

Select Board Meeting

Final Minutes

August 27th, 2018

1. Call Meeting to Order

Anne Surman, Kathy Corson, Julie Gilman, Molly Cowan, Don Clement, and Russ Dean were all present at this meeting. The meeting was called to order at 6:40PM, and the board went downstairs to conduct interviews. The board reconvened at 7:00PM.

2. Board Interviews – Facilities Committee, River Advisory Committee. The Board interviewed Mark Leighton for the Facilities Committee and Daniel Jones for the River Advisory Committee.

3. Public Comment

Diane Greenhalgh, a homeowner in town, said that the town owns a piece of property which goes into her driveway. Her neighbor wants to buy it, and she had talked to the Select Board previously about this. She was told to talk to the town attorney but never heard back. The neighbor has filed a civil lawsuit against her. Mr. Dean said he would follow up with the town's attorney.

4. Proclamations/Recognitions

a. Proclamations/Recognitions

There were no proclamations during the meeting.

5. Approval of Minutes

a. August 6th, 2018

Ms. Surman said that on page 3, the last sentence should end after "dictate to the committees." Mr. Clement asked to spell out DED (department of economic development) on page 7. On page 8, the amount should state \$100,000 instead of \$75,000. He also wanted to use the full name of Mr. Thompson on page 8.

MOTION: Ms. Corson moved to approve the minutes from August 6th as amended. Ms. Surman seconded the motion, and it passed 4-0-1 with Ms. Gilman abstaining.

6. Appointments – Facilities Committee, Communications Committee

MOTION: Ms. Corson moved to appoint Debbie Kane to the communications committee, term to end. Ms. Cowan seconded the motion, and it passed 4-1-0 with Ms. Surman voting nay.

MOTION: Ms. Cowan moved to appoint Lindsey Sonnett to the communications committee, term to end. Ms. Cowan seconded the motion, and it passed 4-1-0 with Ms. Surman voting nay.

MOTION: Ms. Corson moved to appoint Greg Colling to the facilities committee, term to end 4/30/19. Ms. Cowan seconded the motion, and it passed 4-1-0 with Ms. Surman voting nay.

7. Discussion/Action Items

a. CDBG Hearing: 3 Meeting Place Drive Construction

MOTION: Mr. Clement moved to open the CDBG public hearing. Ms. Corson seconded the motion, and it passed unanimously.

Donna Lane, the CDBG consultant, read a prepared statement to the board (see attachment 1). Kathryn Elliot, the developer for the property, said that she is excited to see the number of applicants to move into this building. There are 1 and 2-bedroom units, which would cost about \$930-\$1,300 per month. The apartments are income restricted and will be wait listing soon. The square footage of the apartments range from 400ft(studio) to 700ft (2 beds).

MOTION: Mr. Clement moved to close the CDBG public hearing. Ms. Surman seconded the motion, and it passed unanimously.

b. Wastewater Facility Project: Sludge Removal Options

Mr. Dean said that, according to DPW staff and the water/sewer engineer, there about 12,000 wet tons of sludge remaining on the wastewater treatment plant site. They can dispose of the material now or move/stockpile the sludge for later disposal. The second option would require an amendment and possible additional DES licensing, so disposal now is recommended. Removing the sludge now would cost about \$900,000. The contingency was set at \$3.29 million, so this would leave the project still underbudget. Ms. Gilman said she wants to do it now, because the disposal company might not be accepting this sludge in the future, and it would be more expensive later. Mr. Dean also informed the board that the sludge is old, from the 60's, and includes some chemicals they would like to move off site now.

Mr. Clement said he wanted a running total of budget to make sure they don't go over. Mr. Dean told him there would be \$1.4 million left in the contingency project. He also mentioned that the project is almost complete, and that there is list of project changes in the memo from DPW about any budget increases that have happened so far. Mr. Clement was concerned that they will go overbudget – if they need more funds, the March 2019 meeting is going to be critical. He agreed that stockpiling sludge is not a good idea. The board asked for a map and a schedule of when the sludge is going to be trucked out – they will need to pass through town to get to Route 101.

