

Select Board Meeting  
Monday November 25, 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. Public Comment

Sheila Mullen of 4 Cross Road spoke about the decision to allow Seacoast Farm Compost the one year lease of the sandpit. She has submitted a written request to have a rehearing. The Board ignored the zoning, and abutters were not informed. Bob Kelly is a member of the Budget Committee, which presents a conflict of interest.

Ms. Corson said the DPW had some questions about the MOU and the neighbors have concerns, so she suggested they have Bob Kelly attend the December 16th meeting to answer questions.

Deborah Decenza of 1 Great Hill Court asked why the matter did not go before the ZBA.

Don Clement of 5 Thelma Drive said the cleanest thing to do would be to rescind the vote and start the process over. Due process was skipped. It should have gone before the Zoning Board and the Planning Board. The proposed location is an aquifer area, with a high water table. Groundwater could seep into the river and cause damage. They should give the public an opportunity to speak at a formal public hearing.

Gerry Hamel of 17 Little Pine Lane expressed disappointment in the vote that was taken. There's a lack of information on problems which could exist. He asked the Board to reconsider and do it the proper way.

Rick Carr of 4 Cross Road said he had similar concerns about traffic, air/water pollution, and noise potential.

Ms. Surman asked why they would postpone the discussion until December 16th. Ms. Gilman said if they choose, they can request a motion to rescind their previous motion. If a ZBA violation has occurred, they need to look into that. If they don't follow due process, any of these abutters could challenge the decision legally. Mr. Dean said that initially, Mr. Kelly came and asked that they consider this proposal, they had two public meetings and drafted an MOU. The timeline was predicated on Mr. Kelly's need to relocate. Mr. Kelly had engaged Public Works about composting and bringing his operations to Exeter, where he is a resident. Mr. Dean proposed a 1 year revocable license concept; in the meantime, the Zoning Board and Planning Board approvals would have to be achieved for operations to continue. Ms. Surman said that the Board is not following the correct process.

Ms. Mullen said just because someone is losing their lease, that shouldn't urge the town to hurry to a decision that will have major impacts on people in that area. They had heard contradictory information; in the first meeting, they described 10 - 15 18 wheelers coming down the road, at the next meeting 4 - 5.

Ms. Cowan said the reason that she voted in support of the proposal was that it didn't seem to be a change of use. The town currently composts there. It seems to be a net benefit to the town. She would be in favor of rescinding and having a public hearing, but they need to weigh the efforts to be sustainable. Ms. Corson said they will hear the issue on December 16th.

Ms. Decenza asked what is the public benefit to the town. Ms. Cowan said they will be getting quality compost, and be working toward being more sustainable. Ms. Corson said they could set up a food waste composting program.

Mr. Carr said he composts on his own property, and thinks more people should do so, but this operation is a multiple times bigger operation. There's no odor now, and he finds it hard to believe there won't be an issue with the new company. Ms. Corson said she visited Mr. Kelly's current site this weekend; she didn't get to go all the way in because of the weather, but it's not as big as they might think. Mr. Carr asked if the current location is commercially zoned property, and Mr. Papakonstantis said it's residential.

Don Clement said the streetlight at the intersection of Linden Street and Gary Lane is not working. He's called several times, but it's been over a month and the streetlight is still not working. There's a crosswalk there, so it's a safety issue. Mr. Dean said he sent an email to Public Works October 25th, and they've reported this issue to Affinity Lighting. Affinity is going through an inventory to determine which are town-owned lights, and that may affect the process. Mr. Papakonstantis said the Board would like to hear a follow-up on this.

3. Proclamations/Recognitions

- a. There were no proclamations/recognitions at this meeting.

4. Approval of Minutes

- a. Regular Meeting: November 12th, 2019

**MOTION:** Mr. Papakonstantis moved to approve the minutes from November 12, 2019 as submitted. Ms. Surman seconded. All were in favor.

5. Appointments

Ms. Corson said that as part of the Tree City USA process, they need to formally appoint Jay Perkins as the Tree Warden, although he's served in this role for a number of years. They also need to ask the Town Manager to write a letter acknowledging that.

**MOTION:** Mr. Papakonstantis moved to nominate Jay Perkins as Tree Warden for the Town of Exeter pursuant to RSA 239:139 and have the Town Manager write a letter to the Department of Natural Resources & Lands at the State of NH for approval. Ms. Surman seconded. All were in favor.

Ms. Corson said that Cliff Sinnott, who served as the head of RPC for 30 years, asked to be appointed to the Energy Committee. Jordan Dickenson is planning to resign, as he is moving out of town. Mr. Dean said he's waiting on an email from Mr. Dickenson. Ms. Gilman said they could just remove him. Ms. Corson said they can wait on this until next week's meeting.

6. Discussion/Action Items

- a. EMS Fund Equipment Request - Fire Department

Chief Brian Comeau asked for approval to expend \$10,711.76 from the EMS revolving fund for chest compression system equipment for the new ambulance. They have one of these

systems already; the equipment is used in CPR and cardiac arrest calls, and it has improved their save rate. During an evaluation, three patients were viable upon arrival at the hospital due to this equipment's assistance. It allows paramedics to administer other treatments. They can get a \$4,000 trade-in value for the equipment that they have; the \$10,711.76 figure is after the trade-in.

**MOTION:** Mr. Papakonstantis moved to approve an expenditure from the EMS revolving fund of \$10,711.76 to procure a second Lucas CPR device, with the understanding that the quote includes a \$4,000 trade-in for the existing Zoll CPR device. Ms. Surman seconded. All were in favor.

b. EXTV Equipment Request - Bob Glowacky

Mr. Glowacky said they'd like to expend \$7,817.29 for purchasing and upgrading equipment for the Town Hall to film public access shows. Their recommended vendor is local, responsive, and offered a good price. The equipment is mobile, so they can film in other locations as necessary. Ms. Corson asked if this is related to the Library, and Mr. Glowacky said no, there's a separate request for a podcasting room for the Library which he will bring to the Board in the next month or so.

**MOTION:** Mr. Papakonstantis moved to approve the purchase of equipment from WHB concert and production for \$7,817.29 expended out of the Cable TV fund for audio equipment. Ms. Cowan seconded. All were in favor.

Mr. Glowacky mentioned a recent FCC decision which could impact franchise fees and the town's relationship with Comcast. He's on the Board of NH Coalition for Community Media, who are watching this closely. Comcast doesn't seem to have a plan yet. Ms. Gilman said they've seen a communication from the Town Attorney on the cable franchise agreement. This decision has been challenged and is still in court, so nothing can happen while that's pending.

Ms. Cowan said she is supportive of having podcast equipment at the Library, since these skills are an important component of modern entrepreneurship.

c. Salem Street Area Design/Engineering Contract Recommendation

Mr. Dean said that in March 2019, there was a warrant article for \$325,000 for design and engineering of Salem Street. This is a Water/Sewer/Drainage project. Public Works issued an RFP and went through their qualifications-based evaluation process. There were eight proposals; their recommendation is Hoyle, Tanner & Associates at \$315,000, which is only 7% of the anticipated construction costs. This company did the String Bridge Rehabilitation project.

Ms. Surman said that as part of the proposal, Public Works has requested to pre-qualify the other seven companies, but she asked if the town is familiar enough with each to do so. Mr. Dean said they should save that discussion until Ms. Perry could be present.

**MOTION:** Ms. Surman moved to approve the design contract for Salem Street Area Utility design project to Hoyle Tanner and Associates for \$315,000. Ms. Cowan seconded. All were in favor.

**MOTION:** Ms. Surman moved to authorize the Town Manager to sign any documentation in regards to the design contract for Salem Street Area Utility design project to Hoyle Tanner and Associates for \$315,000. Mr. Papakonstantis seconded. All were in favor.

d. Swasey Parkway Rules and Permits - Discussion

Ms. Corson said this is a continuation of the discussion raised under Permits & Approvals at the last meeting. They won't be making decisions tonight, just getting ideas and discussing language. She went to the Swasey Parkway Trustees meeting since the last time the Board talked. They discussed the definition of "seasonal," and Ms. Corson suggested they should create a separate line item for the Farmers' Market. They have also been talking to Mr. Bisson and Ms. Roy. There was a discussion about the rules on for-profits; at Swasey, they don't separate resident or non-resident non-profits, but they do for other venues.

Ms. Surman said that the idea of "seasonal" came from the Farmers' Market to begin with. They could define it as the "good weather season." Formerly, the Swasey Parkway Trustees had discretion over these decisions. Ms. Corson suggested making the Farmers' Market its own thing at \$1,200. They could introduce the idea of a monthly event instead.

Mr. Papakonstantis pointed out that the Farmers' Market is during the week, while other events are on the weekend. They're working with all the parties and the Swasey Trustees to determine how to allow a single vendor to have multiple dates. It needs to be consistent for everyone. Ms. Corson said that at Town Hall, more than four uses requires another application.

Ms. Cowan agreed that there's a big difference between a weekend event and a weekday afternoon event. They've talked in the past about having a group or organization that looked at what they want to promote in town for arts, and perhaps this could be in their purview. Mr. Papakonstantis said he's drafted something on an arts group that he'd like to bring to the Board.

Ms. Surman said the Select Board's purview is the fee structure, not the use; questions about use should go back to the Trustees. Ms. Gilman said authority over use had been given back to the Board. Ms. Corson said she did include the Trustees, but ultimately it's the Board's decision.

Ms. Gilman suggested that instead of "seasonal," they could work with "units;" four units could be four consecutive Saturdays or monthly on Saturday for four months in a row.

Ms. Corson opened the discussion to the public.

Scott Cookler of 12 Clifford Street said he's not a vendor or organizer, but he is friends with people who are. He enjoys Swasey Parkway, especially if something is happening there. He doesn't care if the event organizers are residents or non-residents. The town shouldn't consider Parkway fees as a revenue source. Events are an amenity to the town and make living in town pleasant. Ms. Corson said that people who live on Swasey Parkway wouldn't like to have it used every weekend, so they have to find a balance.

Andrea Burzon of 305 Water Street said that she is a business owner on Water Street and a resident on the Parkway. She recently found out that Swag on Swasey will be done away with. Ms. Corson said the discussion is not about "doing away with" anything. Ms. Burton said that businesses downtown are already struggling; taking away the flea market would be terrible. It brings new people to town.

Ms. Cowan said that a vibrant downtown with events going on attracted her to this town. However, she doesn't understand how they are making it difficult. She agrees that they shouldn't be making money off this, but there's maintenance that goes into public spaces.

Ms. Burzon said she asked the organizers why they were getting rid of Swag on Swasey, and she was told that the town more than doubled the price.

Ms. Corson said she wants to make sure the Parkway is being used appropriately. Swasey Parkway is popular, which is why they're having this discussion, but it also has to be equitable. They can't have events every weekend, it also needs to be enjoyed by people as a park. Ms. Gilman said they're trying to make this equitable.

Scott Ruffner of 11 Hall Place said he encourages the Board to review events for the Parkway. Parks and Rec are doing it from an administration standpoint, but there's no curation. Last year for the TEAM Fall Festival, the Exeter Arts and Crafts festival was permitted the Saturday before, which created some confusion. He wants things to be accessible for everyone, but there should be some oversight over multiple applications. Ms. Gilman said that's getting into the micromanagement of the park.

Ms. Surman asked if they should give a break to multiple events. She would like to make the fees less expensive, not more. She doesn't want to make it prohibitive for these organizations to come here. Ms. Corson said when they changed the fees, they upped the number of people for a "small" event, and that made it more equitable for a one-day resident event at \$75. Some events are big enough that the police need to come by.

Mr. Cookler said it doesn't affect the community benefit if an event is run by a resident or non-resident. Events like Swag on Swasey have minimal effect on the neighborhood or grounds of Swasey. The fee should be nominal.

Ms. Corson said she would like to get two Select Board members to sit down with Melissa Roy and Greg Bisson and bring the issue back to the Board on the 16th. Mr. Papakonstantis and Ms. Surman volunteered to work with them.

## 7. Regular Business

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

- i. There were no Abatements or Exemptions.

### b. Permits & Approvals

- i. Prescott Parks Arts Festival and Winter Show is requesting a one-day malt wine permit for four dates during their event.

**MOTION:** Ms. Gilman moved to approve the application of Prescott Parks Arts Festival for a one-day malt and wine license for 12/13, 12/14, 12/20, and 12/21 from 12:30 PM to 9:30 PM in the interior of the Town Hall. Ms. Surman seconded. All were in favor.

- ii. Tonry Christmas Tree is requesting a sign at the end of Route 188 from Nov 20 - Dec 24th.

**MOTION:** Ms. Surman moved to approve the placing of a Tonry Tree Christmas Tree sign at the crossroad of Hampton and Hampton Falls Road from Nov 20 - Dec 24th. Mr. Papakonstantis seconded. All were in favor.

