

Select Board Special Meeting
Tuesday, January 22nd 2019
Town Offices, Nowak Room
Final Minutes

1. Call Meeting to Order

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

2. Public Comment

Gerry Hamel of 17 Little Pine Way said that he had attended the Select Board meeting the week before, but the pace was too quick for him to comment on the budget line items. Ms. Gilman apologized for speeding through the agenda, but said they've closed that part of the public hearing.

3. Continued public hearing on FY19 Budget and Warrant Articles

MOTION: Mr. Clement moved to open the continued public hearing on the FY19 Budget and Warrant articles. Ms. Corson seconded. All were in favor.

Mr. Dean said that since Ms. Cowan is attending electronically, all votes must be roll call votes.

MOTION: Mr. Clement moved to take the special petition article out of order. Ms. Corson seconded. By a roll call vote, all were in favor.

Citizen's Petition "Call to Prevent Nuclear War" Resolution/ Warrant Article.

Herb Moyer discussed his petitioned article, which arose from a number of concerns. For example, the ability to order the use of nuclear weapons is now in the hands of a single person, which is not right regardless of who is president. Also, the US will spend 1.7 trillion dollars over the next 30 years to modernize our nuclear weapons.

Ms. Gilman read the petition: *"Whereas nine nations together have over 14,000 nuclear weapons in their arsenals, most far more destructive than the two that killed hundreds of thousands in Japan in 1945;*
Whereas detonation of even a small number of these weapons could have catastrophic human and environmental consequences (called "Nuclear Winter") affecting everyone on the planet;
Whereas the United States maintains hundreds of nuclear missiles in underground silos on hair-trigger alert, to be launched within minutes with great risk of an accidental, mistaken or unauthorized launch;
Whereas the United States reserves the right to use nuclear weapons first, making a nuclear war more likely;
Whereas the U.S. president has the sole and unchecked authority to order the use of nuclear weapons;
Whereas over the next 30 years, the United States plans to spend an estimated \$1.7 trillion to

replace its entire nuclear arsenal;

Whereas the United States, as well as Britain, China, France and Russia, are obligated under the Nuclear Non-Proliferation Treaty (NPT) to take concrete steps toward eliminating their nuclear arsenals;

NOW THEREFORE BE IT RESOLVED that the Town of Exeter calls upon the U.S. government to spearhead a global effort to prevent nuclear war by:

Renouncing the option of using nuclear weapons first;

Ending the sole, unchecked authority of any president to launch a nuclear attack;

Taking U.S. nuclear weapons off hair-trigger alert;

Cancelling the plan to replace its entire arsenal with enhanced weapons, and

Actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals.

AND BE IT FURTHER RESOLVED that our Selectboard will send copies of this resolution with a record of its adoption vote to Governor Sununu and to all members of our Congressional Delegation.”

Ms. Corson felt that it was important to show the Select Board's recommendations for the citizens' petitions. Ms. Gilman said they don't typically do that for articles that do not involve money. Mr. Clement said they hadn't done it in the past but they could.

MOTION: Ms. Corson moved to recommend the citizen's petition Call to Prevent Nuclear War Resolution. Ms. Surman seconded. By a roll call vote, all were in favor.

Maura Fay of 13 Forest Street discussed the citizen's petition Right to a Healthy Climate Ordinance. She stated that climate change is a big problem, and as a town we have a duty to limit our impacts on climate change and the ecosystem. Exeter River feeds into Great Bay, which is a delicate ecosystem that needs protection. She mentioned that twelve other towns have passed similar ordinances.

