Selectman Clement suggested that himself and Mr. Dean work with Exeter Rises to draft something.

4. Minutes & Proclamations

5. Approval of Minutes

No minutes tonight, the June 19th minutes would be available for the next meeting.

6. Appointments—2017 Committee Reappointments

There were no appointments.

Discussion Action/Items

a. WWTF Facility Construction MOU Swasey Parkway/DPW

Mr. Dean wanted to clarify that on page 2 it said no road work were requested on Thursday, should this be weekends. It was confirmed that this was correct, they withdrew the no road closures on Saturdays after the discussion at the last meeting. Mr. Dean said they had dealt with the escrow account and processes that were put in the MOU, and that he felt this was ready to move forward. Selectwoman Surman wanted to Thank everyone who worked on this and she was glad for the changes that include having a meeting with the selectman. Selectwoman Gilman liked this version, it was much more descriptive. Selectman Clement appreciated that everyone had turned this around in a week.

MOTION: Selectwoman Surman moved to approve the MOU between the Town of Exeter and the Swasey Parkway Trustees as signed by the Swasey Parkway Trustees and Jennifer Perry, Director of DPW and authorized by the Board of Selectman. Selectman Chartrand seconded. The motion passed unanimously.

b. Groundwater Plant Communications/Poles/Wires

Mr. Dean explained that this goes back to when the groundwater plant was under construction. The town has been upgrading their fire alarm system on the poles for a number of years and they had run into some issues with utilities when they tried to do the upgrades they wanted. The utilities are requiring attachment agreements for putting wires on the poles, which would require fees be paid.

Chief Comeau appeared before the Board, he showed a map of where the fire alarms are currently. In 2006 they added the first fiber line from the fire station to the DPW and it runs communications, etc. The pole ownership in town is a grey area, FairPoint and Unitil own them about 50/50. Both companies have raised concerns about this project.

Selectman Chartrand felt this was a way for these companies to make new sources of revenue, and he was unhappy about this. If they were not going to allow us to do this, we should reevaluate the whole agreement with the poles. Chief Comeau said that FairPoint called this competition because they offer fiber optics, but theirs is for private use and not government. Selectman Chartrand asked if our legal counsel had looked into this. It was confirmed they had, but they were not able to really determine how a judge would rule on this.

Mr. Dean wanted to add that one of the other elements to this is that Bay Ring and others can go on the poles at their request. The practical impact of this is that we have been pushed further up the pole and this caused the electrical department to say we were pushing them out of code compliance. This puts the town between a rock and a hard place.

Selectwoman Surman agreed with Selectman Chartrand that this was a way to get revenue. She suggested that we get some press on this and get it out in the public arena because this is absurd. Selectwoman Corson asked how this played out in other towns. It was explained that Keene let it happen and they have no control over anything anymore. Manchester has a different company that owns the poles so they are not having the same issue. Chief Comeau said he has heard this is happening in other locations all over the state and some places in Maine.

Mr. Dean said this is a recent issue and that utilities seem to be picking and choosing where they do this, and for some reason Exeter has been chosen. Selectwoman Gilman said that over the last few years they had gone back and forth on state laws on taxing poles in the right of way, and currently they are taxing

utilities for this. That might be part of what is behind all of this. The other thing is that every time a pole is added we have to sign an agreement so there should be more documentation.

Selectman Chartrand asked how much revenue we generate from taxing the poles. Mr. Dean would check and confirm this amount. Selectman Clement asked who lead the negotiations and it was confirmed our legal counsel had been involved. Selectman Clement asked what our next steps were for this. Selectman Gilman asked how much negotiations had taken place, or if it was just them responding back. Mr. Dean said they had been told to pay the fees and sign the paperwork or have the wires ripped from the poles. Selectman Chartrand said if we can't do our business, they may not be able to do their business. They need town approval for some of their work as well. Selectwoman Surman asked if a letter had been written that lays out our position on this. It was confirmed that yes this had taken place, their position was it didn't mean they couldn't request this.

Jennifer Perry, Director of DPW wanted to thank Chief Comeau for being a vocal advocate for our rights. She wanted to say that the new wastewater treatment facility was designed to use a system that ran off of fiber optic network, which they have been unable to use at this point. They have had to use telephone poles and it had caused problems. If the fiber optic system had been up and running several problems and breaks could have been avoided. Selectman Clement asked if it made sense to invite representatives to a meeting so they can tell them they are adamant they will not pay full attachment fees. Short of this, what is our next step. Mr. Dean suggested that if FairPoint has a government affairs representative, we should start here. This was agreed by the Board. Selectwoman Surman said that if this doesn't work, we also need a plan B that we can act on and have this ready as well.

c. Conservation easement Baseline Report: 80 Epping Road

This was in the packet last week, and there was a lot of discussion on the baseline conditions. They need to decide if they will vote to accept the baseline document, but not necessarily the conditions. They also discussed contacting the current owner to see if they would clean up some of the debris that was indicated on the report.

Selectwoman Surman said she does not have a problem signing the easement, the issue of the debris could be crafted as a letter to be completed later. Selectwoman Gilman said to be clear they are agreeing that the photos illustrate what is there now. Mr. Dean added that the town planner has contacted the property manager and the response had been good on the cleanup discussion. They wanted to get the buildings built and then attention would turn to this. Selectman Clement said this document when signed there needed to be witness and notarized. Selectwoman Corson would like to send a message to the town planner and conservation commission that there needs to be some a cleaning up of an area by the developer before they accept anything. Selectman Clement until the baseline is done you wouldn't find these items.

MOTION: Selectwoman Surman moved for the Board to sign the Conservation Easement Baseline documentation for Boulders Realty Corp, Selectman Chartrand seconded. The motion passed unanimously.

d. Right to Know Board and Committee Training

Selectman Clement said after a conversation with Mr. Dean, this has been brought up before. One of the very confusing principals of open government is the "right to know." He thought maybe it was time to

find a way to provide right to know training for all of Exeter's Boards, Committees and Subcommittees. Tonight, Mr. Clement would like to discuss how to best do this.

Selectman Chartrand said he was delighted that this was brought up, early on in his time on this Board he was accused of sequential communication and he apologized and it was a learning experience for him that was essential. He feels this is critical training for other Boards. He also feels other Boards that are required to have minutes should be provided a way to do this that does not involve the members of that Board drafting them.

Selectwoman Gilman said that there has been a change that starts in 2018, meeting postings had to be posted on the town's website but not every town has a website in NH so now it's can be posted on a website if they have one. If not, something has to be placed up on where they can be found. They will also develop a commission that will study how to organize the right to know laws (91A). Selectwoman Gilman also said that there is on site training by the NH Municipal Association. She thought they could start with Chair of Boards and go from there.

Selectman Chartrand also suggested that all other Board and Committees have to put this on their agenda so they all review the documents as a starting point. Selectwoman Surman attended a workshop after the last election and she learned a lot and they focus on 91A. Selectwoman Corson asked how long the training was, and Mr. Dean said it was at least a half day. Selectwoman Corson asked if a synopsis would be done, and it was explained they offered two half day sessions to give people session options. Selectwoman Gilman said there is a training NHMA in the fall and the town pays for this so it should be stressed.

Selectman Chartrand asked that the flow chart in the packet be sent out to other boards and put in their packets as well. Selectman Clement asked if the Board felt if it was a good idea to contact NHMA and ask them to put a session together for Exeter. The Board agreed to this. Mr. Dean asked if they would be interested in having the schools attends this, or other towns. Selectman Clement suggested they stick to Exeter for now. Selectwoman Corson said a half day for volunteers could be difficult for them to accommodate. Mr. Dean would reach out to NHMA. Selectwoman Corson had concerns about how expensive it would be to have a meetings secretary at every meeting for every committee. Selectman Clement agreed, and said the basic tenant of minutes should record who was there and the basic action and the vote.

Mr. Dean wanted to take a moment to say they are always recruiting for more secretaries. They find a great secretary but they end up covering a lot of committees and have a job changes and can no longer do the job.

7. Regular Business

a. Tax, Water/Sewer Abatements & Exceptions

MOTION: Selectwoman Corson moved to approve exemption for 85/81 for religious and parsonage. Selectman Chartrand seconded. The motion passed 3-0-2. Selectman Clement and Selectwoman Surman abstained.

b. Permits & Approvals

MOTION: Selectman Chartrand moved to approve the application for town hall main floor and the band stand and poster board for NH Children's trust for a fiddle rehearsal on 3/18/18, Selectwoman Gilman seconded. The motion passed unanimously.

MOTION: Selectman Chartrand moved to approve the application for town hall main floor and the band stand and poster board for NH Children's trust for a fiddle rehearsal on 3/25/18, Selectwoman Gilman seconded. The motion passed unanimously.

MOTION: Selectman Chartrand moved to approve the application for town hall main floor and the band stand and poster board for NH Children's trust for a fiddle concert on 4/8/18, Selectwoman Gilman seconded. The motion passed unanimously.

MOTION: Selectman Chartrand moved to approve the application for the Sixth Grade Arts Show from Heronfield Academy Arts Show for the town hall main floor and poster board for February 28 rehearsal and March 1st and 2nd (snow days March 8 and 9). Selectwoman Surman seconded. The motion passed unanimously.

MOTION: Selectman Chartrand moved to approve the application for the Heronfield Academy Seventh Grade Arts Show for the town hall main floor and poster board for April 3-6, 2018 Selectwoman Gilman seconded. The motion passed unanimously.

MOTION: Selectman Chartrand moved to approve the application for the Heronfield Academy Eighth Grade Arts Show for the town hall main floor and poster board for May 15, May 17-18th. Selectwoman Surman seconded. The motion passed unanimously.

c. Town Managers Report

Mr. Dean explained they got a list together of the towns that are closing for July 3rd, Exeter has tax bills due July 3rd. Basically they propose that they will have PD cycle through here once every hour and they would be open to take tax payments that day. Selectwoman Surman asked if the Town Clerk would be in, and it was confirmed they would not be open. Selectman Clement asked if just this building would be closed and if parks and rec would be open. Mr. Dean would discuss this with them. Selectwoman Gilman said if the building is open for taxes, that wouldn't prohibit people from coming into work. If people don't want to come in it's a leave day for them or they can come in. Selectman Clement is not in agreement of closing for that day.

MOTION: Selectman Chartrand moved to approve the town managers proposal to allow staff to take a leave day and the required personal for that day would be tax personal, Selectwoman Gilman seconded. The motion passed 3-2-0. Selectman Clement and Selectwoman Surman voted nay.

Mr. Dean said they found the three bounds between Hampton and Exeter, and they will do a bound return to send to the state. They are also looking at ways to expand the economic development revitalization zones. Mr. Dean is scheduled for vacation starting Wednesday of this week but reachable in an emergency. He will be back on July 7th but the Girls softball team made it to the semifinals and they were invited to participate in regionals. Which is July 6-9th. String bridge work starts July 10th.

Mr. Dean said the New England Chapter of the NWA and Jennifer Perry was named member of the year of the chapter.

d. Selectman Committee Reports

Selectman Chartrand said that he attended the ZBA meeting on June 20th, he was pleased to say the ZBA granted a variance for the project on Kimball Island.

Selectwoman Surman asked Mr. Dean if they had checked with Phillips Exeter Academy about the cross walks. Mr. Dean said they do anticipate losing some parking spots. They do not have a firm policy on how to handle this type of activity from the academy. Selectwoman Gilman said the academy came in for safety improvements they approved a trial cross walk on Court Street which they never did. This project is similar but when asked directly if they were losing spaces they said no. She is upset they are losing spaces without knowing it. Selectman Clement did not dispute that this may improve the safety of the area, but if they are going to lose parking in the public way there has to be a way of them putting them back somewhere along that corridor.

Jennifer Perry felt these changes would be an improvement to the driver, Selectman Clement said he understood this but losing parking was an issue. Ms. Perry said other spots were being created on the campus. Selectwoman Surman said it was also that they were never notified about losing the spots, there had been no communication. Selectwoman Corson suggested the engage the academy and have them come in and have them talk about their upcoming projects, including the parking garage and get their students off the street.

Selectwoman Surman said they had received an email from Alice Gibbs at Wheels on Wheels and they were very concerned about the money being cut from funding. That is an awesome group of people, they provide a fabulous service. They also do wellness checks, and transportation.

Selectwoman Corson attended a short planning board meeting and the housing committee did present to them.

Selectwoman Gilman said the heritage commission will be meeting at the Winter Street cemetery with the contractor. Selectwoman Gilman said the budget had a lot of money not in it at the state level which will be pushed down on the towns. If property taxes go up, please take a look at the state funding. Health and Human Services had cuts, Opiode Crisis is not being adequately funded. They did approve funding for all day kindergarten. They also raised the limit on how much of an exemption could be given. They also raised the limit on what would require a warrant article.

Selectman Clement attended the String Bridge presentation and watched Mr. Dean and Ms. Perry find stones for the bounds.

e. Correspondence

- Facilities Advisory Committee final charge
- Letters about losing trees in the Parkway
- Letter from Quinten Gilman who is trying to find the burial site of Nicholas Gilman.
Selectwoman Gilman recommended that this be turned over to the Heritage Commission.

8. Review Board Calendar

Because the next meeting is scheduled for July 10th, there is no EDC meeting this week because of this Selectman Clement wanted Mr. Winham to come to the next Selectman meeting to give a report.

Non-Public Session

MOTION: Selectwoman Surman moved to enter into a non-public session under 91A for compensation and advice from legal counsel, Selectwoman Gilman seconded, the motion passed by unanimous roll call vote.

After emerging from non public session, Selectwoman Gilman moved to seal the minutes regarding the tax exemption as disclosure would render action ineffective. Selectman Chartrand seconded. Motion carried unanimously.

9. Adjournment

Selectwoman Surman moved to adjourn, seconded by Selectwoman Gilman. The motion passed. The Board stood adjourned at 9:55 p.m..

Respectfully Submitted, Jennifer Dionne, Recording Secretary