

Convene Meeting

The meeting convened at 9:05 AM in the Nowak room of the Exeter Town Offices on March 20, 2014. **Members Present:** Lionel Ingram (Chair), Dr. Mimi Larsen Becker, Roger Wakeman (PEA), Peter Richardson, Virginia Raub, Rod Bourdon, Frank Patterson, Richard Huber, Kristin Murphy (Natural Resource Planner), Don Clement (BOS Rep) **In Attendance:** Phyllis Duffy, Deborah Loiselle (DES), Sally Soule (DES) and Peter Walker (VHB).

Minutes

Minutes of the 23 January 2014 and the 20 February 2014 meetings will be delivered to note taker (not present) and they will be approved at the next meeting. Richard Huber will take notes at this meeting.

Discussion of the RFP regarding the Dam's removal and the river's restoration (Paul)

In the absence of Paul Vlasich (Town Engineer), Dr. Becker presented the contents of Paul's memo of 3/19/12 providing a Dam Removal Update including a draft of the Consultant Contract Tasks list. (The 2-page memo was copied and handed out to meeting participants.)

Mr. Clement presented an overview of the process steps that lie ahead:

The NFWF (Sandy) grant administrators have been contacted by letter to inform them about the results of the election and the support for the dam removal option.

Election vote recounts are underway and should conclude tomorrow. Then the new full select board will be able to begin to address the dam removal.

The bond bank meets in June to decide whether to seek a 20 or 30 year bond, etc.

A 2008 warrant article has a remaining balance of \$286,125. Whether this money can be used is to be determined and may involve legal review by counsel.

Paul Vlasich has, in the memo, detailed the steps for selecting consultants to proceed with design. He recommends that VHB be retained because the lengthy RFP process followed by a lengthy learning curve for a new consultant would hinder meeting the NFWF (Sandy) grant time horizon.

The decision of the NFWF (Sandy) grant administrators should be known in April. If the town receives the grant, it may be that the town would bond the full amount and then use the grant to apply to the bond. Finance staff will have to advise.

A letter will soon have to be sent by the select board to DES to detail the plan going forward.

Mr. Bourdon asked where would the \$286,125 from the 2008 warrant would go, if it could not be used by the program. Mr. Clement replied it will be returned to the general fund.

Mr. Wakeman asked if the recommended sole source to retain VHB for the next phase would be out of the norms for this sort of situation and would it require special justification.

Mr. Clement said it is not out of the norm. Contracts over \$25,000 require BOS approval. The scope of work details are reviewed.

Mr. Wakeman asked if the process would be transparent to the town.

Dr. Becker replied that the big issue is time if the town receives the grant.

Mr. Wakeman said that the 2-year time limit was an incentive for the sole source approach.

Mr. Huber asked if the crystal ball indicates the probability of receiving the NFWF (Sandy) grant. Ms Loiselle said that about 600 applications were expected. There were actually only 385 received. The end of April time line for decision may slip. Mr. Patterson asked if DES received the results of the vote. Mr. Bourdon asked if the large vote in favor helped. Ms Loiselle said it may help. Dr Becker said it depends on what rules were in place for decision making with some discretionary authority. Mr. Ingram said With 385 applicants in competition, they must wait and see. Ms Loiselle replied that the River Study's application was top notch and to be optimistic. There were also other sources of funding.

Dr. Becker asked Ms Loiselle to comment on the expectations for the letter from the BOS to DES. Ms Loiselle said the town would soon receive a letter from DES requesting a plan. Jim Weber and Steve Doyon would be in communication.

Dr. Becker commented regarding item 3 on Mr. Vlasich's memo regarding the Mill Water Intake, that retrofit options had been sent to the mill owners, Chinburg Properties, for their considerations. Mr. Walker replied it included a scope of work tech review memo with new information regarding the location of the penstock features. They had not yet heard back. Next week they will make contact and schedule a meeting. The mill needed its volume of water for 3 needs: A/C, fire suppression, irrigation. Air Conditioning requires the greatest volume and could be upgraded to not use water. Mr. Patterson asked if the town was obligated to provide a full volume of water and if the diameter of the pipe was the baseline.

Mr. Walker replied that the penstock was basically a holding tank. The water elevation would continue to fill the tank. This is well defined. There was no expectation that the Mills would find it inadequate. Mr. Patterson asked if the Mills extend their property, would the town's obligation grow. Mr. Clement said no, there were two legal documents between the town and the Mills; 1) covers A/C for one building. 2) 1980 Chester agreement for A/C for an additional building and fire suppression support. Any new building would not fall under these agreements. Usage could be from 90,000 gallons per day to 300,000 gallons per day. The largest usage was for A/C. The water is discharged into the Squamscott River.

Dr. Becker noted considering the scope of the work tasks, they needed to add how the public would be informed at decision points. Mr. Walker said they were working on a 15-page detailed scope of work. There would be less need for review by the committee. Plans would be shared and reviewed by experts like Jim Weber and experts on the swimming behavior of shad. Mr. Vlasich would regularly update the committee. There could be public information sessions. Mr. Ingram added the town would want to be involved in the process, especially in 1) the restoration process and 2) the section 106 process. Affects and mitigations needed to be considered with opportunities for input as process points become active.

Mr. Wakeman asked regarding the scope was there a plan to study the downstream basin with pre and post removal bathometric surveys. Mr. Walker replied yes, the scope could expand but should not go down that path too far. There would also be archaeological phase 1B studies and upstream archaeological monitoring.

Mr. Wakeman said regarding item f) on the memo: "Investigate need for stabilization of structures in the vicinity of the dam with geotechnical investigations. Design improvements as necessary." He commented this was a loaded line item. Mr. Walker replied item f) focused on walls from the bridge to high street. It was found that Kimball Island might need stabilization whether the dam stayed in or came out. There is a need for geotechnical analysis to be rolled into the design task.

Dr. Becker said the Green Bean had expressed concern about impacts of removing the fish ladder on the boundary of their property. There may be reasonable liability in that case. Mr. Walker said there were several issues that would have to be determined during the design phase such as the design of the cut, how much headwork will remain, etc. Ms. Soule commented wildlife monitoring would be provided as needed to determine how the river responds as the dam was removed. DES will continue to communicate as they consult with biologists.

Mr. Clement said regarding water quality, there are WISE Projects that would monitor the impact on nitrogen, (biological oxygen demand) BOD , etc. Mr. Ingram said they want to be sure that the wording in the scope of work items did not create new legal obligations. It should be reviewed by legal counsel. The town manager would want assurance that legal obligation is avoided.

Ms. Murphy commented there was a need for revision of the FEMA maps associated with dam removal. Mr. Walker replied that part of the permitting work would include the town's request for the revision. Mr. Ingram added the issue of impacts to insurance needed to be dealt with. Ms Loiselle said that there were required Quality Assurance Project Plans (QuAPPs). QuAPPS were required by the NFWF (Sandy) grant. They involve environmental data collection. They should be coordinated by the lead federal agency.

Discussion of the way ahead for the committee (Mr. Ingram)

Mr. Patterson asked how the public could tune in and could updates be put on the website.

Mr. Huber asked if the ExeterDamStudy@gmail.com could be discontinued. Mr. Ingram replied with consensus of the committee, the email is to be discontinued. If needed, a new email with a different name can be started (ExeterRiverRestoration@gmail.com). Mr. Richardson asked if the be schedule could be posted on the website. Mr. Walker asked if a 2-year schedule would be a useful resource for the public.

Mr. Ingram answered that contingent on the Sandy grant, at the April meeting, the River Study Committee can address: 1) an update related to section 106 and 2) highlights of a preliminary schedule. He said they need to contact Eric Hutchins (NOAA) to get him on board. Mr. Clement said there was a lot of work that needs to be done and a schedule was pre-mature. He

recommended letting the professionals establish the milestones. The committee needed to be cautious about overburdening the engineering staff.

Mr. Wakeman noted it was important that they pause to celebrate successes. They got the town to make an important informed decision using a model collaborative process.

Mr. Ingram agreed and said they need to formally thank the participants beyond the committee: agencies, engineers, consultants. Perhaps, it needed to go to DES and the governor. Dr. Becker said it should be noted that in several public meetings Pete Walker and Paul Vlasich did not speak “engineering-ese”. They made a real effort to communicate. This went a long way to establishing trust.

Review of CAPE analysis (Paul Kirshen)

Mr. Ingram said Paul Kirshen was not available. He hoped to be at the next meeting.

Dr. Becker noted Mr. Kirshen was running last calibrations of the models. He was focusing on modeling 2025 instead of 2040 because they need to address short term capital improvements related to water resources, flooding, run off, and address how towns would want to approach impacts. If wetlands need to move, what might towns do to handle riparian zones.

CAPE will host a public meeting on 5/28/14 at the High School sponsored by NH Listens.

Mr. Richardson asked if the removal of the dam had an effect on the CAPE program.

Mr. Ingram said yes, they would not have to address both in and out options.

Other Business:

Mr. Ingram reported there were some administrative matters: Some committee members needed to renew their appointment to the committee. There is an open seat on the committee.

Mr. Walker added there were state wetlands grants for amounts of about \$150,000. The pre-proposal due date is April 28.

Ms Loiselle recommended going ahead and seeking these grants. They are not federal funds.

Dr. Becker said they may be suitable for mitigation of upstream impacts of dam removal: erosion control and wetlands protection which could be the same thing.

Ms. Raub noted the grants may relate to the new Franklin Street project related to easements to the river.

Ms Loiselle said that Mr. Walker, Mr. Vlasich and, Ms Loiselle were to contact agents regarding pre-proposal for grants.

Public Comment: There was no public comment.

Next Meeting: April 17 at 9:00 AM in the Nowak of the Exeter Town Offices.

Adjourn: The meeting was adjourned at 10:42AM.

Respectfully Submitted,

Sarah McGraw