MOTION: Mr. Clement moved to approve change order 2 to dispose of sludge, the cost not exceeding \$900,000. Ms. Surman seconded the motion, and it passed unanimously.

c. Liberty Utilities Proposed Easement and Option Agreement

Michael Licata, a representative for Liberty Utilities, discussed the potential easement by wastewater treatment plant for a meter station. The current plan for Granite Bridge involves connecting to existing pipeline along Route 101. The board has an agreement before them for the easement. Liberty Utilities will avoid a river crossing along the Squamscott and placing a station in Stratham by doing this. They have revised the option agreement due to the board's suggestions – the option payment is now \$100,000 to buy the easement instead of \$75,000. They have also included examples of other meter

stations in NH. The total lot size would be 100x300 feet. It mostly would just house monitoring equipment – the lot would be fenced in and would have 3 small buildings.

Ms. Gilman said that Bill Campbell was concerned that the conservation commission was not informed about this since this property had previously been used as forest nursery land. Mr. Clement suggested that the conservation commission be involved in the property, and perhaps Liberty Utilities could agree to keep an area as a potential future nursery. He asked if this project would go through the planning board. Mr. Licata said it would go under the site evaluation committee review by the state. The committee has staff members designated from different departments, as well as two members of the public. They also have public meetings.

Ms. Corson said she would like the Exeter town planner to look at the plan to protect Exeter's interests. Mr. Licata said that they will provide that information, and right now they are working to bring the design in. They will make a presentation to the town once the design is completed. The goal is for the town to review this and support it. Ms. Corson asked for clarification on the deed language. Mr. Licata said they had done some research about the property and the title. There were 3 parcels taken by eminent domain, which removes any restrictions on the property.

Stephanie Sharp, a member of EchoAction, strongly recommended that the town becomes an intervenor in Site Evaluation Committee. She talked about past violations of Liberty Utilities including leaks and inspection failures. They have a 2.2% rate of loss, paid for by ratepayers. She stated that if the pipeline stops being used, ratepayers continue to pay for the pipeline so there is no incentive to repair leaks. To her, the meter station expansion is concerning. She was worried that it could become a much larger pipeline. She asked the town to focus on energy efficiency instead. She asked Board to consider information on the pipeline and to read the docket DG-17-198 on file. Ms. Surman said they had considered becoming an intervenor, but they should be receiving all of that information anyway. Ms. Sharp also advised them to talk to Consumer Advocacy.

Jordan Dickenson, an Exeter resident, said that we need to ask if we want this in our backyards. He said that fossil fuel projects are dangerous and can cause health issues if something goes wrong. If they were to lead a stand against it, it could be worthwhile for future energy projects.

Mr. Clement asked how this pipeline and metering station is different from other ones in town. Mr. Licata said that the Granite State would be smaller than other pipelines. Also, the pipe would be built to the highest regulatory standard as if they are building in a high-density area. The pipeline will be a minimum of 4' underground, with a thicker pipe wall and more shutout valves. Mr. Clement asked about item nine of the contract, which says that the height should not exceed 30' tall for the buildings. Mr. Licata said that while the structures are low, the height would be due to the telecommunications antenna. Mr. Clement was also concerned about closeness to abutter near the fenced in area (about 400' feet away). He wants to make sure the abutter is aware of this project.

Lew Hitzrot asked if the 2.2% loss rate is accurate for Liberty Utilities pipelines. He also asked what percentage of the gas is benzene-derived. Mr. Licata explained that natural gas utilities have to account for lost and unaccounted-for gas. The customer meters track gas, and the difference between the large meters in stations and meters at customers is the lost gas. The timing at which they measure, when the meters are read, changes in temperature or pressure, etc. can all lead to the loss rate. He also said that Liberty Utilities is aggressively replace older pipeline to make the loss rate less. As for the gas

content, the federal energy regulatory commission sets a standard – he would be happy to provide the exact quality content of gas as they are public documents.

Ms. Surman wants to make sure that the conservation commission gets a review of this. Ms. Corson was also concerned about how they will access and move through the property – it can't just be a dirt road because of mud season. She asked who would plow and maintain the access road. She also wants to make sure this isn't taken as an approval of the entire pipeline project. The board asked for more information about the access road, a clearer height of buildings, and the need to have a butter involved. Liberty Utilities will come back with more information.

d. Energy Committee re: Updates and Electric Charging Station Project

Renay Allen Hitzrot read the letter that was included in the board's packet on this topic, explaining the benefits and costs of installing electric vehicle chargers in Exeter. Ms. Gilman thinks this a good idea and that it offers a number of benefits to town. She thought the information given on costs is reassuring and that it shows that offering free charging won't be too expensive. She also believes it meets infrastructure requirement. Her only concern is that if it was at the senior center it wouldn't be visible enough.