Ms. Surman asked where this ordinance fits into today's development approval process. Ms. Fay responded that this becomes a tool that the boards or the citizenry can use, and would allow the ecosystem and the environment to have rights. Ms. Surman asked if this is a recommendation board or a binding authority. Ms. Fay said it would be a binding ordinance that could be applied by any board or citizen. Mr. Clement said that currently, the Planning Board sends an issue with environmental impact to the Conservation Commission. Additionally, the person who has put in the application must get state and federal permits. He asked if an individual or group of individuals implementing this new ordinance would stop the project. Ms. Fay responded yes; citizens can say 'this proposal may be permitted but it will cause us harm, and we say no.' The citizens would write a letter saying that what a developer is proposing violates this ordinance, and in some cases the corporation stops. Ms. Gilman asked who serves as the enforcement, and Ms. Fay said any citizen or group of citizens. Ms. Gilman asked if the Planning Board or Conservation Commission would be able to bring this up as part of deliberation on a project, and Ms. Fay said yes, this would be a new tool in their deliberation process.

Ms. Corson asked about the criteria for invoking this ordinance. Ms. Fay said that the goal was for it to be flexible, it could be used for anything that "goes too far." Ms. Corson wondered if they would say that about any development, and was concerned this could affect

economic development in the town. Ms. Fay said the intention was not to stop development, but to allow the town to look at development from a holistic perspective, rather than just parcel by parcel. They should consider not just economic development, but also tourism and recreation, which income could be lost with injudicious development. Mr. Clement said this may create a negative impact for development, and wondered if the town will be tied up in litigation. Ms. Fay responded that of the towns that have passed rights-based ordinance, none have been tied up in litigation or experienced negative impacts.

Ms. Corson said that a lot of this is already covered in town ordinance. Exeter is one of the few towns in the state that has a fertilizer ordinance. The town's Use Table ensures people are not dumping toxic waste in rivers and streams. Ms. Fay said the current regulations do not allow the town to consider the right of an ecosystem as an entity.

Ms. Gilman asked how they can enact this ordinance, since they are not a home rule state. Ms. Fay said this invokes the NH Constitution's Bill of Rights, not the Constitution itself. There has been an effort to pass a Constitutional amendment that will explicitly allow rights-based legislation, Bill CACR8.

Mr. Clement asked what would go on the ballot. Mr. Dean said he spoke to the town attorney about the article. The whole thing has to go on the warrant, and unless amended would all go on the ballot. The attorney's finding was that it doesn't regulate or prohibit anything; it declares the right to enforce the ordinance, but does not specify what is enforced. Overall, if approved by the voters, it will accomplish nothing but may expose the town to the cost of significant attorney fees if they try to enforce the ordinance.

Mr. Clement said there's no question that they need to do better on the environment, but Exeter is in many cases in the forefront of environmental protection. Other communities are looking at the town's model with the fertilizer ordinance. Exeter is working with the EPA and DES on managing nitrogen. They're building a new wastewater treatment plant. Beyond litigation, which no one wants, what message does this give to someone who owns a piece of property in town? A project could get through the Planning Board but have this ordinance hanging over their head. They want to project that Exeter is open for business, and this might send the opposite message.

Ms. Corson said this is great idea, but it doesn't have teeth. She invited the group to come and talk to the Town Planner and the Master Plan Implementation Committee about things that need to be spelled out to the developer, so they can understand what they need to do up front.

Gerry Hamel of 17 Little Pine Way said that he has developed properties on a small scale since the 1970s, and the process is much harder and more expensive now. The Affordable Housing Committee can't find affordable land as it is, and this makes it even more impossible. He felt there's a good system now with a lot of oversight.

Paul Royal of 3 Pumpkin Circle said this is a great idea on the face of it, but he's worried about empowering extreme views. 'Impact to the environment' means different things to different people, and it's not defined here. Just a couple of people could really put the brakes on development. He was also concerned that outside money could come in and convince citizens to act against the elected officials that represent the people.

Jordan Dickinson, an Exeter resident, said he's not against all development. This ordinance would only cause problems for certain kinds of development, those that are very

detrimental to air, soil, or water quality. Boards would notify the company that a project is in violation. He added that economic development not synonymous with growth; there are other ways the town could grow.

Mr. Clement said that he could not recommend the voters adopt this, because he sees a lot of problems with it.

MOTION: Ms. Cowan moved that Right to a Healthy Climate Ordinance appear on the ballot with no recommendation from the Select Board. Ms. Corson seconded. Ms. Surman said that doesn't send the right message. Ms. Corson and Ms. Cowan voted yay. Ms. Surman, Mr. Clement, and Ms. Gilman voted nay and the motion failed 2-3-0.

MOTION: Mr. Clement moved to recommend the Right to a Healthy Climate Ordinance. Ms. Cowan seconded. Ms. Cowan and Ms. Gilman voted yay. Mr. Clement and Ms. Surman voted nay. Ms. Corson abstained. The ballot will say that the Select Board's vote for recommendation was 2-2-1.

Jennifer Brackett Piskovitz spoke in support of the warrant article for a Sustainability Office. She mentioned that this article needs to be amended to include the language "raise and appropriate" to be enforceable, which they will try to amend at deliberative session. She added that sustainability is important to the town, as reflected in the new Master Plan and the town's signing of the Paris Climate Accord.

Ms. Gilman read the article: "*By petition of the following registered voters of Exeter, to be placed on the Town Warrant:*

Shall the town create a Sustainability Office to achieve cost savings for the town and enhance community health through optimal use of water and energy resources.

The town will create a Sustainability Office that will:

Coordinate closely with all town Departments, Boards, Commissions, and Committees to ensure long-term sustainability of natural resources. Ensure that water and energy resources, uses, quality, and impacts are considered in every relevant decision-making process that impacts the town or its people. A Sustainability Office representative will serve on the Technical Review Committee.

Serve as a public source of information, and create and maintain a user-friendly link from the Exeter town website for all permits, studies and forums related to water and energy resources, risks, issues and impacts.

Provide public outreach, and host an annual community forum addressing water and energy resources, explaining how recent studies and tools are being used, and communicating progress on water and energy related action items from the Exeter Master Plan.

The Sustainability Office would require up to \$45,000 in 2019, anticipated to be recouped through cost savings to the town."

Robin Tyner of 9 Mill Stream Drive said that several signers of the petition were members of town boards and committees, who feel that there is not enough connective tissue with town affairs for the volunteers. Issues such as recycling, energy efficiency, water quality, the health of the estuary, flooding, and climate are a lot more than volunteers meeting once a month can solve. Other towns and groups have a similar position in place: Lebanon, Hanover,

Keene, PEA (which has two people working on sustainability), Dartmouth, and Scarborough Maine. There are economic benefits to a Sustainability Office; the Portsmouth Sustainability Officer said his job has already paid for itself. Readiness and operational issues could lead to real savings.

Ms. Piskovitz read a statement from Sally Ward, a member of the Conservation Commission. Ms. Ward wrote that the shared perspective of environmental work is often lacking. Exeter has silos that prevent the sharing of information. This office would bridge those silos, and would help the community voice to be heard on issues of concern.

Ms. Ward then arrived in person to speak. She stated that she is speaking as an individual rather than representing the Conservation Commission. However, one of the issues the Conservation Commission has struggled with is that requests for waivers for development are taken on a case by case basis, and they don't always consider the overall impact.

Ms. Surman said that Kristen Murphy, the town's Natural Resource Planner, is doing some of this work already, or could be doing it. Ms. Ward said they didn't want to predetermine what the Sustainability Office would be, but there could be an alignment with existing positions. She mentioned that in some places, like Portsmouth, the Sustainability Officer is the Natural Resources Planner. Ms. Tyner clarified that in Portsmouth, the Sustainability Officer and the Natural Resources Planner are two separate part time positions with the same person filling them both. Mr. Clement added that Jennifer Perry of Public Works is also doing similar work, for example bringing forth discussion about clean water. He felt that this proposal is just extra structure and cost without extra benefit. Apart from recycling, all the sustainability issues such as climate change are being addressed by the town already. Ms. Tyner said they are not, because they are doing the work as opportunities present themselves, rather than as part of a plan with targets and measurements.

Ms. Corson asked about the wages, saying that they'd have to fund this position every year going forward. Mr. Dean said that the \$45,000 proposed could cover 26 hours per week at \$28.85 an hour for wages and FICA, and would have no benefits. Ms. Corson said she wished that this group had come in and talked to the Budget Recommendations committee, because there's a process to approving new positions. There were seven positions requested in the FY19 budget, and they weren't all approved.

Mr. Dean said he understands the concept of a disconnect, not because anyone's not doing their job, but because there's a myriad of boards, committees and commissions. He wants to research the other towns and get a better understanding of the position so they could figure out where it fits.

Ms. Gilman said she thinks this is a good idea. She's served on several committees that had no advocates or anyone to share knowledge. For example, the Heritage Commission does reviews of buildings that are proposed to be demolished; it would be more sustainable to repurpose a building, but there's no one to advocate for that. She thought that departments are doing a better job of communicating with each other, and the Technical Review Committee has brought different thinking, but there's still a place for this position.

Amy Farnham, an Exeter resident, said this position could be used as PR for the town. It may attract young people to move here if the town were more progressive on environmental issues.

Jordan Dickenson, an Exeter resident, said that Exeter is doing a lot for environmentalism but there are opportunities to do better. The more you do, the more money you save, as well as saving the environment.

Mr. Dean said this article would be binding and the money would be made available, but only for one year. It must be a specific dollar amount, although the language says “up to \$45,000.” Mr. Clement said if the article is amended at deliberative session, the Board may re-vote on their recommendation. Ms. Corson said they’re not only hiring someone, they have to find a place for them to sit. She would like to see them amend the article and give a breakdown of the cost, not an arbitrary figure. The Board discussed whether to do a recommendation now if the article will be amended. Mr. Dean said if the article doesn’t get amended, it’s not binding. Ms. Corson wanted to work it into the budget next year with a clear plan and job description.

MOTION: Ms. Corson moved to recommend the article of the Town of Exeter Sustainability Office. Mr. Clement seconded. Ms. Cowan, Ms. Corson, and Ms. Gilman voted yea, and Mr. Clement and Ms. Surman voted nay. The article was recommended 3-2-0.

Ms. Gilman moved on to Petition Article - Tax Cap. Ms. Gilman read the article:
“By petition of Nicholas Gray and other undersigned registered voters of Exeter, NH in an effort maintain a sustainable cost of living, request that the following article be placed on the 2019 Town Warrant.

Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year’s actual amount of local taxes raised, by more than 3.0%?”

Nick Gray, who put forward this petition and was also the vice chair of the Budget Recommendations committee, spoke about this article. He said that though town volunteers have good intentions to provide public services, the higher than median tax rate, higher than median tax assessment, and zoning ordinances make Exeter an expensive place to live and operate businesses. His intent is to curb spending. The 3% cap is 1% above the inflation rate of 2% to allow some growth. In the event that there is an unforeseen need to increase spending, there would be an opportunity for a supermajority of voters to approve that increase. The article was taken from RSA-32, and the legislators chose that language, not him.

Ms. Surman said that typically, the budget increase is under 3%, but then there are warrant articles. Mr. Gray said that the town could approve a budget that’s more than a 3% increase, but it would have to be offset by lowered spending on the school, county, or state level. Ms. Surman wondered if the voters would understand that. Ms. Corson said they could forget the library renovation or any school expansion, since any such project would be over the 3% cap in any given year. Mr. Gray said he’s not casting judgement on specific projects, but feels that they need to cap taxes to support livability and affordability in Exeter.

Ms. Cowan said she has concerns about this proposal. For instance, cities and towns that implement a tax cap face a decreased bond rating by Moody’s or Standard & Poor’s, leading to higher borrowing costs, so that the cost of everything goes up. Mr. Gray said that the passage of this measure wouldn’t necessarily precipitate an increase. Ms. Cowan says that’s just not what the research shows. Dover implemented a tax cap and their bond rating was downgraded; now they have to pay average of \$50,000 more to refinance their debt.

Mr. Dean said they have to hold a separate public hearing 15 - 30 days prior to the vote for a petition like this, so one will be held in February, after the deliberative session.

Robin Tyner said that budgets go in cycles, and they make long-term investments, which are hard to plan with a flat cap. Ms. Gilman agreed, saying they'd have to give up something somewhere else.

Ms. Piskovitz asked if a large project they were forced to implement, such as the new Wastewater treatment plant, would lead to school funding being cut. Ms. Gilman said she believes this only affects the municipal budget, but they would have to double-check. She added that the Wastewater treatment plant was paid for from the Sewer Fund, not from the town budget, but the concern could apply to a different project.

Paul Royal said that fiscal responsibility is important, but they have to keep an eye toward value and being a vibrant community that makes good decisions. Exeter is expensive because it's desirable. They have the flexibility to decide what taxes are appropriate and what gives good value. This tax cap could have unfortunate consequences. The town tax is only 25% of the property tax, but a cap could have a big impact on the town, in areas such as snow removal, police and fire, and clean water. Towns that have a cap can lose fire, police, and other protections. Unexpected costs can arise; for example, in 2007, the state paid 30% of pensions for fire, police, and teachers, but in 2013 this percentage was reduced to zero and the towns must now cover it. He encouraged the voters to do the research on what a tax cap would actually mean. Tax caps don't look good to lenders. They're an arbitrary formula rather than addressing the needs of the community. This proposal is a serious matter.

Mr. Dean mentioned that the statute talks about overriding this cap, but the override process and how it affects the warrant articles going forward is unclear.

MOTION: Ms. Corson moved to NOT recommend the Citizens Petition for the Tax Cap of 3%. Ms. Surman seconded. By a roll call vote, all were in favor, and the petition was NOT recommended 5-0-0.

MOTION: Mr. Clement moved to move on to the warrant. Ms. Surman seconded. By a roll call vote, all were in favor.

Ms. Gilman read the Article "Appropriate to Sick Leave Trust Fund": *"To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Sick Leave Expendable Trust Fund previously established. This sum to come from unassigned fund balance."* She mentioned that this article will have no tax impact.

Mr. Dean read Article 23 – Police, Fire/EMS, Communications Study: *"To see if the Town will vote to raise and appropriate, through special warrant article, the sum of fifty thousand dollars (\$50,000), for the purpose of conducting a study of all public safety operations. The study will be used to assess identify and recommend future facility needs for all public safety departments. This sum to come from general taxation. (Estimated Tax Impact: .029/1,000, \$2.86/100,000 value)."*

He said the intent is to take a holistic look at all public safety operations and make recommendations. Ms. Corson asked if they could describe this not a study, but as a "review" or "assessment," since she wants to ensure this will pass. Ms. Surman said she would prefer to

specify that public safety includes Police, Fire, EMS, and Dispatch. She also wanted to take out “facility” and just say “needs.” Ms. Corson suggested “facility and personnel needs.” Eric Wilking, the Assistant Fire Chief, said the word “study” is rarely used in any report. He suggested “for the purpose of conducting a facility, staffing, and data analysis of all public safety operations.”

MOTION: Ms. Corson moved to amend Article 23, Police, Fire/EMS, Communications Study, as follows: “To see if the town will vote to raise and appropriate through special warrant article the sum of \$50,000 for the purpose of conducting a facility, staffing, and data analysis of all public safety operations, to include Fire, Police, EMS, and Dispatch. Ms. Surman seconded. By a roll call vote, all were in favor.

MOTION: Mr. Clement moved to recommend the article as amended. Ms. Corson seconded. By a roll call vote, all were in favor, and the article will be recommended 5-0-0.

Mr. Dean read Article 24, ADA Capital Reserve Fund and Funding: *“To see if the Town will vote to establish a capital reserve fund under RSA 35:1 to be known as the “ADA Accessibility Fund” for the purpose of creating an ADA plan and to serve as a funding mechanism for future ADA improvements for town facilities and infrastructure including roads, sidewalks, and other pedestrian safety improvements, and to raise and appropriate the sum of fifty-thousand (\$50,000) to be placed in this fund and further the Select Board shall be named agents of the fund and be authorized to make expenditures from the fund. (Estimated Tax Impact: .029/1,000, \$2.86/100,000 value).”*

Mr. Clement said that he wanted this to be funded as a special warrant article, not a Capital Reserve Fund, and in the sum of \$35,000 not \$50,000.

MOTION: Mr. Clement moved to amend the article ADA Capital Reserve Fund and Facilities: “To see if the Town will vote to raise and appropriate, through special warrant article, the sum of \$35,000 for the purpose of creating an ADA improvements plan, the sum to come from general taxation.” Ms. Surman seconded. Ms. Corson said that ADA improvements should be part of facilities improvements, and she wanted to restrict this article to the study. By a roll call vote, all were in favor.

MOTION: Mr. Clement moved to recommend the amended article. Ms. Surman seconded. By a roll call vote, all were in favor and the article will be recommended 5-0-0.

Mr. Dean read Article 25, Intersection Improvements Fund and Funding: *“To see if the Town will vote to establish a capital reserve fund under RSA 35:1 to be known as the “Intersections Improvement Fund” for the purpose of creating an intersection improvement plan and to fund capital projects to improve town intersections and intersection areas, including Pine/Front/Linden Street, Front Street/Water Street, Clifford Street/Water Street, and others as determined by the Select Board; and to raise and appropriate the sum of fifty-thousand (\$50,000) to be placed in this fund and further the Select Board shall be named agents of the*

fund and be authorized to make expenditures from the fund. (Estimated Tax Impact: .029/1,000, \$2.86/100,000 value)”

MOTION: Mr. Clement moved to amend the article Intersection Improvements Fund and Funding, so that it would be funded as a special warrant article: “To see if the town will vote to raise and appropriate, through special warrant article, the sum of \$50,000 for the purpose of conducting and creating an intersection improvement proposal with preliminary designs to improve the intersection areas of Pine/Front/Linden Street, Front Street/Water Street, Clifford Street/Water Street, plus Winter Street/Railroad Ave/Columbus Street, and others, the sum to come from general taxation.” He also mentioned the intersection at Epping/Columbus/Kingston Road. Ms. Corson seconded. She said this would be \$50,000 just to study the intersections, you couldn’t put plans in place with this sum. Mr. Dean said they could do a review and an alternatives analysis. He added that the advantage of a capital reserve fund over a special warrant article is that the capital reserve fund doesn’t lapse after two years. As the program progresses, they could propose to put more money into the fund. They may not be able to get to this project this year, since they don’t know what the work program is for the year yet. By a roll call vote, all were in favor.

MOTION: Mr. Clement moved to move the amended article to the warrant. Ms. Corson seconded. By a roll call vote, all were in favor.

Mr. Dean read Article 26 – Pickpocket Dam Study: *“To see if the Town will vote to establish a capital reserve fund under RSA 35:1 to be known as the “Pickpocket Dam Fund” for the purpose of addressing items related to a Letter of Deficiency from the NHDES on Pickpocket Dam, and to raise and appropriate the sum of forty-thousand (\$40,000) to be placed in this fund and further the Select Board shall be named agents of the fund and be authorized to make expenditures from the fund. (Estimated Tax Impact: .023/1,000, \$2.29/100,000 value)”*

Mr. Dean said that Public Works had put a scope together, and it would be \$400,000 for all tasks associated with the dam. He would like to engage the state on potential grant funds. The dam is in two separate towns, and he’s not sure of the legal ramifications with DES. Mr. Clement said this shouldn’t be a capital reserve fund; they should hit just on the items in the letter of deficiency and create the emergency action plan. They can figure out other ramifications later. He’d like to change this to a special warrant article for \$40,000.

Ms. Perry said they would develop an emergency action plan and address comments given by the state on the breach analysis they’ve already done. The town of Brentwood needs to be engaged; however, there are technical pieces they could do without their input. The Town of Exeter, as owner of the dam, has requirements to notify downstream residents and take action during flooding events.

MOTION: Mr. Clement moved to amend the Pickpocket Dam Study: “To see if the town will vote to raise and appropriate through special warrant article the sum of \$40,000 to address items related to a letter of deficiency from NH DES on Pickpocket Dam, this sum to come from general taxation.” Ms. Corson seconded. By a roll call vote, all were in favor.

MOTION: Mr. Clement moved to move the article as amended to the warrant. Ms. Surman seconded. By a roll call vote, all were in favor.

Mr. Dean read Article 27 – Great Bridge Project Deficit: *“To see if the Town will vote to transfer the amount of \$173,774 from the town’s current non-spendable general fund balance to the capital projects fund balance to eliminate the Great Bridge project deficit from 2001. This project has been completed. This article is will not impact the unassigned fund balance or impact the tax rate. (Estimated Tax Impact: None. No amount to be raised by taxation).”*

He mentioned that this is a special article that is not required to have the tax impact information. This is a project deficit from a long time ago still on the books. They’re holding money in the non-spendable part of the fund balance in the General Fund to transfer to the project balance to make this whole. If this doesn’t pass, the deficit will simply stay on the books. Mr. Clement said this is just bookkeeping.

MOTION: Ms. Corson moved to recommend Article 27 - Great Bridge Project Deficit. Mr. Clement seconded. By a roll call vote, all were in favor.

Mr. Dean read Article 28 – Snow and Ice Fund Appropriation: *“To see if the Town will vote to raise and appropriate the sum of fifty-thousand dollars (\$50,000) to be added to the Snow and Ice Deficit Non-Capital Reserve Fund previously established. This sum to come from unassigned fund balance. (Estimated Tax Impact: None. No amount to be raised by taxation).”*

He said that this fund has a \$314,000 budget per year, and this article would add \$50,000 from the fund balance to the existing fund to cover potential overages.

MOTION: Ms. Corson moved to recommend Article 28 – Snow and Ice Fund Appropriation. Mr. Clement seconded. By a roll call vote, all were in favor.

Mr. Dean read Article 29 – Establish Swasey Parkway Maintenance Fund and Funding: *“To see if the Town will vote to establish an expendable trust fund under RSA 31:19-a to be known as the “Swasey Parkway Fund” for the purpose of making capital improvements to the Swasey Parkway and adjacent land, and to raise and appropriate the sum of twenty four-thousand dollars (\$24,000) from unassigned fund balance to be transferred to this fund and further the Select Board shall be named agents of the fund and be authorized to make expenditures from the fund. (Estimated Tax Impact: None. No amount to be raised by taxation).”*

He clarified that this pertains to the \$24,000 in Swasey Parkway fees and permits that had been in a Citizen’s bank account. This is money that is in hand already, and just needs to be transferred to new fund.

Ms. Surman said she had drafted an version of this article that invoked RSA 35-c; she will support using 31:19a, but feels that the Trustees of the Swasey Parkway must be the agents of the fund. Mr. Dean said appointing the agents is a Select Board decision, but every year there is a town audit, and if the Select Board are agents of the fund, the minutes will reflect spending the money. Ms. Surman said that the trustees have been spending money all along, and they’re closer to the needs of the Parkway than the Board is. Ms. Gilman said that the Select Board is doing all the permitting now. Ms. Surman responded that this fund is about maintenance, mowing, and upkeep. Mr. Clement added that the Select Board are the agents of the Cable Fund, but not every expenditure from that fund is put up to a Board vote, so there are

not always minutes recording the spending. He agrees that the Swasey Trustees should be agents of those funds.

Gerry Hamel, a member of the Swasey Parkway Trustees, said that Ambrose Swasey gave the Select Board the authority to spend the money, and there is an MOU from the Select Board giving the Trustees the authority to spend the money, so he doesn't understand why the town is voting on this. Ms. Gilman pointed out that these aren't funds from the trust. Mr. Hamel felt that the treatment of the funds should be consistent.

Ms. Gilman said the Trustees should be making decisions on expenditures. She asked if the town could eventually take the \$10,000 line item for Swasey Parkway out of the budget. Mr. Dean said they could take it out of the budget and have it as a warrant article to be added to this fund. Mr. Clement said historically there wasn't enough money coming in through permits to cover maintenance, but now there's more fee money.

MOTION: Ms. Surman moved to amend the article: "To see if the town will vote to establish an expendable trust fund under RSA 31:19a to be accounted for in a fund separate from the general fund to be known as "The Swasey Parkway Fund". This fund shall be for the purpose of making capital improvements to and maintenance of the Swasey Parkway. Further, shall the town raise and appropriate the sum of \$24,000 from the unassigned fund balance to be transferred to this fund and to include any and all permit fees from use of Swasey Parkway shall be assigned to this fund. Further, the Swasey Parkway Trustees will be agents of this fund and be authorized to make expenditures from this fund." Mr. Clement seconded. By a roll call vote, all were in favor.

MOTION: Ms. Corson moved to recommend Article 29 – Establish Swasey Parkway Maintenance Fund and Funding as amended. Mr. Clement seconded. By a roll call vote, all were in favor.

Mr. Dean said that Article 30 was a placeholder for Keno. The Lottery Commission had approached them to place this on the ballot. There was a citizen's petition but it didn't get enough signatures.

MOTION: Ms. Corson moved to not put Article 30 Keno on the ballot. Ms. Surman seconded. By a roll call vote, all were in favor.

Mr. Dean said that Article 35 covered other business. Ms. Gilman brought up a code of ethics. To make a formal ordinance that's enforceable, there needs to be something that the legislative body votes on. Alternatively, they could create a policy as a Board which will not have any consequences for violating it. Mr. Dean said in the latter case, there would be limits on what you could do with it, but it could be a blueprint. Not sure how it would apply to elected officials. Mr. Clement: an ordinance voted on by a legislative body would. Ms. Surman said she had presented a draft of a code of ethics back in August, but if it's not ready for prime time they can scrap the whole thing until the next new board. She thought they could put something on the warrant that they wanted to do a policy without specifics. If not, they can wait another year. Ms. Gilman said some of the proposal should be a policy either way. Mr. Clement asked whether they could put forward the conflict of interest policy. Mr. Dean said there were questions raised about parts of this policy, for example 3.2, regarding recusals. There is not a clear path from

definitions to consequences, it doesn't say what happens with a violation. The town has hundreds of employees, and it's very important for them to understand the impact on them before moving forward. This is not just about elected officials, it would apply to everyone.

MOTION: Mr. Clement moved to close the budget hearing on the FY19 budget articles. Ms. Surman seconded. By a roll call vote, all were in favor.

Mr. Dean said that the next step is to complete the warrant draft and have NHDRA review the final language of warrant articles. Small changes would just go forward, but they would alert the board of any major issues. They need to get signatures this week to get the warrant posted. The deliberative session is on Saturday, February 2nd at 9 AM.

Ms. Gilman mentioned that Ms. Corson has gotten criticism for her role on the Planning Board, and has asked if someone else on the Board could serve as the Select Board representative to the Planning Board. Mr. Clement is the alternate, and said he believes he can make it to the next meeting.

4. Adjournment

MOTION: Ms. Corson moved to adjourn. Ms. Surman seconded. By a roll call vote, all were in favor and the meeting adjourned at 10:06 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary