

Select Board Meeting
Monday October 15th, 2018
Town Offices, Nowak Room
Draft Minutes

1. Call Meeting to Order.

Members present: Anne Surman, Kathy Corson, Julie Gilman, Molly Cowan, Don Clement, and Town Manager Russ Dean were present at this meeting. The meeting was called to order by Ms. Gilman at 6:15 PM.

2. CATV Contract Franchise Agreement Renewal

Ms. Gilman introduced the issue by saying that the town's agreement with Comcast started in 2010 and was renewed in 2017 for one year. The Select Board now must consider whether to make a new agreement or continue the present agreement.

Katherine Miller, a lawyer representing the town from the firm of Donahue, Tucker & Ciandella, reported on the Comcast negotiations. Ms. Miller said that the last franchise renewal was a lengthy, in-depth process done in partnership with the schools and others in the community, and was expensive, about \$30,000 over five years. The result was a good agreement that doesn't really need updates.

One item the town is interested in from Comcast is High Definition (HD) for the local access channels. Comcast has said no in the past; now they're willing to talk about it, but not commit to a timeline. Previously the understanding was that if any town in the Boston area got HD for local access, all towns would get it, but now only those renewing for 10 years are eligible. Exeter is already a year beyond the original agreement's expiration. If the Board approved the amendment and subsequently HD became available, they could add a few more years to the contract to qualify. At first, Comcast would upgrade only one local access channel to HD, not all three; the first could be done within two years. Eventually they will have HD for the Education Channel and the Public Access Channel as well. The HD channels would likely be duplicate channels with a different number than the existing channels.

Ms. Miller explained that the laws were put in place in the 1980s and are one-sided in favor of cable companies. Back then there were lots of small companies, and the companies were able to get the broadcast signals inexpensively. Now they're offering more content, which is more expensive to get from the broadcasters, and there has been massive consolidation into a few very large companies. Cable companies are a de facto monopoly because there's no competition, and they're not regulated the way utilities are. If the town were interested in setting up a new cable company, the infrastructure is very expensive, and it's hard to lure customers away from existing companies.

Ms. Miller explained that for the Comcast agreement, the things people are interested in, such as channel selection, technology including HD, the costs for different types of programming, internet and phone service, are all off the table. Cable is separate in a legal sense from internet and phone, even though the same company provides it. She suggested that big cable is on a downward trajectory, as more people "cut the cord" and get video from the

internet or Hulu. Comcast is not interested in franchise renewals for longer than ten years, which suggests they're seeing that span as the endpoint of the current model.

As part of the negotiations, Ms. Miller conducted an audit to ensure that Comcast had done all the work specified in the previous agreement. She found that they had not finished with their commitment at SST, so they were obligated to do rewiring and connect the studios, but now it's complete. SST can do recorded programming, but not connect live.

One thing they could do is to change the connections for the local access channels and create a hub at the Town Offices. Comcast is willing to do so for a fixed price, \$20,000. The funding options for this are: 1) the town pays up front; 2) the cost is spread to subscribers, with 11% interest after the first year; 3) Comcast holds back franchise fees and uses that money to pay the construction cost. The work could be done by early 2019.

Ms. Gilman observed that the memo talks about things not in the current franchise agreement, such as giving free internet to schools, libraries, and senior citizen centers. Ms. Miller said that because that's internet, it's not in the franchise agreement. Comcast is required to provide free services to municipal entities, but these are residential-level accounts and don't provide enough bandwidth for a library or school. A more useful program is their "Internet Essentials" offering: any family that has a child in public school that qualifies for free or reduced price lunch or that lives in publicly subsidized housing is eligible for \$10 per month internet service and a computer for \$149, and this program continues as long as the child is in school. Not all families take advantage of Comcast's program; Ms. Miller feels that schools should work harder to get the word out. Families apply for this program through the Comcast website, not through the school.

Ms. Surman asked whether cost is the real reason Comcast doesn't want to do HD. Ms. Miller responded that cable companies have never embraced local access, likely because they don't see it as a revenue producer. She felt that this is unfortunate because this offering is unique to cable. Local access channels are important for residents in the community. Ms. Surman suggested that supporting local access would be good PR for the cable companies.

Mr. Clement asked if Comcast had satisfied Article 1 of the side letter, regarding broadcasting at SST; Ms. Miller responded that they had complied. In a separate agreement, they created a live origination location at Lincoln Street School and SST, but there is no connection from SST to the Town Offices. Andy Swanson, the town IT Coordinator, said that channel 22 can get a live feed from SST.

Mr. Clement asked if they should add an amendment to specify that the free cable to municipal buildings should include any future buildings, such as a new fire substation on Epping road or the new Parks and Rec facility. Ms. Miller responded that Article 3.3B on page 15 already incorporates new facilities, but "on the distribution system" is the key, since if the building is too far away it won't work. Comcast should be notified that those new buildings should be getting connections.

Mr. Clement asked if they can live broadcast from the high school, Town Offices, or Town Hall. Ms. Miller responded that if you want a new live origination location, you have to string a fiber line, which costs the town \$20,000 per mile. Mr. Swanson mentioned that they just switched to a new system, which can keep going even if the cable system shuts down, as long as there's internet and cellular. Mr. Clement asked if that meant it's not as wire-dependent as seven or eight years ago, and Mr. Swanson replied that it's not wire-dependent at all. Mr.

Glowacky clarified that right now that only applies to channel 22; because the drops are at the High School, what's showing on channel 13 and 98 is a computer playing a livestream from the internet. Mr. Clement said that he wants an old-fashioned person sitting in front of an old-fashioned TV to see this live programming. Mr. Glowacky responded that they have the technology to do that, but the drops would need to move from the High School to the Town Offices. Mr. Swanson added that to do this, they'd need a drop to the head end to take the signal out. Right now they have a fiber from the Town Offices to the head end, and a fiber from HS to the head end, on Epping Road, but they need to consolidate all three channels to run out of the Town Offices to get rid of problems and be independent. Mr. Swanson doesn't think it would cost \$20,000, since all of the equipment exists.

Mr. Clement stated that in the contract renewal, the franchise fee was set at 3% of cost for the first year, then went up to 4% and 5%. He suggested an amendment to give the town an ability to make future modifications to the franchise fee. Ms. Miller said that they have the ability to make any downward changes the town wants, but that they are at the ceiling for increases. Federal law caps the franchise fee at 5% of gross revenue on the cable service. Franchise fees can be considered a form of rent for use of the public right of way, the facility that Comcast uses to reach its subscribers. The money from these fees which goes to the town is general revenue, and can be used for any municipal purpose. Many towns, but not all, use the franchise fee revenue for local access programming. Mr. Clement said that their allocation is set by town warrant. Mr. Glowacky said that if they lower the franchise fee, the town will lose revenue and they won't save the constituents money, since Comcast will likely raise their costs to offset their own lost revenue.

Ms. Gilman asked for the Board to decide on the recommendation to add years to the current agreement. Ms. Miller said that she hadn't yet written an amendment because she needed guidance from the Board. The current agreement expires October 24th, but Comcast would be fine with signing a year extension, and the amendment could take its place in a few months. She explained that if the Board doesn't sign an extension, Comcast will not stop providing services or charging people; they are obligated under the law to provide services even after expiration. Ms. Gilman suggested they go forward with an extension, and finish the details at the next meeting.

MOTION: Ms. Corson moved to approve the extension of the cable television franchise agreement between the Town of Exeter and Comcast for one year, through midnight October 24, 2019, or until a new agreement was in place. Ms. Cowan seconded. Mr. Clement said that the previous agreement was between the Board and Comcast, so the motion should also authorize Mr. Dean to sign on their behalf.

MOTION: Ms. Corson moved to amend her motion to add that the Board of Selectmen authorize Russ Dean to sign the extension. Ms. Cowan amended her second. Ms. Surman, Ms. Cowan, Ms. Gilman, and Ms. Corson were in favor; Mr. Clement abstained. The motion passed 4-0-1.

3. Board Interviews - Planning Board

The board went downstairs to interview Nicholas Gray and John Grueter for the Planning Board. They reconvened at 7:15 PM.

4. Public Comment

There were several public comments about the Pine Street intersection. Elizabeth Dion of 11 Halfpenny Lane said that the intersection is dangerous, and wants the town to make it safer and clearer. Ms. Gilman replied that there's money to do planning for problem intersections in the proposed budget, potentially with the help of the RPC [Rockingham Planning Commission]. Ms. Dion asked for a timeline on improvements, and Ms. Gilman said the analysis can happen in 2019 if it's voted for in March. A further timeline depends on the proposed solutions. Ms. Cowan said that getting articles passed depends heavily on community organizing. Ms. Corson added that signs about articles really work, and suggested Ms. Dion participate in a grassroots campaign on this issue. Lara Bricker of Newfields Road also had concerns about the intersection, since lots of middle school kids use the crosswalk there. If improvements will take 2 or 3 years, can the Board work with the police department to make the intersection safer in the meantime? Ms. Gilman said they will ask that question. Annemarie Powers of Gill Street asked what she can do as a neighborhood representative to protect her street from traffic if they redesigned the Pine Street intersection. Ms. Gilman responded that there would be public outreach and public comment on this project, both during the study and after. Mr. Clement said that this area is all linked traffic patterns, and the problem will be difficult to resolve in a way that makes everyone happy. Paul Royal commented that he gets nervous at that intersection, and he has been teaching people how to drive for 20 years.

Mr. Royal also asked about the status of Article 27, which Mr. Clement clarified was about adding the cost of town projects to the ballot. Mr. Royal felt that the article is a nightmare and was designed to kill big projects in town. He understands that they can't get it overturned, but hopes they can adjust it so it serves a true public service. Ms. Gilman responded that it's not ready but they will need to do it in the near future, and that they could use last year's budget to create a sample. Ms. Corson is concerned that the addition of this information makes the ballot longer and people won't finish. Mr. Royal suggested they try to get a draft done by December 1st, which is a few days before the Deliberative Session.

Mr. Royal also wants parking tickets to reflect the town ordinance. For example, he said the minimum fine for parking in a handicapped zone in the NH RSA is \$200, but Exeter does \$100. Some towns do \$400. He would like to see them revisit the whole thing.

5. Proclamations/Recognitions

- a. There were no Proclamations/Recognitions at this meeting.

6. Approval of Minutes

- a. October 1st 2018

Ms. Surman said that on the first page of the minutes, in the line "The other issue is whether they should terminate the trust," she'd like it clarified that "they" meant the Select Board. Also on page 1, where it says "A smaller issue is the permit fee income coming to the town; it was recommended that this be put in the general fund..." she would like "this" replaced

with “the fee.” On page 2, in the last paragraph, “He asked, will they eliminate the Trustees...” she would like “He” replaced with “Mr. Hamel.”

Mr. Clement said that on page 2, in the second to last paragraph, “Mr. Clement responded that the town legislative body would decide who handles them,” he would like “would” changed to “could”. On page 11, in the third paragraph, where it says “Mr. Clement asked if there would be any bargaining this year,” the phrase should be changed to “collective bargaining.” On page 13, in the Town Manager’s report, “The long term control plan” should instead be “The long term nitrogen control plan.” On page 14, regarding the correspondence from FEMA, “city property” should be changed to “town property.”

MOTION: Ms. Corson moved to approve the minutes of Monday October 1st as amended. Ms. Surman seconded. All were in favor.

7. Appointments

MOTION: Ms. Corson moved to appoint Trevor Mattera as an alternate member of the Conservation Commission to expire 4/30/2021. Ms. Cowan seconded. All were in favor.

8. Discussion/Action Items

a. Lincoln Street School Parking Lot Expansion Proposal

Darren Winham, the Economic Development Director, said that he has been working with town staff, Mr. Clement, and Mr. Wendell, the school facilities director, on the need for more parking in the Lincoln Street area. He is anticipating a significant public and private investment in this area, and an increase from 10 trains a day to 12 a day. They are looking at improving and enlarging the Lincoln Street School parking lot and designating a portion for public parking, probably 44 spaces. Mr. Winham met with the Exeter School Board’s Facilities Committee to review the Town Engineering Department’s draft proposal. Mr. Wendell is now working with Bell & Flynn on costs and design. The school will pay for the creation of parking, with the town to compensate the school for a portion thereof. Mr. Winham asked that the Select Board vote to support this project, and assign a Board member to meet with the Facilities Committee. The Select Board rep and appropriate staff would then draft an agreement such as an MOU on design and cost. Ms. Cowan pointed out that Mr. Clement has already been attending, but Mr. Clement responded that it has been informal thus far. Ms. Corson said if Mr. Clement is interested he should continue to do it.

MOTION: Ms. Corson moved to support the initiation of the Lincoln Street School parking project and elect Don Clement to serve as the Select Board representative for this project. Ms. Surman seconded. All were in favor. Ms. Cowan said she is fully supportive of this project, but she commented that she feels a little funny for Mr. Clement to have this much involvement in a project while there is criticism about other people’s involvement in projects. Mr. Clement responded that last year, Mr. Dean and Mr. Clement reported at a Select Board meeting that they had met with the School Board, so it has been known since then.

b. Holiday Parade Update

Ms. Corson reported that the Holiday Parade committee met, and everyone agreed that the parade should take place December 1st. Beth Dupell is the new point person. There was a lot of interest from new “elves” to help at the parade.

Beth Dupell said that it was a well-attended meeting, and included business owners, community members, and past participants. The date change to December 1st was a unanimous decision. She saw a renewed energy in the community. Mark Ericson of WOKQ, who has been the emcee of the parade for decades, showed up at the meeting willing to play more of a leadership role; his commitment exemplifies the spirit of the parade. Kay Matthew, who was on the parade committee long before Mr. Thompson and Ms. Dupell, has returned, bringing new energy on fundraising. They have to raise \$2500. The Holiday Parade committee meets Tuesday nights at 6, location TBD. Donations and sponsorship from the business community are critical. If everyone in town gave a dollar, they'd be all set.

Mr. Dean said that he had gotten an email from Mr. Thompson requesting amended permits for the event. Traditionally, when an event date changes, they just cross out the old date, but this is a little bigger than normal Town Hall use. If the Select Board approves, Mr. Dean will just edit the permit. Ms. Corson said they must also change Mr. Thompson's name to Ms. Dupell's.

MOTION: Mr. Clement moved to approve the amended permit for the Holiday Parade, with the date changing from December 8th to December 1st, and specifying that the new head of the parade committee and primary contact is Beth Dupell. Ms. Cowan seconded. All were in favor.

c. 173 Water Street Easement

Ms. Corson recused herself from this discussion. Ms. Gilman introduced the request for an easement for parking at 173 Water Street, saying that Mr. Clement, Ms. Gilman, and Ms. Corson recently did a site walk to look at the area. Bert Freedman, the owner of the property, said that he had worked with the town's counsel, Walter Mitchell, to draft the easement. State ordinance requires recommendations from the Planning Board and Conservation Commission, and the project has those recommendations now.

Ms. Gilman said that she sees it as an improvement to the space, and the easement will help the project meet its goal, which will be good for the town economically. Mr. Clement said he's not averse to the property going over to the project, but feels that it would be cleaner to sell it. The town would get some compensation, and keep it on the tax rolls; taxes on 130 square feet is not very much, but it's something. Ms. Surman agreed, and asked if there could be remuneration. Ms. Gilman asked Mr. Dean to clarify the timeframe involved in selling the property. Mr. Dean said it's an option, and asked the Town Planner to weigh in.

Mr. Sharples said that if the town were to sell, they would need to subdivide the property to transfer it, and make a lot line adjustment. It wouldn't be carving out 134 square feet, they'd have to move it out. Ms. Surman said in response that she's all for the easement. Mr. Freedman said that whatever the Board wants he will go with, but the two spaces are key to putting another unit inside, which will generate more tax revenue for the town than 130 square feet. In 1989, this property was given as an easement to the town when building the walkway to the road, and now the town wants to charge them to get it back. Mr. Clement did not find this to be a compelling argument.

MOTION: Ms. Cowan moved to approve the easement deed between the town of Exeter and Freedman Realty Inc. for 173 to 179 Water Street lot 50 with the description in the easement. Ms. Surman seconded. All were in favor, other than Ms. Corson who had recused herself, and the motion passed 4-0-0.

MOTION: Mr. Clement moved to give Mr. Dean the authority to sign the easement deed. Ms. Surman seconded. All were in favor, and Mr. Dean signed the deed.

d. Contract 2 Update/Discussion (Route 85): Wastewater Treatment Facility

Jennifer Perry, the Public Works director, presented a memo from Wright-Pierce Engineers. She explained that the Wastewater Facility project has three contracts: Contract No. 1 is the Wastewater Treatment Facility Upgrade at 13 Newfields Road with Apex Construction; Contract No. 3 is the Main Pump Station on Swasey Parkway; and Contract No. 2 is for two sewer Force Mains to connect those projects, from the North end of Swasey parkway up Route 85 to the Public Works driveway. The new proposal is to add a 12 inch Water Main while putting in the sewer Force Mains. A Water Main had been included in the preliminary design, but it was taken out in value engineering. With low bids for first two contracts, funding is now available to complete the Water Main project. If they put in the Force Mains without the Water Main, it will likely be another 10 years before they'd open up the road again. Adding the Water Main is not just about drinking water for the Public Works facility, but also fire suppression, and it would additionally provide water to 14 property owners. Also, Public Works recommends the replacement of the highway garage in 2020, and it would be unfortunate if they couldn't include a new Water Main to that facility.

If a Water Main is included in the project, NH DOT wants the town to take over the section of Route 85 to the Public Works driveway, and this would extend the Urban Compact zone. Ms. Perry asked the board to give Public Works a direction. She reported that the NH DES said that Water Main work would qualify for SRF [State Revolving Fund] funding. If Exeter is willing to take over the road, NH DOT would replace the material of the storm drain, make a \$200,000 contribution to the project, and hand it back to the town.

Ms. Gilman asked about the construction cost, which she said was originally budgeted at \$1.74 million, but is now \$2.9 million. Ms. Perry clarified that the cost was \$1.74 million just for the original option 3. Option 1, which includes the Water Main, would cost \$2.86 million. The sewer project has to move forward regardless; her question is whether the town has an interest in continuing with the Water Main component of the project. Ms. Surman said that this is key to connecting all that they've worked on. Ms. Perry added that including the Water Main is in the interest of the Public Works. They had to find out what the DOT was willing to permit. The Urban Compact zone aspect complicated the issue and took the decision out of the DPW's hands. Now they must include the Select Board. If the Board agrees that it's the time to do the Water Main, but wants to send it to a vote, they can include in the design that if voters say no they can take it out and get an alternate bid.

Ms. Surman asked what is involved in the movement of the Urban Compact zone. Ms. Perry explained that the Urban Compact is the limit where control and maintenance of the roadway transfers from the town to the DOT, including plowing, sanding, and drainage work. The relocation of the Urban Compact would extend the town's responsibilities to the Public

Works driveway. Ms. Gilman said that if they don't accept the change to the Urban Compact, they don't get to do the Water Main, because it's on state property. Ms. Surman felt that they should have known this a long time ago. Mr. Dean said that they eliminated this aspect of the project with the Value Engineering done by the Water/Sewer Advisory Committee. One concern then was that the cost of the overall project was in excess of \$60 million, and the team was trying to find things they could pull out of the project. Now that they're further along and know the contingencies, they have a greater confidence that they could do the Water Main aspect.

Ms. Perry said that the Water Main is not needed absolutely today. They are planning fire ponds to deal with fire suppression, and have their own well that supplies most of their needs; they are also using processed wastewater on the site. However, this doesn't deal with what Public Works' needs will be in the next 10 years. They are looking to replace the highway and maintenance building, and they are operating with a small existing well that doesn't allow the washing of all vehicles during storm events. Ms. Corson asked if installing the Water Main eliminates the need to do fire ponds, so that they'd be cutting costs there. Ms. Perry said yes, if it's done quickly. If they must make a warrant article on the Water Main, they'll keep the fire ponds in the plan. Mr. Clement was concerned about bleeding the contingency fund, and asked if it could support another \$1 Million + for the Water Main. Ms. Perry said yes, Wright-Pierce did the assessment of how much is remaining in contingency and found it adequate.

Mr. Clement was also concerned about extending the Urban Compact zone, which will be a huge issue when it's repaved or there's drainage work. He strongly suggested that they go before the voters. The Water Main would mainly benefit Public Works; there are some homes that could hook up to it, but they don't have to. He would go with Option 3.

Mr. Clement asked how much money is left in contingency fund, and Ms. Cowan asked Ms. Perry to give them a sense of that number. Ms. Perry replied that the contingency fund has enough to accommodate \$2.86 million; there's up to \$2.99 million left in contingency to cover the water main project. Ms. Perry said that the cost of the Water Main itself is just over a million dollars. Mr. Dean said this still leaves an appropriate contingency for ongoing construction. Ms. Perry elaborated that the major unknown components are ramping down. Contract 3 is almost complete, no surprises there. Contract 1 is more than 60% complete, they encountered cost changes, sludge, equipment purchases, but those are all known. The only part left is the Force Mains construction along Route 85. They don't anticipate any other major contingencies. Mr. Clement responded that once you start doing roadwork, stuff happens. Ms. Corson suggested that a clearer table of what is left would be helpful.

Ms. Corson said she thinks adding the Water Main is a good idea, and asked what is the length of the affected road; Ms. Perry said 3,300 feet. Ms. Corson asked what that adds to the Public Works budget. Ms. Perry responded that annually, it's minimal. Ms. Corson asked if they are already plowing that section anyway, since the plows leave from the DPW. Mr. Perkins confirmed. Ms. Perry clarified they don't if it's a small storm, but in a significant storm they do.

Ms. Perry said they need a sense tonight of where the Board is leaning, since they're meeting with DOT on Wednesday and she needs to relay the Board's wishes. Ms. Surman felt that there were too many unknowns. She was not confident that they won't go over budget in the next project. Also, maintaining the road is not just plowing the road, they will have responsibility for it forever.

Mr. Dean asked, if there were funds, would the Board be leaning toward going forward? They can bring a new analysis of the contingency to the next meeting. They're doing sludge removal right now, so things are in transit.

Ms. Gilman said she is not committing to any one of these solutions.

Ms. Corson said she would support option 1 but needs more information. She thinks that extending the Urban Compact zone makes sense, but would like to see anticipated costs and savings. For instance, what would the construction savings be if they move quickly enough to avoid building fire ponds? When Public Works is able to clean all of their equipment, is that a cost savings, and does it save time for personnel? What does a better constructed, more reliable road look like? How much do they miss out on if they don't grab the \$200,000 now?

Mr. Clement said he's not ready to commit; he'd prefer to look at other priorities for water systems improvements, which could affect many more people than this project. He felt that this proposal should go to the voters. He would not want this project taken out of the contingency fund. He also said that if they expand the Urban Compact Zone and let the state abandon this section of the road, it will come back to bite them.

Ms. Gilman is leaning toward Option 1, but is concerned about how it's being billed, coming from the contingency fund. She wanted to hear more about the advantage of completing the Water Main now or having to wait 10 to 20 years to do it.

Ms. Surman asked, who besides Public Works benefits? She felt that there are a lot of other water projects to prioritize, and that 10 years isn't a long time to wait. She said she felt pressured to make decisions when she needs more data to make the best decisions for the town.

Ms. Perry said that this is a major facility with a \$54 million dollar investment. The fire chief agrees wholeheartedly with extending the Water Main. It's true that the 14 residents don't have to connect, but they all benefit from having a fire suppression line of hydrants along that corridor. This update would take the town water 3,300 feet further to the north; in the future, they could potentially expand further north or even connect with Newfields Village. This project is not the highest priority, which is why it hasn't been before people other than in CIP.

Ms. Corson would like to see how a warrant article would be crafted, a table of how the contingency fund is affected, and a timeline of the other options so they could understand how the Water Main fits with those. Ms. Gilman said that that information would be to make final decision, but asked which way the Board is leaning. Ms. Perry thought there was potentially a majority leaning towards, but needing more information.

Paul Royal would like to see the potential savings of putting in the Water Main now when things are opened up, versus its cost in the future. Ms. Perry replied that there's an economy of scale; if they are already in the road for two Force Mains, there's only one pavement restoration rather than two. Construction costs are rising 3-8% per year, so it will never cheaper than today. Mr. Dean added that the Water Main would last more than 10 years.

Mark Damsell, who lives on Route 85, said that if they are going to install the Water Main, a good time would be while the road was already being dug up. The Water Main would help fire suppression for his family and neighbors. He hopes that the \$200,000 from the state would be used to improve drainage in the area, which is currently a problem.

Mr. Perkins said that people have lived near the Public Works for 40 years, and the well is only 20 feet from railroad tracks and not far from the sewer lagoons, so he is concerned about

contamination. The wells at Public Works go dry from washing the trucks and have no way to recover. There are a lot of staff at Public Works that need the water. There is a gasoline pump there, so fire suppression is especially important. Ms. Corson pointed out that there's also a lot of vehicle inventory there.

Ms. Perry will let DOT know that there's potential for a majority of the board to support the Water Main project, and she will bring back more information to a future Select Board meeting.

e. Brush Dump Fees - Continued Public Hearing

Ms. Corson presented the latest fee update proposal from Public Works. The transfer station permit fee would increase for residents to \$25; commercial haulers with a half-ton truck with or without a trailer would be \$500 for a year; up to a one ton truck would be \$750 for a year; and no trucks in excess of one ton would be accepted. Ms. Gilman added commercial haulers would need a form signed by the property owner, who must be an Exeter resident, and the commercial permit would apply to brush and leaves only. Ms. Perry said that there's also a change to hours proposed; currently, they're open on Thursdays, but they want to move those hours to Fridays.

Ms. Surman asked how they would distinguish a commercial versus a residential hauler. Ms. Perry replied that they expect people to let them know if they're a commercial entity, and to pursue the proper permit. If they see someone coming back week after week, it becomes obvious that it's a commercial entity. Ms. Gilman added that a commercial user would have a form from the property owner. Ms. Corson asked if commercial haulers would have to be from Exeter. Ms. Perry responded that it's more of a question of where the material came from. Ms. Cowan asked whether a business that dumps at all would have to buy a commercial license. Ms. Perry said yes, they'd need a commercial permit for their trucks.

Mr. Clement observed that currently, only a resident can get a resident sticker; the commercial operation of a resident can get a resident sticker. However, under the proposal, a non-resident could apply for a commercial license, but can only deposit materials coming from Exeter residences, with the Exeter resident form. Ms. Corson said that seems complex - you're adding people. Ms. Perry said that it's a service that's being provided to town residents, where the hauler may be from Exeter or out of town. Ms. Surman asked if other towns are allowing out-of-town contractors. Ms. Cowan said she's more inclined to be lenient with Exeter businesses, since they're taxpayers. Mr. Dean said that ordinance says that resident permits may be issued to those who operate a business in the town. Ms. Cowan said that they are not a resident, but pay some taxes in the town and are invested in the town. Ms. Surman said that \$500 is high.

Mr. Clement stated that he would never vote to up the resident fee from \$10 to \$25. If prices are too high, people will start dumping. Capacity is still the issue. Ms. Gilman responded that increasing the fees gives Public Works the funds to do grinding, which deals with the capacity issue. Ms. Corson added that the brush is actually removed from the transfer station. Mr. Dean said that the \$25 fee is actually a yearly fee, and Ms. Perry added that it has been \$10 for a long time. Ms. Corson said that it has to go up. The brush is coming from the residents, whether it's residential or commercial. Ms. Cowan said that it's hard to raise fees, but hearing from Ms. Perry and other folks using this service, they're running out of space. Increasing this fee will take care of a problem. It's fair to ask people who use the transfer station to pay for the

service; if they don't use it, they don't pay. If they don't address it, the town will raise taxes or have a warrant article to use this space again.

Ms. Corson asked what a half ton truck and one ton truck look like, and how \$500 per vehicle would affect people. Keith Whitehouse of Yeti Landcare, who is an Exeter resident, responded that a commercial half ton truck is a Ford F-150 or Chevy Silverado. An F-250 is a $\frac{3}{4}$ ton or one ton truck. To him, the proposal seemed fine except that the fee is per vehicle. If a business has a couple of vehicles, it's not very practical. Also, filling out a form for brush is fine, but leaves have a very short window, so forms for that work would not be practical for the working landscaper. \$750 a year is a price they can live with, but it should be charged for the entire business. Switching around the permits would be too difficult. Ms. Corson asked, what if it were \$750 for 1 - 5 trucks, and for the next five \$750? Mr. Whitehouse said he'd be willing to pay a fee for the entire business plus smaller fee for each vehicle. However, he cautioned that the fees might discourage someone trying to start their own business.

Mr. Dean said that whatever fee is settled upon needs to capture the amount of Public Works' budget increase. He supports a per-vehicle fee, since the more vehicles you have the more dumping you can do. Mr. Perkins added that for comparison, chipping cost Hampton Public Works \$6,862 dollars each time in 2018. Mr. Perkins is anticipating chipping four times a year. The bulldozing line item would go away. The total cost would be \$28,000.

Mr. Royal said that other towns don't allow commercial use, so landscapers might take things from outside Exeter and bring them into Exeter; there needs to be enough of a cost disincentive to erase that moral hazard. A resident with a \$25 permit to get rid of brush from their property a few times a year pays about \$6 a visit, and a landscaper who pays \$500 for a truck and visits 80 times pays about \$6 a visit. It's not out of control. A small business starting out has an investment, so it's not an intrusion on starting.

Mr. Whitehouse said that having a per vehicle fee probably means using only one truck to go to the dump, which is not practical. Ms. Gilman said Ms. Corson wondered about flat fee for the business and something extra per truck. Ms. Cowan liked that because she wants to encourage new businesses.

Ms. Corson asked how many landscapers are using the transfer station and their average number of trucks. Mr. Whitehouse said about forty, probably with an average of two trucks and two trailers. Mr. Clement asked if Mr. Perkins had the log with him; Mr. Perkins did not, but agreed it's roughly forty. Ms. Corson said if those forty give the \$750, that's \$30,000, that covers the whole town. Forty times \$500, \$20,000 a year. She asked, how many resident stickers are there? If they're looking to get to \$28,000, it's a simple calculation. Mr. Dean said he appreciated what Public Works did with the fee schedule; it's tiered like the water fees, the more you use, the more you pay. Ms. Corson felt that they were headed in the right direction.

Mr. Perkins requested that they act on the hours change, since they have had only two applicants. Ms. Surman asked if they had cut Tuesday hours down to 1 PM. Mr. Perkins responded yes, that they planned to cut Tuesday to four hours and cover that day in-house. Mr. Clement asked if they were not cutting the hours, just rearranging them, and Mr. Perkins confirmed.

MOTION: Mr. Clement moved that the hours of the transfer station be changed to the following: Tuesdays from 9 AM to 1 PM; Fridays from 9 AM to 2:30 PM; Saturdays from 9 AM to 2:30 PM, effective January 1st, 2019. Ms. Surman seconded. All were in favor.

f. Property Use Policy

Ms. Gilman asked if there were changes. Ms. Surman said that on page 3, section 8.4, it should read “which is within the authority of the Select Board or designee”, not “their designee.” Ms. Gilman observed that the list of things Parks and Rec can permit didn’t mention Gilman Park. Mr. Dean clarified that it said “including but not limited to.”

MOTION: Ms. Corson moved to approve the Policy Governing the Use of Town Property using the draft update of 10/1/2018, effective November 1st. Ms. Cowan seconded. Mr. Clement said he’s adamantly against the consumption of alcohol in public buildings, so he will vote no. Mr. Clement and Ms. Surman opposed. Motion passed 3-2-0.

g. Property Use Fees

Ms. Corson presented a review of how the town hall is currently being used and what they would have charged these organizations under the new fee structure. For example, Chamber requests 4 - 5 hour or hour-and-a-half meetings per month, so their fee would be \$160 - \$200 a month. The one-day fee for Ballet School from Newmarket would be \$125. Extreme Air, which is using the Town Hall for 3 days for 2 hours each day, would be \$375. The Pine Street Players, using it for 20 days, would be \$1500. Prescott Park, using it for 17 days, would be \$2,125. McInnes Auctions, 11 days, \$5,500. Heronfield Academy, using 4 days for 7th grade plays, would be \$500. She felt that these fees were excessive.

Mr. Clement said that Ms. Corson’s work puts the fees in perspective, and he also had concerns about the price structure being too high. Ms. Corson pointed out that Chamber is using the small room, and Musical Arts is a for-profit but it’s a recital, there’s no way they can afford \$500. Ms. Gilman asked what Ms. Corson was suggesting, and Ms. Corson replied that she wants to rethink the whole thing. Ms. Surman suggested they shouldn’t make a distinction between residents and non-residents, especially for non-profits.

Mr. Dean said that they don’t currently have a fee for non-profits at all, and the current school fee schedule is 6 years old and charges non profits. Maybe the issue is that they haven’t permitted the smaller room at Town Hall, there are ways to address their concerns. McInnis Auctions is a for-profit entity, and would not blink at \$5,500. They had no reservations about what the town wanted to charge. Ms. Corson brought up the Pine Street players, who would be charged \$1500. Mr. Dean responded that perhaps they could treat rehearsal times differently from event times. Ms. Gilman observed that in this example, the space is committed for three weeks but not used at the intensity of use they’re permitting for.

Mr. Clement felt that the school fees are not a good comparison, since the schools have an auditorium or gymnasium, which is a different class of facilities and much grander than Town Hall. Mr. Dean responded that they’d be charging less than the schools. Ms. Cowan suggested they charge the proposed fees for out-of-town for-profits, but keep the fees for the non-profits and Exeter for-profits the same or have a more modest increase. She would like to invest the fees back into the Town Hall to make it more attractive to prospective users. Ms. Gilman asked

if she is ok with the non-Exeter fees. Ms. Cowan responded that she is fine with charging more for the out-of-town for-profits and political campaigns, but she'd want more information on which Exeter for-profits are using it. For example, Leadership New Hampshire is a non-profit, and she doesn't want to discourage them. Mr. Dean said that on page 2 the policy states that political events requiring a large police presence would be charged \$1000 per event. Ms. Cowan said that's very reasonable. Her concern is to preserve the intent of the Town Hall as a living room for the town and not chase anyone out, but also make improvements.

Mr. Dean mentioned that they'd also added a custodial fee. He said that Town Hall is choice space and increasingly popular, and they're not going to price people out with these fee changes. The town staff takes great steps and extensive time to accommodate organizations that want to use the facility, and then they give them these amenities for free.

Ms. Surman said that she wants consistency. For an Exeter for-profit, the Town Hall is \$250, and for the Non-Exeter for-profit, it's double, but the Town hall gallery back room for an Exeter for-profit, \$100, and for the Non-Exeter for-profit it's \$125. To be consistent, it would be \$200.

Ms. Corson wanted them to think about what an event can afford, saying that Youth Art Month can't afford \$600. Ms. Gilman responded that the Board had struggled with gallery shows that only happen on weekends, but the set-up is there for the other five days. Should they charge differently for those days? She felt they are not quite there yet. Mr. Dean said their feedback was all valuable. Typically after the Select Board conversation, they discuss it in Town Offices and address the concerns that were raised.

Ms. Gilman said that the rules for use of Swasey Parkway should be put on a future agenda. She asked if the Town Manager was covered to use the proposed event form even if the Select Board hadn't given it final approval. She wants to replace all of the different applications with the proposed event form; it still needs a little work but it would be helpful to get commentary back from actual users. Mr. Clement complained that it's now a six page form. Ms. Gilman responded that at its "highest best use," it's six pages, but if an organization is just using the main hall for the day, those pages won't apply. They can just say "N/A" to any section that doesn't apply to their application.

Mr. Dean said they could use this form for the Conservation event coming up on October 27th at Raynes Farm. Mr. Clement said that the Conservation Commission and the Rec were using their own permits. Ms. Gilman added that Con Com is coming up with their own form and will bring it to the Select Board.

9. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

None

b. Permits & Approvals

MOTION: Ms. Corson moved to approve the use of Exeter Art Gallery and back room for Marissa Vitola for Youth Art Month, 3/11/2019 - 3/30/2019, 12 - 4 Saturdays and Sundays, with possible day visits for school field trips. Ms. Cowan seconded. Mr. Clement voted nay and the motion passed 4-1-0.

MOTION: Ms. Corson moved to approve the Town Hall facility use for Teryn Herman with Musical Arts LLC on 1/11/2019 and 1/12/2019 for a Recital from 3 - 9 PM. Mr. Clement seconded. All were in favor.

The Board rejected the application of Bright and Lyon Productions for the Town Hall facilities for a Concert on one of the following days: Feb 14, 15, or 16 2019. Ms. Corson said that Ms. Surman had pointed out that only one date will be used depending on performer availability, which doesn't give other people a chance to use the facility on those days. This applicant needs to amend their application. Mr. Dean said he will reach out to them.

MOTION: Ms. Corson moved to approve the application for the Town Hall facility use of Heronfield Academy/Betsy Kelly for 4/2/2019 - 4/5/2019 for a 7th grade play and preceding rehearsals. Ms. Surman seconded. All were in favor.

MOTION: Ms. Corson moved to approve the application for Town Hall facilities of Heronfield Academy/Betsy Kelly for 5/21/2019 - 5/24/2019 for an 8th grade play and preceding rehearsals. Ms. Surman seconded. All were in favor.

MOTION: Ms. Corson moved to approve the application for Town Hall facility use of Ellen Adlington with EAGFWC for fundraiser scholarships on 5/31/2019 from 1 - 6, and 6/1/2019 from 7 - 3. Ms. Surman seconded. All were in favor. Ms. Corson said that they also requested a fee waiver, and suggested that they put that off until they determine what the fees will be.

MOTION: Ms. Corson moved to table the request for a fee waiver from Exeter Area General Federation of Womens' Clubs. Ms. Surman seconded. All were in favor.

c. Town Manager's Report

Mr. Dean waived his report in the interest of time.

d. Select Board Committee Reports

Ms. Corson had a Planning Board meeting. Rose Farm was discussed and tabled until the 2nd Planning Board meeting in November.

Ms. Gilman had a Heritage Commission demolition walk at Rose Farm. There were several abandoned buildings that were not of interest, but a house and garage slated for demolition have some merit, so they may try to work out a different solution with the owners.

Ms. Surman talked about maintenance at the Swasey Parkway Trustees meeting.

Ms. Cowan will attend the Recreation Advisory Board meeting the next day.

Mr. Clement attended the Conservation Commission, and worked on the letter regarding the easement for 173 Water Street. At RPC they talked about the upcoming Transportation Application Program (TAP) Grant; the program reviewed the sidewalks out to the King property, and the project is rated #2 in the region. The amount of the grant is \$950K. He questioned why they would do Epping Road when there are in-town sidewalks that need to be updated. Ms. Corson responded that you can't get a grant for maintaining old sidewalks, only for putting in new sidewalks.

e. Correspondence

Matt Berube sent in a letter regarding the Swasey Parkway Construction schedule. Mr. Clement said that the Powderkeg Festival was a success but the lawn got ripped up, and asked who pays for restoring that. Ms. Surman they're waiting for a second event to happen before reseeding, and it wouldn't be on the town's dime. Ms. Gilman asked if they had a written agreement, but Ms. Surman wasn't sure.

Ms. Gilman mentioned a report from Public Works to EPA regarding a NPDES permit. Ms. Perry clarified that it's part of the administrative order to submit a quarterly report

Ms. Gilman raised the Health Trust Medical rate increase of 5%. Mr. Dean said that the Health Trust board met last Tuesday, and the January pool was voted an 11.3% increase, but they did better than the pool and got a lesser increase. They budget 5% but it came out 6.9%. They have adjusted the budgets accordingly, the delta is about \$48,000.

10. Review Board Calendar

The Board Calendar was not discussed.

11. Non-Public Session

MOTION: Ms. Corson moved to go into non-public session under RSA 91 A 3-2-A and D: Promotion, Compensation, and Land Acquisition Mr. Clement seconded. There was a roll call vote, and all were in favor.

12. Adjournment

The public portion of the meeting ended at 10:22 PM.

Selectwoman Cowan moved to adjourn, seconded by Selectwoman Corson. The Board stood adjourned at 11:00 p.m..

Respectfully submitted,
Joanna Bartell
Recording Secretary