Ms. Cowan agreed with Ms. Gilman that this is important for future development – this could attract people to Exeter. She wondered if two chargers would be enough for the town. She asked if the app would show that the chargers are taken or not by another vehicle. Ms. Hitzrot said that you can, but it is only supported by the ChargePoint smart charger which is significantly more expensive. The \$1,000 unit would not offer these benefits. She thinks it would be good to start with two chargers and increase if needed.

Ms. Corson asked where the energy cost would come out of in the budget. She doesn't want to take away parking spaces, either. Ms. Hitzrot explained to the board that NH is 6th in the country for increase in electric vehicle usage. There are 10 fully electric cars, and 208 hybrids in town. Ms. Surman is not convinced that this is worth the lost parking, which is scarce in Exeter. She is also not sure it qualifies under municipal infrastructure in the budget. Ms. Hitzrot said this would be a good way to start beginning to reduce emissions and make electric vehicles more popular.

Mr. Clement said he would prefer to see this vetted more, and also to make sure this is something the public would support. He said that maybe something could move forward as a plan in the 2019 budget. This might be a good opportunity to use the capital reserve fund money to fund a town-owned electric vehicle.

The board suggested having the energy committee work with DPW and the town planner to get more specific budget numbers and other logistics. Lew Hitzrot said that his calculations were based on an average usage and average energy costs. He came up with \$126 per month per charger. He thinks the parking spaces would be more of an obstacle than the cost of energy. Mr. Dean also pointed out that the municipal rate for electricity is much lower, and that this project is emphasizing energy efficiency and emissions reduction. Ms. Gilman said that this would be an experiment and that this would not be subsidized by the town forever. They are trying to incentivize electric vehicles. The board also suggested that the committee work together with other town committees to come up with a clearer plan.

e. Easement Deed Release: 23 Water Street

This would be a release of the easement on this property, based on that there used to be a passage through to maintain the fish ladder. The fish ladder is no longer present and so the easement is not needed. This would help with the development of 23 Water Street, which Elliot Berkowitz owns.

MOTION: Mr. Clement moved to release the easement deed held by Exeter to Pairpoint Group LLC for 23 Water Street. Ms. Surman seconded the motion, and it passed unanimously.

f. Facilities Committee Charge Update

Mr. Clement asked if they would have a Select Board representative on this. Ms. Gilman said that the board can decide if they want a representative or not. The board decided to add a non-voting Select Board representative to the charge, along with the 5 residents.

MOTION: Ms. Cowan moved to approve the facilities committee charge as amended. Ms. Corson seconded the motion, and it passed unanimously.

g. Ethics Ordinance Discussion

Ms. Surman read memo that she had attached regarding the conflict of interest ordinances (see packet). She also included about 6 or so examples of what other towns around the area have done. The town of Merrimack, for example, defines exactly what a conflict of interest is. She thinks that the board should bring forward a warrant article to propose a code of ethics in the Select Board policy. There is an RSA allowing them to do that.

Ms. Surman said that this idea is about open government and making sure that people know that any decisions made have not been influenced by personal interests. It would also protect government bodies from being challenged. Ms. Gilman said that she did not want to set up an ethics committee but does like the idea of adopting a policy. Mr. Clement wants strong definitions – making sure that people know what recusing means and so forth. He is also concerned about the use of social media by members of boards and committees. Could a few members of board/committees commenting on social media be construed as a meeting? Ms. Surman said she hadn't done any research on social media, but she could go back to NHMA on the issue. The board also wondered about how to enforce the code, or how to deal with any conflicts of interest. A potential "three warnings" process was suggested. Mr. Dean also suggested it be treated differently for town employees versus volunteers.

h. Legal Services Discussion/RFP

Some of the Select Board think it would be a good idea to get representation by town counsel again. They are working on an RFP for municipal affairs. Right now, they pay a rate per hour for town counsel. Some towns also propose a flat fee for basic legal services, and an hourly rate for litigation. Mr. Dean said that there is a limited pool of firms that represent towns in this area. Mr. Clement thinks it would be a good idea to have a selection process, and he suggested a selection committee to include a select board member, and also recommends that a member of the planning board and zoning board be present. Mr. Dean suggested the committee also include the Town Planner as a user of legal services.

8. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

MOTION: Ms. Cowan moved to approve the jeopardy tax for map 95, lot 64, unit 390 for \$257.00. Mr. Clement seconded the motion, and it passed unanimously.

MOTION: Ms. Cowan moved to approve the jeopardy tax for map 95, lot 64, unit 6 for \$154.00. Mr. Clement seconded the motion, and it passed unanimously.

b. Permits & Approvals

MOTION: Ms. Gilman moved to approve the application for Betsy Kelly for use of the town hall from May 14th-17th, or May 21st-May 24th if not available. Ms. Cowan seconded the motion, and it passed unanimously.

MOTION: Ms. Gilman moved to approve the application by Alison Murphy of Leadership NH to use the town hall on October 18th. Ms. Corson seconded the motion, and it passed unanimously.

MOTION: Ms. Gilman moved to approve the fee waiver for Leadership NH. Mr. Clement seconded the motion, and it passed unanimously.

MOTION: Ms. Gilman moved to approve the application by Kenneth Mendis of Racial Unity Team to use the town hall on September 29th. Mr. Clement seconded the motion, and it passed unanimously.

MOTION: Ms. Gilman moved to approve the fee waiver for Racial Unity Team. Mr. Clement seconded the motion, and it passed unanimously.

Mr. Dean talked about the applications for Swasey Parkway, which need more information and a better form. Some of the events also are a long chunk of time, or outside of the year limit for an application. They are also waiting on the arts gallery applications. Mr. Dean said that although the board does not have the Swasey Parkway schedule, they do look at if the dates are available. There was also a brief discussion of the fee schedule for Swasey Parkway.

MOTION: Ms. Gilman moved to approve the application by Scott Ruffner of TEAM to use the town hall and bandstand on August 2nd, 2019. Ms. Corson seconded the motion, and it passed 4-0-1 with Mr. Clement abstaining.

MOTION: Ms. Corson moved to approve the application for the 3rd Exeter Arts and Music Festival on May 18th, 2019, subject to the new procedures for Swasey Parkway applications. Ms. Surman seconded the motion, and it passed 4-0-1 with Mr. Clement abstaining.

MOTION: Ms. Gilman moved to approve the application for the Memorial Day Parade on Swasey Parkway on May 27th, 2019. Ms. Surman seconded the motion, and it passed unanimously.

MOTION: Mr. Clement moved to approve the disposal of the surplus town property. Ms. Cowan seconded the motion, and it passed unanimously.

c. Town Manager's Report:

Mr. Dean attended the kindergarten opening at Main Street School. They hosted representatives from Durham about the Mill Pond Dam. The paving on Court and High Street is continuing. The Lincoln Street construction is done on Lincoln Street itself for this season. The parks and recreation ballfield work is complete. SUR is mobilized in the TIF area, and will begin water/sewer extension this week. IT is beginning the process of moving EXTV-98 back to the offices here instead of

the high school, then will take back full control of it. The studio will still be at the high school. The town is replacing the Henderson Swasey sign due to damage. September 1st is the start of the Exeter UFO festival.

d. Select Board Committee Reports

Mr. Clement went to the conservation commission meeting, where they had a few wetlands permits. He also attended the planning board meeting for Ms. Corson, where they talked about a project to renovate the Smith Building. The river advisory committee heard the nitrogen control plan this week.

Ms. Cowan had the parks and recreation organization meeting. It was very encouraging and there were lot of younger people in attendance, which was nice. They had good conversations about the scope of parks and recreation.

Ms. Corson attended an election procedure workshop in Brentwood. She learned about voter fraud, and that NH has a low rate of fraud. Also, NH is one of the states that votes the most.

Ms. Surman went on a site walk at the Swasey Parkway trustee meeting.

Ms. Gilman said that the HDC is having a special meeting soon. The Winter Street cemetery tree work will begin once the hawk has left one of the trees.

e. Correspondence

The board received a letter about the Ambrose Swasey Trust, the Pan Am system railroad land sale, a letter from NHMA explaining legislative matters, a copy of Exeter's goal setting session, and a letter from Enna Grazier about yard waste disposal. The board needed to choose someone to be a voting delegate for the NHMA – Ms. Gilman was selected.

MOTION: Mr. Clement moved to appoint Ms. Gilman as a representative to the NHMA. Ms. Cowan seconded the motion, and it passed unanimously.

9. Review Board Calendar

The board briefly went over the topics to be discussed at their next meeting, which will be on September 10th.

10. Adjournment

MOTION: Ms. Surman moved to adjourn the meeting at 10:45PM. Ms. Cowan seconded the motion, and it passed unanimously.

Submitted by recording secretary Samantha Cave.