### c. Town Manager's Report

- i. Mr. Dean said that Unitil approved a fix of the light at Gary Lane, but it took them three weeks to get the replacement light. He will check the light on his way home.
  - ii. Tax bills are due December 9th. If you're paying by credit or debit, there's a 2.9% processing fee that goes to the processing.
  - iii. Leaf pickup is this week on your regular trash day. Town Offices are closed Thursday, which pushes pickups back a day.
  - iv. Wreaths Across America is December 14 at noon.
  - v. Next Wednesday, There's a Coastal Climate Meeting in Greenland.
  - vi. He signed off on the Tree City application today.
  - vii. He congratulated the Blue Hawk Football Varsity Boys, who played at the State Championship. They didn't win but had a great season this year.
  - viii. In Personnel, Steve Toll and Jim Pittman are retiring shortly. They have put in many years of service to the community.
  - ix. December 9th is the swearing in of the new Animal Control Officer.
- d. Select Board Committee Reports
- i. Ms. Gilman said the Heritage Commission met on Tuesday, to discuss the demolition review process and how they can have consequences for demolitions that occur without the proper process. There's a subcommittee of the Conservation Commission working on a Climate Education outreach plan, working towards an all-Boards meeting on topics of climate adaptation they should be considering.
  - ii. Mr. Papakonstantis said the Sustainability Committee met last Monday. This was a last-minute meeting because the November 5th meeting didn't cover the whole agenda. The topics were the Sustainability Coordinator position and a film festival in the spring. The Facilities Committee meeting is this Wednesday. The Planning Board met Nov 21 to hear the application of I.S. Realty Trust for a proposed subdivision. This issue was tabled for the applicant to go before the Conservation Commission. In the meantime, they will do a sitewalk December 6th. There was a discussion of attendance at the Planning Board meeting, as they barely had a quorum.
  - iii. Ms. Surman didn't have any meetings, but mentioned that Waste Management did a good job of notifying residents in her neighborhood of a change in trash day.
  - iv. Ms. Cowan missed the Water and Sewer Advisory Committee, as she was at the New Deal Leaders Conference in DC. She heard innovative ideas and creative approaches. Parks and Rec Advisory Board is tomorrow.
  - v. Ms. Corson attended a Library meeting. The theme of the interior is to reflect the river with the ceiling tiles, paint, and carpet. They also talked about potential Unitil rebates. At the HDC meeting, they were worried that there would not be a quorum. At the Swasey Parkway Trustees meeting,

they put a moratorium on benches, and want to put together an RFP for a Master Plan. They'll talk with Mr. Sharples and Mr. Dean about that. They talked about fees and use of the Parkway. At the River Advisory meeting, Mindi Messmer did a presentation on the water alliances and changes to legislation.

e. Correspondence

- i. A letter from Gail Grannon about supporting the Rec Department in their quest for a recreation center.
- ii. A letter from Ms. Perry reporting that NH DES has approved the Westside Drive project for \$75,000 planning grant. The warrant article will be for \$100,000, but they are only paying \$25,000. Siphons are on the CWSRF priority list for 10% forgiveness. They're preparing a warrant article for a Wastewater Vertical Assets pump station \$30,000 DES grant, which they don't have to match.
- iii. A notice of the NH Coastal Climate Summit, "Tips Tools and Perspectives: Paying for Climate Adaptation and Resilience," December 4th.
- iv. A letter from Comcast re potential price increases.
- v. A letter from the Holland Company of Adams Massachusetts thanking the town for the invitation to bid for chemicals for Water Treatment, which they are declining.
- vi. A report from the NH Municipal Association for 2019.
- vii. Notice of the American Independence Museum Holiday open house and silent auction Thursday December 5th.
- viii. Notice of the Annual Holiday Luncheon and service awards Thursday December 12th. The Holiday Open House is December 11th.
- ix. A memo from David Walker regarding a TIP administrative adjustment. Mr. Dean said that when projects are modified, they have to make an amendment to the TIP project scope and list.

8. Review Board Calendar

- a. The next meeting is December 2nd.

9. Non-Public Session

- a. There was no non-public session at this meeting.

10. Adjournment

**MOTION:** Mr. Papakonstantis moved to adjourn. Ms. Gilman seconded, and the meeting was adjourned at 9 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary

