

Select Board Meeting
Monday July 12, 2021
6:45 PM
Nowak Room, Town Offices
Final Minutes

1. Call Meeting to Order

Members present: Julie Gilman, Molly Cowan, Lovey Roundtree Oliff, Daryl Browne, and Niko Papakonstantis were present at this meeting. Town Manager Russ Dean was not present. The meeting was called to order by Mr. Papakonstantis at 6:45 PM.

2. Non-Public Session

MOTION: Ms. Cowan moved to enter into non-public session under RSA 91-A:3II(c). Ms. Oliff seconded. In a roll call vote, all were in favor, and the meeting entered non-public at 6:47 PM.

The meeting reconvened at 6:54 PM.

MOTION: Ms. Cowan moved to seal the minutes of the non-public session of July 12 until the matter is resolved. Mr. Browne seconded. All were in favor.

3. Bid Award: Wastewater Lagoon Sludge Removal

- a. Mr. Papakonstantis said that Jennifer Perry reported that Wright Pierce did a review of the two bids received for the Wastewater Lagoon Sludge Removal project. They recommend contracting with Synagro-Northeast LLC of Baltimore, Maryland. Theirs was the lowest bid and within the price range approved by the voters.

MOTION: Ms. Oliff moved to award contract Number 5, Wastewater Treatment Facility Sludge Removal to Synagro-Northeast, LLC, of Baltimore, Maryland, in the amount of \$2,343,716 and to authorize the Town Manager to sign the Notice of Award and associated contract documents. Mr. Browne seconded. All were in favor.

4. Public Comment

- a. Darius Thompson of 15 Drinkwater Road asked questions regarding the solar array project. Was there any member of the Energy Committee affiliated with the company that received the award, which would be a conflict of interest? Ms. Gilman said yes, but the member did recuse themselves. Mr. Thompson asked about the cost of hooking into the grid, and if that cost was incorporated into the warrant article, or if the taxpayers would be asked for more. Ms. Gilman said she thinks the article was all-inclusive. Regarding Energy Aggregation, Mr. Thompson asked if residents opt in or opt out. Ms. Gilman said they are automatically in it but have the option to opt out. Mr. Thompson asked if that has been communicated to the public. Ms. Gilman said it was discussed at

Deliberative Session and in various materials. Mr. Thompson said they should better communicate it, perhaps working with the Communications Committee.

5. Proclamations/Recognitions

- a. Mr. Papakonstantis recognized Timothy Childers, a Custodian, who was the DPW employee of the quarter for the Spring of 2020.
- b. Mr. Papakonstantis recognized Harry Lindsay III, a Mechanic Foreman, who was the DPW employee of the quarter for Spring 2021.

6. Approval of Minutes

- a. Regular Meeting: June 21, 2021

MOTION: Ms. Gilman moved to approve the minutes of June 21, 2021 as submitted. Mr. Browne seconded. All were in favor.

7. Appointments and Resignations

- a. Appointments

Mr. Papakonstantis mentioned that appointments to the Community Power Aggregation Committee have no term.

MOTION: Ms. Cowan moved to appoint Cliff Sinott to the Community Power Aggregation Committee. Ms. Gilman seconded. All were in favor.

MOTION: Ms. Cowan moved to appoint Lew Hizrot to the Community Power Aggregation Committee. Ms. Gilman seconded. All were in favor.

MOTION: Ms. Cowan moved to appoint Julie Labranche to the Community Power Aggregation Committee. Ms. Gilman seconded. All were in favor.

MOTION: Ms. Cowan moved to appoint Nick Devonshire to the Community Power Aggregation Committee. Ms. Gilman seconded. All were in favor.

- b. Resignations

MOTION: Ms. Cowan moved to accept with regret the resignation of Peter Steckler as Alternate to the Planning Board. Ms. Gilman seconded. All were in favor.

MOTION: Mr. Browne moved to accept with regret the resignation of Connor Barry from the Parks and Rec Committee. Ms. Gilman seconded. Mr. Papakonstantis mentioned that Mr. Barry will submit a resignation from Chair of Communications Committee after that committee has had a meeting. All were in favor.

8. Discussion/Action Items

- a. Swasey Parkway Trustees and Parkway Closure

Chair Dwayne Staples, Vice-Chair Darius Thompson, and Dave Short of the Swasey Parkway Trustees were present. They called their meeting to order at 7:08 PM.

Mr. Staples said he had submitted several questions to the Select Board, but he feels the most important is "What does the Select Board want the Trustees' duties to be?" Mr. Papakonstantis said they should have a discussion about it. Ms. Oliff said responsibilities have shifted quite a bit over the last 12 - 18 months, so they need to discuss before answering. Ms. Cowan said some of the questions feel accusatory, where she would prefer a collaboration. Mr. Staples said he didn't mean for them to be accusatory.

Ms. Gilman said the care of the Parkway will be part of the Trustees' Master Plan. The permitting process has changed greatly, to the point where the Trustees don't always know what will be happening at the Parkway, so she'd like to reconsider how that operates. The commercial aspect of park use needs to be addressed in depth. Portsmouth is not a comparable example because they own Prescott Park but have a long-term lease with the Arts Committee there. She's inclined to open the Parkway to vehicle traffic, at least partway. The Trustees should weigh in on where the African American Memorial is to be placed.

Mr. Browne said he'd like to see the Select Board providing a more data-driven approach to Parkway usage.

Mr. Papakonstantis said regarding the road closure, the Trustees made a motion to keep it closed through the end of this week. The Select Board does not have the authority to keep the road closed any longer, according to legal counsel. There are proponents on both sides, and they can also consider a hybrid, but any alternative other than keeping it open will have to go to Town Meeting. Mr. Short asked if the Select Board has the ability to make it one-way, and Mr. Papakonstantis said no, not without a town vote. Mr. Staples said he has a letter from 1997 on this matter; at that time it was found that the Select Board could not close it permanently, but could modify it. He would like to see it open to one-way traffic, from town out towards Newfields Road. Mr. Papakonstantis said he would have to go back to legal counsel with that letter. He thinks the one-way option would make people happy.

Ms. Cowan said she would like to see it closed to all through traffic, although parking could be allowed. Mr. Browne said if their charge is public safety, they could make the case that this road has been blocked for many months, so opening it up without education could be dangerous. Mr. Staples said they've tried speedbumps for safety in the past, but they weren't effective. He [Mr. Staples] asked the Select Board to delay the opening until Monday, since TEAM has an event there on Saturday.

Mr. Papakonstantis said he's leaning toward closure, but not completely. They've received emails from people who can't access the Parkway without driving in.

Mr. Papakonstantis said Ms. Gilman's motion last week closed the roadway through this Friday. There's a Festival on Saturday. The Select Board is meeting again next Monday, which would allow counsel to weigh in, and they can discuss again.

MOTION: Ms. Gilman moved to extend the closure of Swasey Parkway to vehicular traffic through July 23. Mr. Browne seconded. All were in favor.

Mr. Staples said that regarding the Trustees' duties, there was an MOU signed between the Trustees and Select Board in 1997. The Trustees oversee the maintenance, care, and upgrades to the Parkway. They voted to put a kiosk down there, but when they went to the Rec Department to do a calendar, they were asked if they had gone to the Select Board, where they didn't think they had to. They want some clarification on what their duties are.

Mr. Papakonstantis said that creating a Master Plan is a lot to put on the three Trustees. He suggested they form a committee from Parks and Rec, Public Works, and other committees to advise them. Mr. Staples agreed that he would like to form a committee. They should also have resident input. The Parkway does need to be renovated. They're spending \$2,000-3,000 pruning invasive plants because they can't do anything else with them, and don't want to leave the areas bare. Ms. Gilman suggested looping in the Conservation Commission on the invasive plant question. Mr. Staples said he reached out to Chip Osbourne re an organic program for the Parkway, but Covid interrupted that discussion. Mr. Short said he can talk to Ms. Murphy at the Conservation Commission meeting tomorrow.

Ms. Gilman said they could potentially look at a grant, maybe through RPC. They should include Public Works on the committee, since they take care of a lot at the Parkway. They're also good about getting public input and informing neighborhoods. Mr. Staples suggested Exeter TV as well. He added that the Trustees get a lot of emails from the public for things that aren't in their purview, such as the loudness of the bands that play. Ms. Gilman suggested that they refer those complaints to the Town Manager and the Select Board. Mr. Papakonstantis said he started a conversation with Mr. Dean on the noise ordinance, and they'll follow up on that.

Mr. Papakonstantis said they discussed the permitting in 2019, when Ms. Surman and Mr. Papakonstantis worked with Parks and Rec on fees and facilitation. He's still in favor of the Select Board taking back the permitting from the Trustees, and the Select Board has the authority to delegate to Parks and Rec, which he thinks is working well. Mr. Staples said he doesn't want the Trustees to have the responsibility of the permitting, but wants to be made aware of what's going on in advance. If they need turf work, they have to plan around events for that.

Mr. Papakonstantis said the town website for Swasey Park is not user friendly, so he would like to ask IT to update and make it more user friendly.

Mr. Thompson said there are safety issues with the lamp posts, as he was able to open up an outlet panel. The outlets that are there should be secured and only used in an event. The Code Enforcement Officer should look at the lights and get them up to code. Mr. Staples said they also pay for the electricity. Mr. Papakonstantis said they have a \$950 budget for that, but in 2019 the cost was \$1,214. Mr. Browne said this discussion is tactical rather than strategic. Mr. Thompson said that it's a public safety question.

Florence Ruffner of 5 Pine Street Exeter said that when the Trust was first set up and the roadway was open to "pleasure vehicles," they probably went 5 - 10 miles per hour. Now cars drive at 30 - 40 miles per hour. Over the past year, it's become a park, and kids ride their bikes in the roadway. She has a problem with even one-way traffic. She sees a lot of senior citizens and people in general using the Parkway. She feels it's now being used the way it should be used.

Anne Surman of 14 Cullen Way said when she reads what Ambrose Swasey deeded to the town, it's a Parkway, a park with a road going through it. They can't just ignore the wording of the Trust because they'd like it to be a park. Some steps might have been missed. Mr. Papakonstantis said yes, steps will have to be taken before it can go on the warrant.

Ms. Ruffner said they should make the speed limit 5 MPH. Mr. Papakonstantis said he doesn't think they can do that.

Papakonstantis brought the discussion back to the Board. He asked the Trustees to look at who can work with them on the committee.

Mr. Thompson asked if they're on schedule to get the pavilion repaired. Mr. Bisson of Parks and Rec said that work is scheduled to start August 26th. They would hate to displace the summer concert series. They will likely have to address both the roof and the posts. A contractor, Laing, has been selected by Public Works.

Mr. Bisson said the Parkway is also an LWCF property, so any renovations need to be run by the National Park Service. In 1993 they accepted LWCF money for several projects. Mr. Thompson asked if the grant funds for the kiosk are still available, and Mr. Bisson said he would have to have the Town Manager look into it.

MOTION [Swasey Parkway Trustees]: Mr. Staples moved to adjourn the Trustees meeting at 8:06. Mr. Short seconded. All were in favor.

b. Covid-19 Update

Chief Wilking said the Covid numbers are great. The State put out a notice at the end of June that Exeter was the most populous town in the State with the best numbers. They have a 73% total vaccination rate, which leads the State. Three people tested positive over the July 4th weekend, but numbers are extremely low. The Governor warned of a potential spike; it will also be hard to differentiate seasonal flu from Covid. The Governor may come back for measures in the fall.

c. Emergency Operations Plan Adoption

Chief Wilking presented the Emergency Operations plan to the Board. In Nov 2019, he sought grant money to have the local emergency plan rewritten and updated. It was last done in 2017, while the State recommends a 5 year review. They have until August 31st to file and get everything in order. They spent 200 hours with 23 different Department Managers and non-government personnel such as PEA and hospital employees. There's a new base plan, which updates the information about population, routes, and shelters. There are now 18 Emergency Support Functions, where there used to be 15. It includes how to request military support, and how to add business and industry on the recovery side. It provides a step by step guide to roles in the emergency operations. It includes information about regional sheltering operations, which are run by Lamprey Health in Raymond. It has regional resource lists for each ESF [Emergency Support Function]; this is who they would reach out to for operations such as moving material. Lastly, it has an employee list for Exeter, with all contact information. The Board was asked to sign and return the plan.

d. Water Resources Update

Jennifer Perry, the Public Works Director, said that they'd had more rain in July than usual, over 8.5" in July. This has demolished the water deficiency gap for the year. Exeter River is 462 cubic feet per second, the maximum flow for July. She's not recommending removing the level 2 outdoor watering restrictions, since they could have setbacks if this pattern doesn't continue. They will reassess at the next meeting.

9. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve an abatement in the amount of \$47.49 for 110/2/79. Mr. Browne seconded. All were in favor.

MOTION: Ms. Gilman moved to approve a Jeopardy Tax in the amount of \$320 for 87/8/C-17. Mr. Browne seconded. All were in favor.

MOTION: Ms. Gilman moved to approve a land use change tax in the amount of \$770 for 71/67. Mr. Browne seconded. All were in favor.

b. Permits & Approvals

i. Greg Bisson of Parks and Rec made a request for picnic tables for Town House Common and Gilman Park.

MOTION: Ms. Oliff moved to allow Parks and Rec to expend \$7,093.24 out of the Park Improvement Fund to contract Belson Outdoors to purchase 4 standard hexagon picnic tables and 3 ADA accessible picnic tables for Townhouse Common and Gilman Park. Ms. Cowan seconded. All were in favor.

- ii. Mr. Bisson discussed the Powderhouse Point Memorial Bench Program. Ms. Gilman asked how many benches total, and Mr. Bisson said six maximum. It won't be overcrowded.

MOTION: Ms. Oliff moved to authorize Parks and Rec to initiate the new Powderhouse Point Memorial Bench Program, not to exceed six benches. Ms. Cowan seconded. All were in favor.

- c. Town Manager's Report
 - i. Mr. Dean was not present at this meeting.
- d. Select Board Committee Reports
 - i. Mr. Browne had no report, but mentioned that he was approached by a resident of Washington Street about concerns and possible solutions for traffic there.
 - ii. Ms. Gilman had no report.
 - iii. Ms. Cowan said the person on Washington Street has made a compelling argument for traffic calming on his street. At the Planning Board meeting, they approved a minor site plan review for ground storage for PEA on Larry Lane. They looked at the Nouria Energy site plan review for a proposed reuse of the property, a former Jaguar dealership, which is to be a convenience store, gas station, and carwash.
 - iv. Ms. Oliff said she attended a Swasey Parkway Trustees, but they heard those updates earlier. At the Housing Committee, there was further discussion on affordable housing. Lots of things need to be figured out before more is invested in the process. They spoke with reps from other towns.
 - v. Mr. Papakonstantis had no report. He asked about next steps for the resident of Washington Street. Ms. Cowan said he has been in touch with Jennifer Perry.
- e. Correspondence
 - i. Several emails about the Brentwood Road intersection
 - ii. Several emails about Swasey Parkway noise during festivals
 - iii. An email from a citizen praising town staff for their helpfulness in the Town Offices.

10. Review Board Calendar

- a. The next meetings are July 19 and August 2nd.

11. Non-Public Session

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

12. Adjournment

MOTION: Ms. Gilman moved to adjourn. Mr. Browne seconded. All were in favor and the meeting was adjourned at 8:29 PM.

Respectfully Submitted,
Joanna Bartell

Recording Secretary