

Select Board Meeting
Monday April 22nd, 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 7 PM.

2. Board Interviews

There were no board interviews at this meeting.

3. Proclamations/Recognitions

Ms. Corson recognized those who assisted with the sewer forcemain break on Sunday, March 10th: Arthur Manock, Edward Bugbee, Larry Pond, Michael Brookner, Scott Butler, Stephen Dalton, Steven Tucker, Robert Coney, Mark Schultz, and Greg Blood (Contractor). Mr. Dean added that crews mobilized within the hour from the different communities where they live and spent the better part of the day locating the break, shutting things down, and laying new pipe. The town is grateful to those who resolved the problem.

4. Public Comment

There was no public comment at this meeting.

5. Approval of Minutes

a. Regular Meeting: April 8th, 2019

Ms. Surman, who was not present at the April 8th meeting, asked for clarification on why they would not rebid for legal services if they only received one bid. Ms. Corson said there was another local candidate, but they chose not to bid because they have too many clients that come in front of the Select Board.

MOTION: Mr. Papakonstantis moved to approve the minutes of April 8th as written. Ms. Gilman seconded. Ms. Surman abstained and the motion passed 4-0-1.

6. Appointments - Budget Recommendations Committee

MOTION: Mr. Papakonstantis moved to appoint Anthony Zwaan to the Budget Recommendations Committee. Ms. Gilman seconded. All were in favor.

7. Discussion/Action Items

a. Rights Based Ordinance Petition Article

Ms. Corson said that Article 30, the Right to a Healthy Climate Ordinance, was passed at the last town election, but there are some questions about the language of the article. She added that she is all for a healthy climate, but there's a question about the town's legal responsibility in this matter. She read the letter from Town Counsel Walter Mitchell on this issue:

Dear Russ,

I am responding to your request, forwarded on your behalf and that of the Board of Selectmen, asking for guidance after the voters' approval of the petitioned article captioned "Right to a Health Climate Ordinance." Specifically, you have asked for guidance on what the Board should do? By this, I assume you are asking with reference to both the immediate future and the longer term.

In its simplest terms, my response must be: "Do Nothing." Let me explain:

- 1. For the short run, the language of Section 2 of the ordinance calls for "amendment of the New Hampshire Constitution and the federal Constitution." However, unlike some similar articles, it does not require any representative of the town to inform any particular individual or official about the outcome of the vote.*
- 2. At the end of the Ordinance, there is a directive that the Ordinance be "signed and dated by the town selectmen," supposedly "in accordance with NH RSA 31:128." However that directive results from a significant misreading and misunderstanding of that statute. That statute has nothing to do with the process for adoption of an Ordinance, or its validity. Instead, it provides for a standard methodology for proving the existence and validity of a local ordinance in a court proceeding. The Board of Selectmen in fact has no role in signing or dating an ordinance after adoption by the voters.*

Therefore, in the short run there is nothing required of you or the board.

- 3. In the longer run, the only time that you or the board may be faced with whether there is a need to do anything involving this ordinance is when a citizen, or group of citizens, approaches you requesting that the town "enforce" the ordinance.*

This ordinance consists of three parts: the Preamble is just that, a gathering of background facts and principles that the writer believed were relevant.

The second part, Section 1, is also labeled "Statements of Law." It contains little or no "law" but instead consists of a listing of goals or aspirations. It contains no regulation or proscription of activity. The only exception is that it purports to eliminate in the Town of Exeter the legal concept of "preemption," attempting to sweep away generations of state and federal court decisions which have recognized the superiority of our state and federal constitutions.

The third part, captioned "State and Federal Constitutional Changes" implicitly recognizes the illegality of that attempt to eliminate preemption by local declaration, when it calls for changes to the state and federal constitutions.

In sum, analysis of the ordinance compels the conclusion that there is nothing regulatory or prohibitory in it to enforce. Therefore, should the town be requested to enforce the ordinance in the future, I would have no choice but to advise that no action should be taken.

4. *Because this ordinance purports to grant residents rights to take direct action, it is certainly possible that an attempt may be made to draw the town into such an action as a Co-Defendant, with a request that the court compel the town to “enforce” the ordinance. If that occurs, I expect that the court would dismiss the town from the action and would seriously consider awarding the town its attorney fees because of the many significant ordinance deficiencies described above.*

5. *And finally, in the last sentence of Section 1(a), the writers of this ordinance seek to override state law by stating that if one wants to amend this particular ordinance, it will require not just a majority of the voters voting on such an article, or even a majority of all voters registered in the town. Instead, what it requires is that a majority “of the residents of the town” must vote to amend this ordinance for such an amendment to be valid, which of course is a practical impossibility.*

If you assume that such a self-restriction is valid, then the vote of that majority of the residents would be required to try to fix any of the legal deficiencies described above.

Please let me know if there are further questions.

Sincerely,

Walter L. Mitchell

Ms. Gilman said there was similar language in a bill which her committee did not recommend to the House, and which the House defeated. Her committee had tried to understand how it would work, and the only answer was that it would go to court.

Ms. Corson opened the discussion to the public.

Maura Fay of 13 Forest Street, one of the members of the group who proposed the ordinance, commented on the attorney letter. Regarding point #3, that the ordinance contains “little or no law,” she said that it’s structured more like the NH Constitution’s Bill of Rights, which is accepted as law. The ordinance also does not wipe away preemption; as long as they are expanding upon, rather than limiting, the rights granted by the state, which she feels this ordinance does, the town should be allowed to make such laws. Regarding point #4, that the ordinance purports to grant residents the right to take direct action, she said that section E of the ordinance is meant to be an inclusive list of those who could take action on enforcement, rather than insisting the town take action. However, she is hoping that the town would take action because the citizens voted to enforce it.

Ms. Gilman asked whether a group of concerned citizens could go to court if they felt a project had potential to violate the rights of the environment. Ms. Fay said potentially, but the hope is that the town would proceed on their behalf. Ms. Gilman expressed her concern that this is Home Rule, rather than the current practice where laws are set at the state level and towns must follow. Ms. Fay responded that other towns in NH have adopted Rights-Based Ordinance and have not yet been challenged.

Ms. Surman asked for specifics on the process of challenging a project. If a developer has checked off all the boxes, gone through technical review and the Conservation Committee,

and they're ready to do the project, where in the process could this ordinance be invoked? It sounds like it could happen at any time, and they can't blindsides people like that. It would be pitting development against sustainability. Ms. Fay responded that it doesn't pit development against sustainability, it asks and requires that developers develop sustainably. They should be following sustainability guidelines in their planning. She added that any of these boards could be using these guidelines in their decision-making process. Ms. Surman said she still needs to hear the mechanics of it.

Ms. Corson said that the town attorney has instructed what they can and can't do. At the Planning Board level, they would have a hard time figuring out how to enforce this, since there are no criteria or definitions. They also haven't taken this ordinance into account in writing the regulations. They could change the regulations and make them stricter, but they're not part of them now. Ms. Fay said that regarding Mr. Mitchell's advice, it's just advice, not a court decision. The citizens have asked the board to keep these principles in mind. The mechanics will be determined by applying it and making decisions. Ms. Gilman added that proponents at the state house said this would start a conversation between a developer and a rights-based organization. It's not just checking the boxes of a regular ordinance, but rather a conversation. She wondered whether a town that has adopted this would be less desirable for development. A corporation would look at Exeter, realize that this might happen, and go to Brentwood instead. Ms. Fay said she wanted them to look at the longer-term picture of economic development, to ensure that near-term benefits wouldn't come with long-term costs to the town.

Jordan Dickenson of 3 Deerhaven Drive said that there are several points in favor of the Select Board signing and certifying the ordinance. NH RSA 31:128 lays out this procedure: "*A certified copy of the municipal legislation...shall constitute prima facie evidence that the legislation was enacted on or prior to the date of certification. Certification shall be by the town or city clerk, or by the official enacting the legislation, or by the chairman, secretary or clerk of the board or body enacting the municipal legislation.*" Also, the Exeter Select Board procedures Section 8, Duties of Board Members, says that "*a member of the board...shall abide by all Board decisions, policies, procedures, and ordinances*". Their article is an ordinance which directs the Select Board to sign it and should be abided by. Another state statute, NH RSA 41:8, discusses their election and duties: "*The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed.*"

Mr. Papakonstantis asked if the sustainability proponents are asking the Board to go against what legal counsel is advising based on the RSA. Mr. Dickinson responded that his group has also sought legal counsel, who wrote the language of the ordinance with the intent of it being signed, dated, and enacted. Mr. Papakonstantis said he wants to look at another legal response to help him form a decision.

Gerry Hamel of 17 Little Pine Lane said that he has been a developer, and it's very tough to develop in Exeter. Developers have contributed to the town by turning good land into conservation land and baseball parks. This ordinance wouldn't make Exeter more desirable to any developers; they'd risk going through board after board and making changes, only to have a group say 'you can't develop here'. Right now, when people don't like a development, they come to the meetings and comment. That way you get something that's mutually agreeable and don't stop development. This ordinance is going to have a detrimental effect on housing and long-term development plans.

Joan Pratt of 7 Wentworth Street said this is not intended to be an anti-development ordinance. She asked the Select Board to sign it as representatives of the town who passed this ordinance at vote, whether they agree with it or not.

Brian Griset of 26 Cullen Way said that he commends the intent of the article, but thinks they drafted it incorrectly. He suggested that they wait until town meeting next year and do it right.

MOTION: Mr. Papakonstantis moved to allow Michelle Sanborn of Alexandria NH to speak. Ms. Gilman seconded. All were in favor.

Michelle Sanborn said that she represents CELDF [Community Environmental Legal Defense Fund], which assisted the community group Citizen Action for Exeter's Environment in creating the ordinance, although she stressed that she is not a lawyer. She argued that the town attorney would not have training in rights-based ordinances, which can be thought of as a "local bill of rights" which comes prior to the regulations, in the same way that constitutional rights at the state level come before statutes. The actual process is determined by the court; the law gets adopted and then must be challenged in a legal proceeding, so that a judge in a court of law can make a determination. She pointed out that anyone can already sue anyone for any action at any time, the rights-based ordinance doesn't change that. Instead, it empowers the governing body with an ordinance they can use. She argued that the law was already enacted by the voters; having the Select Board sign and certify it according to RSA 31:128 is not making it a law, it's just procedure.

She also invoked Article 10 of the NH Constitution, Right of Revolution: *Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.* She said the government is intended to change as the needs change, and this is an effort of the citizens of Exeter to bring about change at the local level.

Ms. Surman said that Exeter is not easy to develop in already. If a developer were to check all the boxes and then was challenged, they could sue the town. Ms. Sanborn said that this ordinance is the first thing the developer should receive when proposing a project. They will probably come back with questions to be discussed in public meetings. Ms. Surman said they're doing that already, but Ms. Sanborn countered by saying there's currently no statutory basis for it, they can't deny applications on that basis or they will be sued. This empowers the governing body and could actually offset litigation because it's provided right up front.

Ms. Gilman suggested it was similar to the Historic District Commission's design guidelines; they're not binding, but serve as reference material. Ms. Sanborn said that the hope is that every governing body would use the ordinance as that up-front orientation. Mr. Dean asked if the 11 NH communities which have passed rights-based ordinance use it in this regard. Ms. Sanborn responded yes, and that it has not presented any problems or complications other than the potential for it to be ignored.

Ms. Cowan said that the effort to get the ordinance passed was commendable, and she agreed they need to evolve our thinking on development and how we treat our world, but she also shared Ms. Surman's concerns about stopping development. They need to find a balance, keep the town affordable, and attract the businesses that provide the jobs they need for the future. She also said that before signing something not technically correct, she would like to see a second legal opinion. Mr. Papakonstantis agreed, saying that they are being asked to go against what legal counsel has advised. He also wants to continue developing Exeter in a smart way, and he would like to see this work holistically without litigation or animosity.

Ms. Sanborn offered on behalf of CELDF to present a second legal opinion to the town. Ms. Corson asked to table this discussion for a month, to the May 20th meeting, to get the legal opinion.

b. Grant Acceptance: NHDES Drinking Water Grant Match \$20,000 for Surface Water Plan Evaluation

Mr. Dean said that Public Works was successful in attaining matching funds for groundwater and surface water assessment, an additional \$20,000.

MOTION: Mr. Papakonstantis moved that the Select Board enter into a grant agreement with NH DES for the purpose of asset management planning for the public water system and further authorize the Town Manager to execute any grant documents necessary to effectuate this agreement. Ms. Cowan seconded. All were in favor.

c. Third Reading: Marston Street Parking Restriction

Ms. Corson said that residents and PEA have requested they eliminate parking on the west side of Marston Street. She read that they are hereby amending chapter 101.2, Parking Prohibited on Specific Streets, as follows: "Marston Street - West side of street." Ms. Corson asked for public comment, but there was none.

MOTION: Mr. Papakonstantis moved the Select Board amend town ordinance 101.2, Parking Prohibited on Specific Streets "Marston Street - West side of street" with an effective date of April 29, 2019. Ms. Surman seconded. All were in favor.

d. 2019 Board and Committee Appointments and Reappointments

MOTION: Ms. Cowan moved the Board appoint Carlos Guindon as a full member of the Conservation Commission, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor

MOTION: Ms. Cowan moved the Board appoint Andrew Koff as a full member of the Conservation Commission, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor

MOTION: Ms. Cowan moved the Board appoint Lindsey White as an alternate member of the Conservation Commission, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Peter Lennon to the Facilities Committee, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor

MOTION: Ms. Cowan moved the Board appoint Curtis Boivin as a voting member to the Historic District Commission, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Greg Colling as a voting member to the Historic District Commission, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Linda Allen as an alternate member to the Historic District Commission, term to expire April 30, 2022. Ms. Gilman seconded for discussion, and said that although Ms. Allen hasn't put in an official notice, she has communicated that she doesn't want to resume her position. Ms. Cowan moved to withdraw the motion and Ms. Gilman moved to withdraw her second.

MOTION: Ms. Cowan moved the Board appoint Langdon Plumer as a full member to the Planning Board, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Gwen English as a full member to the Planning Board, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Marcia Moreno-Baez as an alternate member to the Planning Board, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Mike Wissler to the Recreation Advisory Board, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Jen Harrington to the Recreation Advisory Board, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Terrie Harman to the River Advisory Board, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Carl Wickstrom to the Water Sewer Advisory Committee, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Jim Tanis to the Water Sewer Advisory Committee, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Laura Davies as a full member to the Zoning Board of Adjustment, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Cowan moved the Board appoint Christopher Merrill as an alternate member of the Zoning Board of Adjustment, term to expire April 30, 2022. Mr. Papakonstantis seconded. All were in favor.

e. Town Hall Chairs Discussion

Ms. Corson said that the Town Hall chairs are old, uncomfortable, and hard to move around. Mr. Dean agreed, saying they are historical but not comfortable, and people have asked the town to replace them. He has priced out individual chairs which can be attached as per Fire Department regulations for a place of assembly, and asked that the board support surplusing the current 172 chairs.

Greg Bisson of Parks and Rec told the board that the Town Hall chairs are worth something online; he found examples for sale at \$250. He suggests keeping a dual set and putting them on display at Town Hall. Mr. Papakonstantis suggested keeping more than two and

setting up a historic seating section. Ms. Gilman asked what budget line this would come out of, and Mr. Dean said they could use the Select Board Special Expense line or the Equipment Purchase line.

Greg Bisson presented a sample of the proposed replacement chairs. He said they can be stored on racks rather than leaning against a wall, and can easily be cleaned/disinfected. Ms. Corson said that people can't sit in those type of chairs for more than two hours. They don't fit with her goal of moving the lengthy deliberative sessions from the High School to downtown, and even someone going to a two hour play or political rally will be uncomfortable. The proposed chairs also don't do justice to Exeter or the beautiful Town Hall. She asked Mr. Bisson to bring them other options. Mr. Dean pointed out that if they surplus the chairs, they need to have replacements ready to go. Ms. Corson suggested renting some. Mr. Dean said that he would also like to surplus and replace the heavy tables in the main auditorium.

MOTION: Ms. Cowan moved the board declare the tables in the Town Hall surplus and authorize their sale and disposal by the Town Manager. Mr. Papakonstantis seconded. Ms. Gilman asked that they amend the motion to specify the heavy folding tables, and add that the Town Manager is authorized to purchase replacements. Ms. Cowan withdrew her motion and Mr. Papakonstantis withdrew his second.

MOTION: Ms. Cowan moved the board declare the heavy folding tables in the Town Hall surplus and authorize their sale and disposal by the Town Manager, who will then replace them. Mr. Papakonstantis seconded. All were in favor.

f. Parks/Recreation Permitting

Ms. Corson said they'd like to consider Parks and Rec taking over the permitting of Town Hall, the Town Offices, Swasey Parkway, and the Gazebo. Parks and Rec possesses the resources to handle permitting, their office manager has been upgraded to full time, they have appropriate software to permit these facilities, and they are able to accept credit and debit card payments. Currently, managing the permits is a major portion of Sheri Riffle's time.

Greg Bisson, the director of Parks and Rec, added that they can also generate reports, whether a simple events calendar or an update of all groups renting the facility. At the end of the year, they can do a summary report on exact hours used, revenue, number of organizations, and the breakdown of use by room. Ms. Corson said this data could be used in their decisions on fees. She would also like to see communications about permitted events go out to groups like the Swasey Parkway Trustees. Mr. Bisson said they could get a similar report. There would be weekly reports and consistent emails to all regarding large events.

Ms. Corson asked when groups would have to come to the Select Board for permission. Mr. Bisson said that anything involving alcohol or anything that Parks and Rec deems potentially unethical would be escalated to the Board.

Ms. Surman said that the mechanics sound excellent, but there's an actual RSA that they have to follow in terms of permitting. According to RSA 41:11-a, *The selectmen shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town.* Mr. Dean

responded that when a town adopts the Town Manager RSA, the board can delegate to Town Manager anything it deems appropriate to delegate, including administration of town properties; the Town Manager RSA supersedes RSA 41:11-a. The permitting task would then pass through the Town Manager to Parks and Recreation.

Mr. Papakonstantis said that in his view, it's not an issue for the task to go through Parks and Rec by delegating it to the Town Manager to delegate to staff. He added that the Board has a lot of work to do this year; permitting only takes 15 or 20 minutes out of the meeting but that's time that could be spent otherwise. Ms. Gilman said that with permitting coming through the Board, applicants have to wait 2 weeks or more for approval. Also, the Board has only dealt with permits for Town Hall, Town Offices, and Swasey Parkway; all other facilities have gone through Parks and Rec for years.

Ms. Surman asked how waiving fees could be reconciled with Parks and Rec permitting. Ms. Gilman suggested the Select Board would be the appeal board if a group requested a fee waiver. Ms. Corson said there should be no waivers.

Ms. Corson opened the discussion to the public.

Dwane Staples of 32 Ashbrook Road, the current chair of the Swasey Parkway Trustees, said that the trustees voted that the Select Board would do the permitting process, and if that is not the case he would like to see the permitting authority come back to the Trustees. Ms. Corson pointed out that they meet infrequently, and it would be difficult for the public to know who to communicate with. Mr. Staples said they can improve the process. Mr. Papakonstantis said that to streamline the whole process, they want give it to one department that has the ability to process permits immediately. Mr. Dean said they'll be publishing a list, so if there are any questions about what has been permitted they can easily be answered. Mr. Staples would still like to see it come back, but said he was speaking only for himself and that the trustees haven't yet discussed this issue.

Ms. Surman said that the trustees voted that Select Board would permit Swasey Parkway, but now the Select Board is delegating the responsibility. Mr. Papakonstantis said that the trustees voted to give it to the board, which is now using the authority they have in giving it to the Town Manager. This change will improve transparency and efficiency. Mr. Dean added that according to the Trust, Swasey Trustee authority is only for care and maintenance of the Parkway, and there's nothing about permitting. The Select Board are the ultimate administrators of the Trust and the parkway, and there's a method to delegate things from the Select Board to the Town Manager to the organization. Ms. Cowan pointed out that they have delegated permitting to other groups in the past, such as the Arts Committee.

Gerry Hamel of 17 Little Pine Lane, a former Swasey Parkway Trustee of 9 years, said that in all the years they permitted the parkway, the only time they had problems was last year during their major construction project. Recently they voted to give the authority to the Select Board, but if they knew the Select Board would give the authority to someone else, they may not have done it. To protect the park, he thinks permits should be reviewed by a group like the Select Board, not by a single person. He asked them to wait on their decision until the Trustees have a meeting. Mr. Papakonstantis clarified that they're only delegating authority, not relinquishing it. Ms. Corson said they would like to try this method out for a six month period and, if there are issues, reassess in a meeting between boards.

MOTION: Mr. Papakonstantis moved that the Board authorize facility and property use permits currently administered by the Town Manager's office, with the exception of the use of the Town Office, to be administered under the Parks and Recreation department with all fees from said permits to be collected by Parks and Recreation and turned over to the Town Treasurer. Permits will be issued by the Parks and Recreation Department for these locations in accordance with the property use policies and forms adopted by the Select Board, who will review the process six months from today, in October 2019. Ms. Cowan seconded. Ms. Surman asked if the motion does not include Swasey Parkway, but Ms. Corson said it does include Swasey Parkway. Mr. Papakonstantis withdrew his motion so that he could add this information, and Ms. Cowan withdrew her second.

MOTION: Mr. Papakonstantis moved that the Board authorize facility and property use permits currently administered by the Town Manager's office, including Swasey Parkway, with the exception of the use of the Town Office, to be administered under the Parks and Recreation department with all fees from said permits to be collected by Parks and Recreation and turned over to the Town Treasurer. Permits will be issued by the Parks and Recreation Department for these locations in accordance with the property use policies and forms adopted by the Select Board, who will review the process six months from today, in October 2019. Ms. Cowan seconded. Ms. Surman asked what will happen if the Swasey Trustees vote that they want to take the permitting back. Ms. Corson responded that the Board has the authority now, and there would be a problem with them trying to take back the permitting. Mr. Papakonstantis said he didn't believe the Swasey Park Trustees have the charge to permit anyway. If they voted to do so, the Select Board would have the ultimate authority anyway, the Trustees don't have the authority to take it back. Ms. Surman voted nay and the motion passed 4-1-0.

8. Regular Business

a. Tax, Water/Sewer Abatements and Exemptions

Commented [1]: video

Dave Sharples, the Town Planner, said that per his April 18 2019 memorandum, he is bringing forward the naming of two new streets. This not a renaming; when the developer develops a property, they come to the E911 committee, which vets the names for meeting the criteria. Out of the three proposed, only one met the criteria for each case.

MOTION: Ms. Surman moved to name the roadway highlighted in yellow on the attached plan titled "98 Linden Street Naming Plan" and dated 4/18/19 to Cypress Circle and number the dwellings in accordance with Chapter 14 of the Town Ordinance. Ms. Gilman seconded. All were in favor.

MOTION: Ms. Surman moved to name the roadway highlighted in yellow on the attached plan titled "183 Epping Road Street Naming Plan" and dated 4/18/19, to Willey Creek Road and number the dwellings in accordance with Chapter 14 of the Town Ordinance. Mr. Papakonstantis seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to approve a Vet Credit in the amount of \$500 for the following properties: 68/6/722; 62/10; 104/79/1013. Ms. Surman seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to approve an Elderly Exemption in the amount of \$183,751 for 55/72. Ms. Gilman seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to approve an Elderly Exemption in the amount of \$152,251 for the following properties: 104/79/208; 104/79/1018; 95/64/144; and 87/14/6B. Ms. Gilman seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to approve an Elderly Exemption in the amount of \$236,251 for the following properties: 65/56; 63/4; 54/4/12; 52/74. Ms. Gilman seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to approve a Jeopardy Tax in the amount of \$236.50 for 87/14/1B. Ms. Gilman seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to deny an abatement for 65/113. Ms. Gilman seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to approve an abatement in the amount of \$1,020.25 for 113/5. Ms. Cowan seconded. Ms. Gilman abstained and the motion passed 4-0-1.

Brian Griset of 26 Cullen Way spoke regarding his abatement request. He said is not allowed to have a copy of the changes the assessor had made relative to his inspection until they approve the abatement, so he is in favor of them granting it but may return in May once he reviews the information.

MOTION: Mr. Papakonstantis moved to approve an abatement in the amount of \$1,413.50 for 96/15. Ms. Gilman seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to approve an abatement in the amount of \$1,350.25 for 73/212/102. Ms. Cowan seconded. All were in favor.

MOTION: Mr. Papakonstantis moved to approve an abatement in the amount of \$1,089.00 for 73/212/103. Ms. Cowan seconded. All were in favor.

b. Permits & Approvals

MOTION: Ms. Cowan moved the Board authorize the stopping of traffic as outlined in the request of April 16th on Front Street between Tan Lane and Elm Street on June 2nd, 2019 from 9:30 AM to 1:00 PM for the purpose of facilitating the 2019 PEA graduation exercises. She moved the Board authorize the closing of Court Street instead of Front Street in the event of rain on June 2nd. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Surman moved that the board accept the voluntary name change the address of 9 Clifford Street to 9, 11, and 13 Clifford Street. Mr. Papakonstantis seconded. All were in favor.

MOTION: Ms. Gilman moved to approve the blue sign request for Deep Meadow Variety in accordance with the provisions of section 502.2b of the Town Ordinances: Directional Signs - "Blue Signs." Mr. Papakonstantis seconded. All were in favor.

c. Town Manager's Report

- i. The temporary pavement installed last year on Washington Street will be replaced with permanent pavement next week. Driveways on one side of the street will be temporarily inaccessible.
- ii. On Lincoln Street, American Excavating is paving between Daniel and Main Street. Construction is expected to continue through August. Parking on Lincoln Street in front of the orange barrels is allowed unless the "no parking" signs are facing the street. Parking is available at the Handkerchief Company as designated.
- iii. On Epping Road, trenching is still being done but they're at the end of the route. They should have the majority of work done by late Spring. The traffic signal at Continental will be installed later this summer.

d. Select Board Committee Reports

Ms. Gilman attended the Heritage Commission meeting, and they found no circumstances to mitigate any historical heritage that may be lost by building a cell tower at the Simpson property. There's an proposed antenna to be added to the Mill Street Smoke Stack, but it requires FCC review. The yet-to-be-named Senior Council had a meeting with several residents of age-restricted housing, different human services groups, the Y, and RiverWoods, trying to determine the mission of the group. They will hold several community forums to get input from the public. In the Conservation Commission meeting, they heard a presentation from the Sustainability Office advocates.

Mr. Papakonstantis had a Planning Board meeting, which was over in an hour. They heard two cases, one a residential lot subdivision, the other PEA and the fields, both were approved. Until is coming back this Thursday; they will have a sitewalk before the last meeting on that project. They will also be doing a sitewalk at the Varsity Wireless site.

Ms. Cowan attended a Housing Advisory meeting, where the Horsley Witten Group hosted an interesting discussing on three commercially zoned corridors in town. There will be more conversations and a survey is going around. The Water and Sewer Advisory Committee is going to take back the review of the abatement process. In the Communications Committee, DPW director Jennifer Perry walked them through what's happening with the chloramine water treatment switchover. Tomorrow there will be another Communications Committee meeting.

Ms. Surman had no meetings this week, but did attend the swearing in of new officer Ben Cloutier, which she enjoyed. She also mentioned that the Select Board had their goal-setting session.

Ms. Corson was present for parts of the Exeter River Advisory Committee meeting. She shared the sustainability committee's PowerPoint in the packet. She suggested that someone from the town should give the person who runs the UNH sustainability program a call.

Mr. Dean provided the board with a letter which he'd like them to sign regarding HB352, on restoration of funding for the wastewater treatment plant.

MOTION: Mr. Papakonstantis moved for the Exeter Select Board to sign the letter from the five members in support of fully funding HB352. Ms. Cowan seconded. All were in favor.

Ms. Corson said she's still looking for Select Board computers but wants something that will be a five year investment.

e. Correspondence

- i. A letter from Penny Touchette, the state Municipal Accounts Advisor. Mr. Dean said that this is a re-review of the article on the Great Bridge Deficit. They entered into this as a monetary warrant article but the state will disallow the appropriation amount to effectuate what they intended to do. It's just a transfer.
- ii. A notice of the swearing in of Exeter Police Sergeant officer Devin West, May 2nd, 9 AM in the Town Office's Nowak Room.
- iii. A notice of a retirement luncheon for ACO Neil Jones in the Fire Department Training Room April 30 at noon.
- iv. A letter from resident Benjamin Conlin with positive feedback about the Town Clerk.
- v. A memo dated April 18th to the Department Heads for the CIP. June 28th is the deadline for submittals. In July the Town Manager meets individually with department heads.
- vi. A PowerPoint by the sustainability group
- vii. Information about the UNH Sustainability Fellows program
- viii. The NH Legislative bulletin of April 19th. Ms. Gilman said that the bills on single-use plastics are at the Senate level now, and will be heard next week. There are Senate Bills that they've tabled, and will probably be added on as a non-germane amendment to the budget bill. There's a bill about net metering, one in the House and one in the Senate. There's also a bill about the aggregation of energy for towns.
- ix. A letter from the Richie McFarland Center thanking them for the first quarter payment of \$2,500.
- x. A tax receipt from Seacoast Family promise for a donation of \$375.

9. Review Board Calendar

- a. There are upcoming meetings on May 6th and May 20th.

10. Non-Public Session

MOTION: Ms. Surman moved to enter into non-public session under RSA 91-A:3, II (a) relative to compensation/promotion of an employee. Mr. Papakonstantis seconded. By a roll call vote, all were in favor.

The Board emerged from non-public session.

11. Adjournment

MOTION: Ms. Gilman moved to adjourn. Mr. Papakonstantis seconded. All were in favor and the meeting adjourned at 10:25 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary