

Select Board Meeting  
Monday September 10th, 2018  
Final Minutes

1. Call Meeting to Order.

Members present: Anne Surman, Kathy Corson, Julie Gilman, Molly Cowan, Don Clement, and Russ Dean were present at this meeting. The meeting was called to order by Ms. Gilman at 6:50PM, and the board went downstairs to conduct interviews, except for Ms. Corson who recused herself. The board reconvened at 7:03PM.

2. Board Interviews – Facilities Committee. Mr. Dean took the minutes for this section.

3. Public Comment

There was no public comment. Ms. Surman asked the public to refrain from placing painted rocks on the ground at Swasey Parkway as a matter of safety.

4. Proclamations/Recognitions

a. There were no Proclamations/Recognitions made.

5. Approval of Minutes

a. August 20th, 2018 – Work Session

Mr. Clement clarified that in the 3rd para of pg. 1, the violation he mentioned was specifically that no individual selectboard member should take action on their own that requires administrative direction or decision without board approval. He also stated that in the discussion of section 13.11, he wanted to clarify that fireworks, parades, and road races are approved by the Select Board, according to chapter 8 of the Town Ordinances.

**MOTION:** Ms. Corson moved to approve the minutes with amendments. Ms. Surman seconded. All were in favor.

b. August 27th, 2018

Mr. Clement gave several corrections. On page 2, Liberty Utilities has also “included other meter stations in NH” should read “included examples of other meter stations in NH.” In the last para of page 5, he intended to say that the selection process should include a select board member, but he also recommends a member of the planning board and zoning board be present. On page 7, the planning board meeting report should read “to renovate the Smith Building” rather than just “a building.”

**MOTION:** Ms. Corson moved to approve the minutes with amendments. Ms. Surman seconded. All were in favor.

## 6. Appointments – Facilities Committee

**MOTION:** Ms. Corson moved to appoint Mark Leighton to the Facilities Committee, term to expire 4/30/2021. Ms. Surman seconded. All were in favor.

**MOTION:** Ms. Corson moved to appoint Beth MacDonald to Economic Development Committee, term to expire 4/30/2021. Ms. Surman seconded. All were in favor.

**MOTION:** Ms. Corson moved to appoint Daniel Jones to the River Advisory Committee, term to expire 4/30/2021. Ms. Surman seconded. All were in favor.

**MOTION:** Mr. Clement moved to appoint Rob Corson to the Facilities Committee, term to expire 4/30/2021. Ms. Surman seconded. Ms. Corson abstained and the motion was approved 4-0-1.

## 7. Discussion/Action Items

### a. Bert Freedman re: 173 Water Street Parking Easement

Ms. Corson recused herself from this discussion. Barry Gier of Jones & Beach Engineers presented a request for an easement of city property on Tax Map 64 Lot 50 to create more parking spaces for the Smith Building. The project needs 27 total spaces to satisfy planning board requirements, including six exterior parking spaces, to serve 18 residential units. They need two parcels of town land: Easement A is 103 sq ft (5x20 ft) and Easement B is 40 sq ft (2.5 x 20 feet) [sic]. The total easement would be 143.42 sq ft. Mike Todd presented the board with a Google Map of the area as well as a draft easement.

Mr. Clement said that he would like to defer a decision, because the draft easement should have been presented before the meeting for review and legal documents should be reviewed by the town lawyer. He asked if there would be a financial incentive to give up town property. He also stated that he would like to do a site walk before deciding on the proposal.. Ms. Gilman stated that she was not ready to read the deed either, but that she had already done a site walk. Mr. Clement asked if parking will still be allowed on the access road or they would lose public parking spaces. Mr. Gier said that it would be informal parking, not striped parking, but Ms. Gilman said that it may not have been legal parking anyway. Ms. Gilman deferred the discussion of the draft easement pending a site visit, and Mr. Clement requested that the applicants stake out the property and let the town manager's office know when it's ready to be viewed.

### b. Liberty Utilities Option Agreement and Proposed Easement

Michael Licata of Liberty Utilities presented changes to the option agreement and easement agreement for the meter station by the wastewater treatment plant site, addressing prior concerns of the Select Board regarding the maintenance burden, building height, and wetlands impact of the site. Liberty Utilities will be responsible for all construction, maintenance, and snow removal required for access to the site. There is an existing dirt road around the lagoons, which they will use in constructing and maintaining a gravel road. Any buildings would be one story, a maximum of 18 feet, which could include a peaked roof if the town wanted one for aesthetic purposes; only the telecommunications antenna would be a max height of 30 feet.

Regarding the wetlands, they shaped the proposed easement to abut the easement of two existing pipelines and avoid the wetlands area. They are working with environmental consultants VHB to ensure minimal impact. A different portion of the site had formerly been a town nursery for street trees, and Liberty Utilities would be happy to work with the Conservation Commission to restore that nursery as part of the clearing for the project.

Ms. Corson stated that the changes covered their concerns and the proposal has less impact on the environment, although she is not stating that she supports the pipeline project. Ms. Gilman clarified that the board is not taking a position, only making an option agreement to make an agreement at a later date, and that the project will take several years to get through permitting. Mr. Clement said there are two parts to the action taken by the board: first to approve the option agreement, and second to approve agreement for permanent or temporary easement. Ms. Gilman stated that they were only discussing the option agreement.

Public Comment: Adrien Price stated that he supports the project for the financial good of the town.

**MOTION:** Mr. Clement moved that the board approve the option agreement between the Town of Exeter and Liberty Utilities, and direct the Select Board chair to sign the document. Ms. Surman seconded. All were in favor.

**MOTION:** Mr. Clement moved that the board approve the signing of the agreement for permanent & temporary easement between the Town of Exeter and Liberty Utilities, to be signed at the time of the execution of the option agreement, and direct the Select Board chair to sign the document. Ms. Corson seconded. All were in favor.

Bill Campbell, the chair of the Conservation Commission, stated that this piece of land was treated as ConCom land for 50 years, including its use in a tree nursery program, so there should be mitigation for taking the piece, whether re-establishing the nursery or another project such as a community garden. He asked that the Select Board set aside up to \$15,000 of the option agreement money for a conservation project to be approved by the board in the future. Mr. Clement said that it is a worthy idea, but that the money goes to the general fund, and the Conservation Commission should come to the board through the budget process with a defined plan. Ms. Corson and Ms. Cowan said that they like the idea of the community garden.

Suzanne Stone, an Exeter resident, said that before the town starts planting and growing new things, they should address invasives like barberries, burning bush, and garlic mustard. Mr. Campbell told her that the Conservation Commission has a committee working on invasives in the town forest, and that they would love to know about invasives in other areas.

#### c. Long Term Nitrogen Control Plan

Paul Vlasich, the Town Engineer, presented the draft Nitrogen Control Plan. He is requesting input from the Select Board by September 18th, so that the consultants, Ed Leonard from Wright-Pierce and Renee Bourdeau from Horsley Witten, can finalize the report and submit the plan to EPA by the end of the month.

Mr. Leonard gave a summary of the plan, which documents the baseline loadings as captured in the year 2010; identifies the nitrogen control measures that have been or will be taken by the town; identifies a framework for monitoring results; and outlines a five year implementation plan leading up to an engineering evaluation due in 2023.

The plan makes the distinction between Point Source pollution, such as that coming from the Waste Water Treatment Facility (WWTF), and Nonpoint Source (NPS) or groundwater/stormwater pollution. To address Point Source issues, they have completed a WWTF upgrade and a Main Pump Station upgrade. An upgrade to the Forcemain which connects the WWTF and the Main Pump Station will be completed shortly, which will increase capacity. They also plan to optimize WWTF operations in order to achieve their target of 5 mg per liter effluent total nitrogen. To address the Nonpoint sources, they will continue to follow the MS4 (Municipal Separate Storm Sewer System) requirements that the town already has to meet. They are pursuing public education, pollution prevention, and longer-term initiatives like fertilizer management on municipal facilities. Stormwater best management practices, which are part of MS4, and storm drain asset management are both several years out. The removal of Great Dam will have an environmental benefit. The third piece is the management component, ie what the town staff can do. They will continue to participate with the PTAPP Program (Pollutant Tracking and Accounting Pilot Project) with the state and the EPA. The Town of Exeter implemented fertilizer regulations several years ago; they quantified that in the plan as zero pounds removal to be conservative, but it's an improvement the town made after the baseline was established. The Town also implemented site plan and subdivision regulations to force developers to do development in a nitrogen-sensitive way. Regarding monitoring water quality, they are collecting and reviewing data generated by the DES, the EPA, and the volunteer river assessment program.

Mr. Leonard believes the EPA will take this report and make it something enforceable, so they only put in things that the town has to do. 35% of total load in the watershed is from Exeter, and 50% of that load will be removed through this program. Exeter will still have a larger impact than other communities, but it's a larger community; on a per-person basis, Exeter becomes the lowest contributor.

Mr. Dean stated that the town wants to commit to the things they're doing well. He emphasized the need to engage other communities in Nonpoint Source issues, which has not been a central focus. He raised the idea of a "Flush Tax," which in Maryland helps fund Chesapeake Bay restoration, but that comes from the state level, not the local level. Ms. Gilman said that they are tired of being the ones that are doing all the work and not hearing from other towns.

Mr. Clement said that they should continue to work with the Exeter River Advisory committee to make these towns better aware of the role they need to play. He also questioned several points not included in the plan, such as improving septic systems, site plan regulations for redevelopment, and improvements to the town's own municipal facilities. Ms. Bourdeau responded that they designed the plan to include only things that were regulatorily obligated, so as not to over-commit and to protect the town legally by keeping it to minimum. Regarding redevelopment standards, in this version of the plan, there is a provision that if there is an increase in pervious cover on the redevelopment site, you must include best management practices to treat that additional pervious cover. Regarding the municipal facilities, according to

MS4, the town will have to catalog all properties and come up with a plan to address them at the end of year four.

Ms. Gilman commented that she liked the use of other entities' data rather than collecting it themselves. Mr. Clement asked about the budget for this project. Mr. Vlasich said that the budget for the first year Nonpoint Source/stormwater portion stays very similar to the last three years. As they find out more and need to meet some of the timelines in the MS4, then they'll see some cost increase, but that they don't yet know what the numbers are. In their annual report on nitrogen, they'll have more to report on. The board agreed to submit any comments on the plan via email prior to September 18th.

#### d. Solid Waste Fees – Brush Dumping

Ms. Gilman continued the public hearing on the brush fee for commercial landscapers. Jennifer Perry, director of Public Works, presented a report on the public works practices of 10 neighboring communities. Of these, 9 accept residential brush. 4 do not accept brush from commercial entities; 4 charge for brush from commercial entities; Newfields accepts brush from commercial entities without charge but requires the presence of the resident; Hampton accepts brush from commercial entities, but has to include a form signed by the resident. Ms. Surman asked whether the signed form was difficult for the transfer station in Hampton to manage, and Ms. Perry confirmed that Hampton has problems managing that part of the program due to the volume, whereas Durham doesn't get a lot of commercial hauling so it works fine for them. She added that cash and checks cannot be taken at the Exeter Transfer Station, so any per-use permitting transactions could not be handled on-site.

Ms. Perry stated that the Exeter Public Works is currently using a bulldozer to compact the brush, which is not sustainable. Most other communities are chipping, but several are burning. Ms. Perry said that there are concerns about the proximity of neighbors if there were burning in Exeter. For chipping, they would mobilize a contractor a few times a year, who would chip and take the product with them. Chipping is more expensive than bulldozing, probably twice the cost, \$7,000 now vs \$14,000 for chipping.

Jay Perkins of Exeter Public Works added that they are having trouble attracting candidates for the transfer station attendant position with the current Tuesday/Thursday/Saturday hours, so they are looking at modifying or restricting the transfer station hours. He proposed limiting the days to Friday and Saturday, but making each day 8 hours long. Also, they would like to add a second person to monitor the brush dump, so they can ensure that debris such as painted wood, pressure treated wood, plastic, and paint cans are not added to the leaf pile, as this is a state violation.

Ms. Gilman asked for businesspeople to comment. Suzanne Stone of The Meandering Path, a gardening company in Exeter, stated that restricting the hours to Friday and Saturday would be a hardship. She would have to buy more trailers if she weren't able to drop off brush every other day. She also questioned why the brush is deposited on the slope. Ms. Perry responded that brush must be kept to the edge and can't occupy the area of the old landfill,

since monitoring wells there have to be checked twice a year and there are concerns about groundwater contamination.

Keith Whitehouse of Yeti Landcare asked if they should actually expand the transfer station hours to appeal to an attendant candidate who wants a full-time job. Ms. Gilman pointed out that it sounds they need like two people, one to watch the gate and one to inspect the materials. Mr. Dean pointed out that the discussion was initially about whether they needed more of a fee to offset costs, but they were now talking about adding full-time people and increasing costs by another factor. Ms. Surman stated that having two people staff the transfer station is not a bad idea, and that offering services during the week is an advantage to taxpayers.

Paul Royal, an Exeter resident, questioned whether Exeter is after a set of fees in order to be revenue neutral and cover the operation of the transfer station, or revenue positive, to support future needs. Ms. Perry stated that they are trying to be revenue neutral; if they charge the full freight of the cost of curbside collection, there would be problems with illegal dumping, so it's subsidized through the general fund. Mr. Dean stated that cost recovery is their goal, since even being revenue neutral would entail an exorbitant fee. Ms. Corson suggested that they implement a ticket or punch card for multiple trips, since a yearly flat fee did not seem fair for small businesses. Mr. Perkins said that as of January 2018, they are tracking the contractors in a separate log, so they may be able to determine how many contractors are using the transfer station. However, they do not currently record the volume of material being brought in, only the sticker number.

**MOTION:** Mr. Clement moved that the town of Exeter prohibit the disposal of yard waste and brush generated from and by commercial operations or facilities effective Dec 1st 2018. Ms Surman seconded "for purposes of discussion."

Mr. Clement said that this is more a volume issue than a cost issue, and the brush situation has gone beyond the town's ability to manage. He suggested that landscapers could use commercial places with fees instead, and charge clients to recoup their costs. Ms. Surman asked Mr. Clement if he is opposed to an attempt at having a flat fee. Mr. Clement responded yes, that a flat fee still doesn't manage the volume/capacity issue. Ms. Gilman asked him whether he was opposed to chipping. Mr. Clement said that they have to do something with the chipping, since the site has limitations, such as a capped landfill, and its use to store materials for town projects. Ms. Perry stated that the vendor would be taking the chips offsite and repurposing that material. Ms. Gilman said that there's a different solution than prohibiting commercial use, and Ms. Cowan agreed. The motion failed 1 - 4.

Ms. Corson asked Mr. Perkins and Ms. Perry whether a card system sounded too complicated to implement. Ms. Perry said that they could work out something like that, as long as no cash were exchanged at the facility. Mr. Perkins said that anything would be easier than the system they have now. Ms. Gilman requested that Mr. Perkins bring more information on Transfer Station usage to a future meeting.

**MOTION:** Mr. Clement moved to continue the public hearing. Ms. Surman seconded. All were in favor.

e. Property Use Fees

Ms. Gilman asked if the board would approve skipping this section of the agenda in the interest of making the meeting shorter. Mr. Clement said that there would need to be a public hearing on the topic anyway. Mr. Dean responded that they had planned to discuss it prior to a public hearing, and take public comment in a subsequent meeting. He added that they are not changing any existing fees, they are proposing new fees. The board agreed to discuss this at a later date.

f. CIP Discussion

Mr. Clement said that the six year plan of the CIP calls for \$53 million dollars in capital projects: \$37 million from the general fund, with the difference coming from the water and sewer, and that taxpayers are at a saturation point. He suggested the board take the quantitative breakdown of projects and coordinate with departments on what they really need. Ms. Corson added that more projects will likely arise during the six years; for example, the Public Safety building needs a renovation, and there may be an emergency. Ms. Gilman suggested that they compare any projects to the Master Plan. Mr. Dean stated that at the department level, they are already bringing forward projects that support the master plan and the maintaining of infrastructure. Mr. Clement pointed out that some of the budget is for a facilities study which is going to create additional capital projects. If they do all of the projects, the debt service goes from \$1,045,770 in FY19 to \$3,533,101 in FY24. Mr. Dean stated that this is the case only if the town completes all of the projects; also, it breaks down to \$433 per household, and that voters make those decisions.

Ms. Cowan stated that she'd like to hear more about the proposed projects. Ms. Corson said that the Planning Board already had a 3 or 4 hour meeting on this subject. Ms. Gilman said that they need the input of the Planning Board for further discussion, and she suggested deferring the discussion to a subsequent meeting. Mr. Dean suggested they take comments from those who attended the meeting regarding this issue. Ms. Surman asked about the recreation park renovation project, which is also referred to as "recreation park/ballfield" in the CIP proposal. Greg Bisson of Parks and Rec said that it referred to two concepts for the same project, and that they are planning to obtain a design and engineering bid document to communicate exactly what can be built when it's voted on in 2020.

8. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

**MOTION:** Ms. Cowan moved to approve a jeopardy tax in the amount of \$120 for Map 87 Lot 14 Unit 13B. Ms. Surman seconded, all were in favor.

b. Permits & Approvals

**MOTION:** Ms. Corson moved to approve the application for the Town Hall facilities use for Pam Gjetton for the UFO festival, August 30th through Sept 1st 2019, plus seven parking spaces. Ms. Surman seconded, all were in favor.

The application for Town Hall facilities use for Doreen Desmarais was pulled because the event found alternate facilities.

c. Town Manager's Report

Mr. Dean stated surplus street signs will be available between Oct 1st and Dec 31st at the Public Works for \$15 per sign, first come first serve.

**MOTION:** Mr. Clement moved to send surplus street signs for sale as per recommendation. Ms. Surman seconded. All were in favor.

Mr. Dean said that the town office has assigned \$5000 for an engraved and painted wooden sign to replace the town offices sign. He presented two concepts and asked for the consensus of the board. The board did not agree on a design, and Mr. Dean said they'll use the white version unless they hear objections.

Mr. Dean also reported on the sludge removal project, which started on Monday September 10th. Mr. Clement asked how they will be putting this info out so people will know about it. Mr. Dean stated that it was just confirmed last week, but that they'll put a notice on the website and social media.

d. Select Board Committee Reports

Ms. Surman asked if the chair of the Swasey Parkway trustee meeting had reached out about the letter. Ms. Gilman invited the trustees to a joint meeting, day TBD.

Ms. Corson reported on the Planning Board meeting. They are finishing the CIP and Rose Farm.

Ms. Cowan had no report.

Mr. Clement reported on the Conservation Committee. Mr. Campbell talked about Liberty Utilities project and a shoreland conditional use permit for the Porches Condos on Franklin Street.

Ms. Gilman had no report.

e. Correspondence

There was no correspondence discussed.

9. Review Board Calendar

10. Non-Public Session

**MOTION:** Mr. Clement moved to start a non-public session regarding a long-standing vacancy in a town position. Ms. Surman seconded. All were in favor. The public portion of the meeting ended at 10:14.



Respectfully submitted,  
Joanna Bartell  
Recording Secretary