

Select Board Meeting  
Monday July 15th, 2019  
Town Offices, Nowak Room  
Final Minutes

1. Call Meeting to Order

Members present: Anne Surman, Kathy Corson, Julie Gilman, Molly Cowan, Niko Papakonstantis, and Russ Dean were present at this meeting. The meeting was called to order by Ms. Corson at 6:40 PM. The board went downstairs for interviews.

2. Board Interviews - Sustainability Committee

The applicants interviewed were Peter Lennon and Kristen Osterwood. The Board reconvened at 7:08 PM.

3. Public Comment

- a. Elizabeth Canada of 58 Columbus Ave asked whether the American Independence Festival had given recognition to indigenous people. Ms. Gilman responded that this year for the first time they had representation from the New Hampshire Abenaki, and that if Ms. Canada had further questions or suggestions she should contact the Board of Governors of the museum.
- b. Jennifer Brackett Piskovitz, who has been appointed to the Sustainability Committee, requested to be appointed as ProTem Chair to convene the first meeting. Ms. Gilman said that in the past, new committees have gotten together and then elected officers. Ms. Corson added that typically the Select Board rep to the committee will organize the first meeting.

4. Proclamations/Recognitions

- a. Proclamations/Recognitions - Boys Track, Girls Track, Varsity Softball,
  - i. Joe Scascitelli, the head Cross Country and Indoor coach, said that there are great-scholar athletes in this community and they have a talented staff to guide them. They are honored to represent Exeter. Mr. Dean presented him with plaques honoring the Boys' NHIA Division Championship and the Girls Track and Field Division 1 State Championship.
  - ii. Kristin Morissette, the coach of the Exeter HS Girls Varsity Softball team, said that this was the first softball championship in school history, and it was a team effort. Mr. Dean presented her with a plaque and congratulated her on an amazing season.
- b. Police Department Life Saver Award
  - i. Chief Stephan Poulin recognized three members of the Exeter police force, Sergeant Justin Renauro, Officer Joseph Byron, and Officer Theodore Sierad, who were the first responders to a woman in distress and saved her life by alternating CPR with AED shock until the ambulance arrived. The Board thanked them for their service.

c. Designation of July as Park and Recreation Month

Mr. Papakonstantis read the proclamation:

*Whereas parks and recreation programs are an integral part of communities throughout this country, including the Town of Exeter; and*

*Whereas our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and*

*Whereas parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and*

*Whereas parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and*

*Whereas parks and recreation areas are fundamental to the environmental well-being of our community; and*

*Whereas parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and*

*Whereas our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and*

*Whereas the U.S. House of Representatives has designated July as Parks and Recreation Month; and*

*Whereas the Town of Exeter recognizes the benefits derived from parks and recreation resources;*

*Now therefore, be it resolved by the Select Board that July is recognized as Park and Recreation Month in the Town of Exeter, New Hampshire.*

5. Approval of Minutes

a. Regular Meeting: July 1st, 2019

- i. Ms. Surman asked that on page 2, paragraph 4, instead of "New Police Captain" to say "New Deputy Police Chief."

**MOTION:** Ms. Surman moved to approve the minutes of July 1st as amended. Mr. Papakonstantis seconded. All were in favor.

## 6. Appointments - Sustainability Committee

Ms. Cowan asked about appointing a PEA representative to the Committee. Ms. Corson felt that they should let the committee decide whether to have a student representative, faculty member, or other role. Ms. Cowan suggested the Board could appoint the student applicant to a term that expires before she graduates. Ms. Surman questioned whether this particular applicant was a registered voter; Ms. Corson added that a Committee member must be a registered voter and a resident. Mr. Papakonstantis thought this should be a rolling position for a PEA student appointed to the committee. Ms. Surman suggested that there should be an Exeter High School member as well. Ms. Gilman said that any high school students should be liaisons, not voting members.

**MOTION:** Ms. Surman moved to appoint Christopher Zigmor to the Sustainability Advisory Committee with a term to expire 4/30/22. Ms. Gilman seconded. All were in favor.

**MOTION:** Ms. Gilman moved to appoint Kristin Osterwood to the Sustainability Advisory Committee with a term to expire 4/30/21. Ms. Cowan seconded. All were in favor.

**MOTION:** Mr. Papakonstantis moved to appoint Peter Lennon to the Sustainability Advisory Committee with a term to expire 4/30/21. Ms. Cowan seconded but said she prefers that Mr. Lennon stay on the Facilities Committee, since the sustainability folks have a different perspective. Mr. Papakonstantis countered that Mr. Lennon has an understanding of how our local government works. Ms. Surman said she agreed that Mr. Lennon could contribute expertise, but said the Select Board rep should also fill that role. Mr. Papakonstantis and Ms. Surman voted yay, and Ms. Cowan, Ms. Corson, and Ms. Gilman voted nay. The motion failed 2-3-0.

**MOTION:** Ms. Cowan moved to appoint Robin Tyner to the Sustainability Advisory Committee with a term to expire 4/30/21. Mr. Papakonstantis seconded. All were in favor.

**MOTION:** Ms. Surman moved to appoint Nina Braun to the Sustainability Advisory Committee with a term to expire 4/30/20. Ms. Cowan seconded. All were in favor.

**MOTION:** Ms. Cowan moved to nominate Mr. Papakonstantis as the Select Board rep to the Sustainability Committee. Ms. Gilman seconded. All were in favor.

## 7. Discussion/Action Items

- a. Julie LaBranche, Rockingham Planning Commission Coastal Resiliency Grant Opportunity

Julie LaBranche of the RPC presented a draft grant proposal. One of the qualifying actions for the grant was capacity building to further coastal resiliency in the community, and she said that forming a Sustainability Committee could help them meet this goal. The minimum grant is \$10,000 and it's a 50% match, in kind, cash, or both. Dave Sharples said that his department has some funding. He calculates they will need \$2-3,000 cash and could otherwise

use volunteer time, room use, or other in-kind payment. Ms. LaBranche said the Board will need to specify the funds dedicated in a letter of support. The grant application is due next Friday.

Ms. Cowan asked if Ms. LaBranche will be working with Sustainability Group once they get the grant. Ms. LaBranche said yes. The application is due next Friday, they will notify of an award in late September, contracts will be drawn up and go through counsel, so they will likely see the grant in January 2020. The Sustainability Advisory Committee will have met by then. This will create an administrative support system for the Committee.

Ms. Surman said they are doing this quickly, and asked about the consequences of not applying for this grant now. Ms. LaBranche said that regardless of what happens with the Sustainability Office, this work will push the ball forward for the Sustainability Advisory Committee and will focus their efforts to address the community's needs in a meaningful way. They can't count on the grant being around next year. Ms. Surman asked why they weren't aware of this grant months ago, and Ms. LaBranche said the RFP only came out in late May and the Sustainability Committee hadn't been officially formed yet.

Ms. Corson said this money is welcome, and she likes the first two deliverables. She opened the discussion to the public.

Jennifer Brackett Piskovitz said that Ms. LaBranche put a lot together in a short amount of time. This is a great chance to work on the Sustainability Office article that passed overwhelmingly and a great step forward.

Maura Fay said that this is an incredible opportunity. Any money that can help them achieve their goals is positive.

Beverly Tappan of 7 RiverWoods Drive said they've been given a warning that they need to have substantial climate action in the next 10 to 12 years, which underlines the urgency of the situation. She appreciates the solar initiatives at the High School, garages, and the sewage treatment plant. Looking at floods, wildfires, and melting permafrost, there's reason to hurry.

**MOTION:** Ms. Gilman moved to approve the grant application for the NH Coastal Resiliency Municipal Planning Grants in partnership with the Rockingham Planning Commission with a match of up to \$3,000, and further to appoint the Chair to sign a letter of support and further to authorize the Town Manager to sign any further documents. Mr. Papakonstantis seconded. All were in favor.

#### b. Parks/Recreation Project Requests

Greg Bisson presented two projects, an irrigation modification at the Rec Park and a design for the Gilman Park Pavilion.

Mr. Bisson said that Exeter Youth Softball has donated \$117,000, and to support them the town needs to maintain a proper infield with moisture. Field 1 needs to be retrofitted for irrigation. They need to run 2" lines to each of the fields so a firehose can be put on the fields, they could be putting 3" of water a day on the fields. He clarified that this is water from their well, not town water. The project total is \$7,410 and the work will be done in the next two weeks.

**MOTION:** Mr. Papakonstantis moved to allow the Parks and Recreation Department to expend \$7,410 out of the Parks Improvement Capital Reserve Fund for irrigation modifications and infield installation. Ms. Surman seconded. All were in favor.

Mr. Bisson said that the second project is to install a pavilion that will make Gilman Park more enticing for residents. They would like \$990 for a design from Civil Consultants. They hope to go out to bid in the fall and construct the pavilion for spring 2020.

**MOTION:** Mr. Papakonstantis moved to allow the Parks and Recreation Department to expend \$990 for the design of the Gilman Park Pavilion. Ms. Cowan seconded. All were in favor.

c. Parks/Recreation Fee and Facility Use Permit/Regulations Recommendations

Ms. Corson said that they talked in April about coming back and reviewing the permitting process. Mr. Bisson said that the permitting process has been a challenge for Parks and Rec. There are inconsistent policies. Melissa Roy, Assistant Director of Parks and Rec, said she has some suggestions for improvement.

**MOTION:** Ms. Surman moved to delay the discussion of the Swasey Parkway fees until a joint meeting with trustees is held. Mr. Papakonstantis seconded. Ms. Surman said she's asked for a joint meeting previously, because she feels this needs more discussion. Mr. Papakonstantis responded that the Select Board has taken back the appointment process, including setting the fees, and have delegated it to Parks and Rec. Ms. Surman said they delegated the scheduling and permitting, not the fees. The Trustees need to have input. Mr. Dean said that in setting the original fees, one rep of the Trustees came to the Select Board years ago and recommended a schedule. Under RSA 419A, the Select Board sets the fees. Ms. Surman said whether it's a law or not a law, it's about respect. Ms. Corson said she would go to the next meeting of the Swasey Parkway Trustees, explain the fees and procedures, and if they felt we needed a meeting together, they could have one, but added that there are not a lot of significant changes. Ms. Surman asked why they would not have a meeting. Mr. Papakonstantis said it's not necessary. Ms. Gilman said she's fine with a joint meeting, and would like the Trustees' advice on setting fees, but the Select Board ultimately sets the fees. Mr. Bisson clarified that the fees are not changing. Mr. Dean said they have to have a public hearing on fees, and this is meant to be a list of suggestions only. Ms. Corson asked if the public hearing could be a joint public meeting. Mr. Dean said there's no reason to do so, but if they want to it's fine. Ms. Surman voted yay, Ms. Corson, Ms. Gilman, Mr. Papakonstantis, and Ms. Cowan voted nay, and the motion failed 1-4-0.

Ms. Roy said she met with Police Chief Poulin and the Fire Chief, who asked that they update the weapons clause to include all weapons. They asked to reset the max number of occupants in Town Hall to 300 on the main floor and 143 on the balcony. They would also like to have 30 days' notice for large political events if possible, to make sure Police and Fire have enough time to plan a detail. For large-scale campaigns, they would like to provide 2-4 predetermined layouts the campaign can choose from for maximum safety. They would also like the ability to deny a permit if the event cannot be held safely.

Police Chief Stephan Poulin said they're trying to avoid getting a 2-3 day notice for a large campaign with detours, snipers, and disruption downtown. It also gives the town the ability to deny the use of Town Hall if the event will exceed max occupancy. Ms. Corson asked if 15 days rather than 30 days would be feasible, and Ms. Roy said yes. Ms. Cowan said even 15 days is not realistic from a campaign perspective. A week would be the most notice they could

expect. She doesn't want to see Exeter not be a destination. Chief Poulin said anything more than a few days would be acceptable. Ms. Corson agreed that they should say no at 2 - 3 days' notice for safety.

Ms. Roy asked if the \$1,500 fee applied to a campaign, rather than all political events. Ms. Cowan said yes, if it's a sitting senator speaking to constituents, that large fee should not apply. She suggested that they have a tiered fee for national, statewide, and local campaigns. Ms. Corson asked Ms. Cowan to work on this area further with Ms. Roy.

Ms. Roy said that for Swasey Parkway, they're not changing the fees, just suggesting a wording change and getting rid of one category. They would like to change "noncommercial" to "non-profit" and "commercial" to "for-profit." There was a category of community use, fee TBD; she is not sure who would make that determination, but pointed out that all the groups who had used the Parkway in the last year fit into one of the other categories. There was a pavilion use fee of \$25 but they consider that to be part of the park, not requiring an extra fee.

Ms. Gilman recused herself from Swasey Parkway fees because of her relationship with the Independence Museum, but questioned whether a one day event could also reserve the night before, for example so the encampment could be set up before the Independence Festival. Ms. Corson suggested they put set-up language in the policy.

Ms. Roy said there had been inconsistencies with payments. Everybody should pay, with no waivers. She would like to change the timeline of events so that no one can have an event without payment. They would have 30 days from the application approval to pay.

Ms. Roy suggested that any Exeter organization that serves Exeter residents should be allowed to reserve an event date 12 months in advance for 30 days, then the date be opened to nonresident organizations. The majority of those who reserve facilities are Exeter-based, but multiple organizations seem to be competing for a few key times of the year.

Ms. Roy said the Senior Center has a discounted rate of \$10 per two hours, but the Rec Department building is \$20 for two hours. The Senior Center is nicer and fully accessible. She would like to make it consistent at \$20. Ms. Corson asked that they speak to how it will affect nonprofits at the public hearing.

Ms. Roy said that currently there's no fee for a 5K or Road Race; she would like to see a \$25 administrative fee plus the cost of police detail.

Ms. Roy suggested that any Parks and Rec event permits can be run through the Town Manager unless the event includes alcohol, in which case they will come before the Select Board.

Ms. Corson opened the discussion to the public. The Board gave permission for Beth Dupell, a Stratham resident, to speak.

Ms. Dupell said that she is concerned that under this model everyone pays with no exceptions, because she's worried about stifling creativity and initiatives that are not profit-generating. She suggested that the fees distinguish between revenue-producing and non-revenue-producing events. This would be more community and family-friendly. Ms. Corson said they will have to come up with a definition and parameters for the distinction. Mr. Dean said that there are costs to running facilities, so rather than waive the fee he preferred to bring small events under the Parks and Rec umbrella. Mr. Bisson said that they want to work with anyone who creates an event, and added that with the partnership the event would fall under the town's

insurance. Ms. Corson asked that they put in language about community events before the Swasey Trustees meeting.

Gerry Hamel of 17 Little Pine Lane, a former Swasey Parkway Trustee, said that community events are easy to define, such as Boy Scouts and parades. Events like Swag on Swasey and the Farmer's Market are not community events. He added that the trustees established the fee structure seven years ago, and a lot of research went into the fees.

Mr. Dean said that regarding the community event issue, he wanted to avoid defining it too narrowly, and give the Parks and Rec department discretion over what is a community event.

Duane Staples of 33 Ashbrook Road, a member of the Swasey Parkway Trustees, asked that the Trustees have the proposal in hand prior to the meeting. Ms. Corson responded that she can send them the draft copy; there are a couple of changes necessary, and Ms. Roy can update them if she has the time.

Ms. Gilman was concerned that Town Hall has an "open forum" policy, yet for many events tickets are being sold so it's not really an open event. Ms. Roy said that was carried over from the old version of the policy.

Ms. Corson closed the public discussion, and said that the next step is for Ms. Roy to make the changes discussed and go before the Trustees.

#### d. Water-Sewer Rates Update

Bob Kelley, the Chair of the Water/Sewer Advisory Committee, discussed the model for Water and Sewer Rates in FY 2020. The Newfields Road plant is in startup phase. The first bond payment of \$4 million should be due in 2020. Two years ago they raised the sewer rates for a "savings account" with the goal of not borrowing to pay back the bond, and there is around \$3 million in that fund. He suggested raising the rates per the model approved by the Select Board in 2016. This should be the big rate increase, and there will be a smaller rate increase about a year from now, then it should stabilize for the next several years. They can cover CIP items from last year with the Water Fund. The rate increase would be on October 1st or January 1st. They would like to try for October 1st to stabilize the billing cycle for the beginning of the first quarter of 2020.

Mr. Dean added that they've included a 10% hedge to account for people conserving at these new rates. The lagoon sludge removal and decommissioning will be a \$6 - 7 million expense which was set aside and will be built into the operating budget. There are also the sewer main rehab program and the Squamscott River sewer siphons to pay for. Their groundwater/surfacewater assessment could also have an impact. The cost of the proposed PCAS/PFOA legislation is TBD.

Mr. Kelly said a public hearing should be quick and suggested it be held at the July 29th Select Board meeting, and the Board agreed.

#### e. Conflict of Interest Policy Discussion

Ms. Surman said that last year, everyone was in favor of having a code of ethics and conflict of interest policy, but there were questions about how it might affect the departments. Regarding employee relationships, the employee conflict of interest policy and this one would not conflict. It's also similar to many towns in this state. Looking at RSA 31-39:a, the Conflict of

Interest Ordinance, it would have to go on the warrant. She added that this protection benefits everybody.

Ms. Gilman said that in 1:3, Conflicts of Interest, the item 1) “public servants shall not appear on behalf of a client or friend in front of any Board where the servant is a member” is an abridgement of the freedom of speech. For example, she couldn’t present her friend’s project to the Planning Board.

Ms. Corson also spoke about 1:3, saying that Jen Martel, a landscape architect on the Planning Board, has clients that come before the Planning Board, or there could be a civil engineer or architect on the Planning Board, and she questioned whether this should negate their membership. If so, it would take away their ability to do business in town. She doesn’t see these relationships as a conflict. Ms. Cowan said the member should disclose and recuse themselves. Ms. Corson asked that they change “do not appear on behalf”.

Mr. Papakonstantis said he’d like to incorporate the stipulation that a document needs to be signed annually.

Ms. Cowan said that a conflict of interest policy and code of ethics are good for the town. She would love to see the preamble be about the goals we’re upholding as public servants. Service on one Board should not preclude a spouse or child from serving on another Board. Ms. Surman said that’s more of a disclosure; a conflict would be a pecuniary interest. Ms. Gilman asked that the policy be consistent in defining relative.

Duane Staples asked if this policy also affects the Swasey Parkway Trustees. Ms. Corson said yes, it would apply to all of our Boards.

Ms. Corson asked Ms. Surman to make the changes they’d discussed and bring it back.

## 8. Regular Business

### a. Tax, Water/Sewer Abatements and Exemptions

**MOTION:** Mr. Papakonstantis moved to approve a Jeopardy tax warrant for 87/14/4B in the amount of \$234. Ms. Cowan seconded. All were in favor.

**MOTION:** Mr. Papakonstantis moved to approve an abatement in the amount of \$438.17 for 104/79/601 for the year 2016. Ms. Cowan seconded. All were in favor.

**MOTION:** Mr. Papakonstantis moved to approve an abatement in the amount of \$436.03 for 104/79/601 for the year 2017. Ms. Cowan seconded. All were in favor.

**MOTION:** Mr. Papakonstantis moved to approve an abatement in the amount of \$444.93 for 104/79/601 for 2018. Ms. Cowan seconded. All were in favor.

**MOTION:** Mr. Papakonstantis moved to approve exempt property for the Hospital Properties Annual Exemption. Ms. Cowan seconded. All were in favor.

### b. Permits & Approvals

**MOTION:** Ms. Surman moved to accept the financing proposal of Tax Exempt Leasing for the Ford E450 ambulance replacement at an interest rate of 2.65% over three years and further



authorize the Town Manager to sign any documents related to the lease purchase financing. Ms. Gilman seconded. All were in favor.

- c. Town Manager's Report
  - i. Brentwood Fence has begun doing fence work at Town House Common.
  - ii. For the CIP meetings, he met with all of the departments, who are finishing their submittals. Engine 4 is in Brunswick Maine, coming down soon, and there will be a commissioning ceremony.
  - iii. There was a complaint from a resident about a rooster waking them up early. There are options for pursuing ordinances against that, such as a potential Zoning Ordinance about chickens and roosters.
  - iv. In personnel news, there is a new executive assistant, Pam McElroy. Bobbie Burgess will be moving back to her role as an MPA fellow. The Deputy Tax Collector is retiring July 26th, and they're looking for a replacement. They have a capable temp in the tax office through August.
- d. Select Board Committee Reports
  - i. Ms. Gilman thanked town staff for supporting the Independence Festival. EXTV live-streamed the event and did a nice job. At the Conservation Commission meeting, they discussed permits with an easement for a gravity feed sewer line on Linden Street near Patricia Ave.
  - ii. Mr. Papakonstantis said that the Planning Board met last Thursday to discuss that same project. The Planning Board did vote to approve the project 5-2, as they received additional information the Conservation Commission did not have, which satisfied some of their concerns. The project was basically done already. This shouldn't happen again. In the end, it appeared all Conservation Commission concerns would be satisfied. The Facilities Committee was working on an RFP, and they will be sitting down with a company who has done similar RFPs for PEA.
  - iii. Ms. Cowan, Ms. Corson, and Ms. Surman had no updates.
- e. Correspondence
  - i. Preliminary results of the Exeter housing future community survey.
  - ii. An annual request to municipalities utilizing form PA 28, RSA 74. Mr. Dean said Exeter doesn't use that form.
  - iii. Ms. Gilman said there was a letter from the governor about the budget and why he vetoed it. The Town would have gotten an extra \$645,000. Mr. Dean added that that figure doesn't include the sewer, which would be worth over \$700,000 annually. Ms. Gilman said that the Governor's budget is expecting more federal money for things, while the House budget used Rainy Day Funds. There is a continuing resolution until we can fix this. There also would have been an Increase in DCYF positions to deal with the opioid crisis, and increased state aid to municipalities. Ms. Gilman encouraged citizens to write to the Governor, House and Senate in support of the budget.

- iv. A letter from Casa of NH, thanking Exeter for its contribution of \$125.
- v. A letter from DES about Continental Microwave, which is in full compliance.

9. Review Board Calendar

- a. Next meeting July 29th.

10. Non-Public Session

11. Adjournment

**MOTION:** Ms. Gilman moved to adjourn. Ms. Surman seconded. All were in favor and the meeting adjourned at 9:55 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary