

Select Board Meeting  
Monday October 18, 2021  
6:30 PM  
Nowak Room, Town Offices  
Final Minutes

1. Call Meeting to Order

Members present: Julie Gilman, Molly Cowan, Niko Papakonstantis, Lovey Roundtree Oliff, and Town Manager Russ Dean were present at this meeting. Daryl Browne, were not present. The meeting was called to order by Mr. Papakonstantis at 6:30 PM. The Board went downstairs to conduct interviews.

2. Board Interviews

- a. Herb Moyer for the Communications Advisory Committee
- b. Kyle Welch for the Conservation Commission
- c. Stephanie Marshall for the Community Power Aggregation Committee

The Board reconvened at 7:03 PM.

3. Public Comment

Ms. Oliff said she's gotten a lot of questions about trash issues at Brookside Drive. Could the DPW address this issue? Mr. Dean said he was contacted by Great North Management. They don't qualify for trash or bulky item pickup. They are planning to put up "no dumping" signs. The DPW is conscious of the places that don't do bulky item pickup and would not sell stickers to residents of those places. The condo organization may come in and talk to the Board at a future meeting.

4. Proclamations/Recognitions

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

5. Approval of Minutes

- a. Regular Meeting: October 4, 2021

**MOTION:** Ms. Gilman moved to approve the minutes of October 4, 2021 as presented. Ms. Cowan seconded. Ms. Oliff abstained as she was not present on October 4th, and the motion passed 4-0-1.

6. Appointments and Resignations

**MOTION:** Ms. Gilman moved to accept the resignation of Amy Farnham from the BRC, effective October 12, 2021. Mr. Browne seconded. All were in favor and the motion passed 5-0.

7. Discussion/Action Items

- a. FD Donation

Assistant Fire Chief Justin Pizon and Marissa Spinney, a Firefighter Paramedic and the overseer of Exeter Fire Fighters Toy Bank, were present to discuss a \$500 donation. Mr. Pizon said he went to an event in Portsmouth and won a \$500 cash raffle which was donated by Pritchard Electric Vehicles. The

Department wants to use the donation for the Exeter Firefighters Toy Bank. They're asking the Board to accept that donation. Mr. Papakonstantis asked if it needs a motion, and Mr. Dean said no, but the Board could make a motion as a symbolic thank you.

**MOTION:** Ms. Oliff moved to accept the \$500 donation from Pritchard Electric Vehicles. Ms. Gilman seconded. All were in favor and the motion passed 5-0.

b. Age Friendly Communities Survey

Greg Bisson and David Tovey of Parks and Rec were present to discuss the proposed survey. Mr. Tovey said the Department was approached the Rockingham Planning Commission (RPC) to see if the town would participate in a "Planning for Age-Friendly Communities in Rockingham County" survey. RPC got a grant from Tufts and will be working with Meals on Wheels and AARP on this project. RPC is looking for 6 - 8 communities to participate, which would mean forming a local steering committee composed of staff and residents and conducting a community-wide survey of older adults to get their input on the community and unmet needs. After compiling the results, we would have a community forum to share the information, and finally create a formal assessment to hand off to the regional steering committee. The Rec Advisory Board endorsed moving forward. RPC would like the town to formally endorse the Department to represent the town and participate in this survey.

Ms. Gilman said it's a great idea. Because of Covid, we have gone off course with Senior activities and programming. Now with vaccinations, we can go back to running programs. Having this survey will catch more than the congregate living communities, and will include populations they have trouble getting information from.

Ms. Cowan said she worked for the AARP, and the "aging in place" component is important in caregiving, taxes, prioritizing projects, and proper planning. She's excited for this collaboration.

**MOTION:** Mr. Browne moved to endorse the Parks and Rec Department to participate in the RPC Age-Friendly Community Survey. Ms. Gilman seconded. All were in favor and the motion passed 5-0.

c. Parking Lease Agreement - 10 Hampton Road

Mr. Bisson said the current owner of 10 Hampton Road approached us about signing a parking lease. After the newspaper article came out about the potential purchase, people thought we had already purchased the property, and 30-50 cars were parking there daily. To protect the town and himself, the current owner, Phil Dean, asked us to enter into an agreement for \$1 [this figure corrected below] a month to add him to the town's liability insurance. He's amenable to having people use the parking lot in specific hours: it will be staff only from 7 AM to 3 PM, and open to participants from 5 PM to dusk weekdays, 8 AM to dusk on weekends. Mr. Papakonstantis asked if there would be signage, and Mr. Bisson said yes, it will describe the specific hours.

Mr. Dean said it says in the lease \$100/month, not \$1. Mr. Bisson said yes, \$100 is the correct amount. Ms. Gilman asked if the lot will be roped off to define the parking spaces, and Mr. Bisson said yes. Mr. Papakonstantis asked where the funds will come from, and Mr. Bisson said the Rec Revolving Fund. Mr. Dean said this has been reviewed by Legal and Primex.

**MOTION:** Mr. Browne moved to approve the parking lease agreement at 10 Hampton Road for \$100/month and authorize the Town Manager to sign the lease agreement. Ms. Gilman seconded. All were in favor and the motion passed 5-0.

d. Riverwoods Tax Agreements

Justine Vogel, the CEO of Riverwoods; Deborah Riddell, the Executive Director of Riverwoods; and Sharon Somers, legal counsel, were present to discuss the Riverwoods tax agreements.

Attorney Somers said in 1992, prior to the creation of Riverwoods, the NH Legislature gave partial exemption for certain real estate taxes defined as "charitable." One of those uses is housing provided to the elderly, if the owner can show that they are charitable. "Charitable" is that the organization which operates it is a 501-c-3, which Riverwoods is, and is organized and administered for a charitable purpose to meet the needs of aged individuals. The revenue from the independent living units subsidizes the cost of assisted living and health care. There's a spectrum of cost sharing in the financial operations. The structure of this, corporate and financial, does have a charitable nature. Riverwoods meets all of the qualifications. Riverwoods has been in a long-term arrangement with Exeter since 1994, and we believe it works and the arrangement should continue.

Ms. Vogel said Riverwoods has a commitment to the residents. There are 392 independent apartments, about 83 of which are "mission" apartments which are subsidized. Everyone in the health center is subsidized. That's how Riverwoods thinks about charity.

Mr. Browne asked if there is a base cost to enter those subsidized apartments. Ms. Vogel said those folks still pay an entrance fee and a monthly service fee. Actuaries look at the projected cost and revenue, and those residents would never pay as much as they are expected to receive. 5 - 7 people have run out of funds and are receiving services for free. There are 150+ health care units, and all are subsidized to some degree. Mr. Browne asked if Riverwoods receives federal subsidies. Ms. Vogel said they don't participate in Medicaid, but do receive Medicare, for 4 - 5 people typically. Mr. Browne asked about the entry fee, and Ms. Vogel said a studio apartment is just under \$300,000, 90% of which (80% for couples) is refundable to the estate, to the largest cottage at about \$800,000. Some entrance fees are 50% refundable or have a declining balance. There's also a monthly service fee, which pays for utilities, socialization, one meal a day, educational opportunities, property taxes, and the right to receive health care services at no cost to the public. Mr. Browne

asked whether the monthly fee is adjustable, and Ms. Vogel said yes, it's adjustable yearly.

Ms. Gilman said she appreciates that this year it's all in one agreement, rather than separate agreements as in previous years.

Mr. Browne said he'd like time to go over the agreements. Ms. Oliff said she's fine waiting to approve the agreements. Ms. Gilman said she's done this many times, so she would like to go forward. Mr. Dean said we typically have these in place by the time we set our tax rate, so doing it November 1st would be ok, but that's a tight window. Mr. Papakonstantis said we should submit any questions for Riverwoods in writing so they don't have to come back. The matter was tabled until the November 1st meeting.

e. CATV Contract Update - Kate Miller

Attorney Miller said she has been working on the Comcast Cable TV franchise renewal for about 5 years, and it's ready to wrap up. The town has a cable TV franchise; it's not an exclusive agreement, but any cable company in town must have an agreement to the rights of way. Comcast first came in the early 1990s. The contract expired in 2017, and it's been in extension mode since then. In 2019. There was an FCC change on the way some services that are provided by the cable TV company. These services are now going to be considered part of the franchise fee, but at the marginal cost to Comcast to provide the services. The fee is at 5%, so it's important to figure out which services we want to retain. We're looking at which facilities are currently using the services. We need at least one for the studio at the Town Offices to monitor what's going out on the Exeter TV Channels. The schools are probably using it less, we're tracking that down.

She's proposing an amendment to the franchise agreement instead of a full rewrite. The economics of Cable TV have changed, and many people are using streaming services on the internet instead. Cable TV companies may want to shed their Cable franchises and just provide internet. She's recommending that towns enter lengthy agreements, ie 10 years, which also been working with Atlantic Broadband, which has started to move into some towns that Comcast is in to provide competition. They haven't finalized their plans for 2022 and 2023, but they'd be interested in considering Exeter. That would give subscribers a choice for their Cable and Internet services. The law in NH asks that we have similar agreements, so if we have a 5% fee with Comcast, it would be a 5% fee with the new company. The franchise fee would be spread out over the two companies, so it wouldn't mean more money for the town. In the past, if companies have gone out of business, other companies have come in and bought up the agreements, so it's unlikely that the town would go without services.

**MOTION:** Mr. Browne moved to support an amendment and to carry the current 10 year Cable TV Franchise agreement with Comcast. Ms. Cowan seconded. All were in favor, and the motion passed 5-0.

f. Fund Balance Discussion

Mr. Dean put together information for the Board on the amount of unassigned fund balance that could be applied to lower the town's share of the tax rate. He recommends \$800,000 of the \$5.742M available. The Board's policy is to keep the fund balance return between 5-7%, and this would be 8%. This will result in a tax rate of \$5.77 per thousand, decrease of 14 cents per thousand from 2020, which would be a decrease of \$43 for \$300,000 home. The town share of the tax is 24%; the school tax and state education tax may raise the overall rate. There will be additional Meals and Rooms Tax revenue, a \$400,000 gain. The surplus from Health Trust is \$256,000 and there's a Primex surplus dividend.

Mr. Browne asked about War Service Credits, and Mr. Dean said that a qualifying veteran receives \$500 off their property tax bill. We have to account for that in the \$5.77. He thinks it's for wartime veterans only.

Mr. Dean said managing fund balance appropriately helps with our bond rating.

**MOTION:** Ms. Gilman moved to use \$800,000 from Fund Balance to lower the town's share of the 2021 tax rate. Ms. Cowan seconded. All were in favor and the motion passed 5-0.

g. Select Board Report on Committees

Mr. Papakonstantis said he and Ms. Oliff looked at existing committees and their goals, and put together several recommendations. We looked at issues such as term limits, new member/appointee orientation, meeting frequency, and attendance. Currently all committee and board members are appointed by the Select Board except where RSAs prohibit it. Most appointments are made for finite terms. He reached out to other communities, no comparable towns have term limits (ie, a limit on how many terms are served).

Ms. Oliff said we're interested in maintaining the knowledge base of members who have been there for years. Some committees have difficulty recruiting new members, so it would not be to our advantage to require people to step down if we don't have enough people running for committees. She thinks not having term limits is in the best interest of maintaining these committees.

Mr. Papakonstantis said regarding an attendance policy, when a term is up, the Select Board should look at what the person's attendance records are. The current policy is attending 60% of meetings, which seems too low, but anyone below that should be an automatic rationale for the Board not to reappoint that individual. Ms. Oliff said it may solve some of the attendance issues if groups meet less frequently or if the meetings have clear goals.

Ms. Gilman said the Planning Board had an informal process of having a full member serve two terms and then rotate to an alternate position. Ms. Cowan said they should ask the boards if that would be helpful. If the Planning Board doesn't train new people, there will be no board.

Ms. Gilman said appointing is easier than electing all the positions, especially if they need to fill a position mid-year.

Mr. Dean said if an alternate is not participating as a voting member, that might factor into the alternate's attendance. Is the expectation that those members are attending 60%+ of the time? Mr. Papakonstantis said that at the Planning Board, the alternates were actively participating, just not voting.

Mr. Papakonstantis said that newly appointed members should have an orientation, perhaps meeting with someone like the Assistant Town Manager and the Chair of the Committee, within the first 30 days. This would include newly elected Select Board members. Mr. Dean said when members are appointed to the Planning Boards, there's a process within the Planning Department, but Ms. Roy can work with them on that. Mr. Papakonstantis said that most folks aren't aware of what they should or shouldn't be doing per RSA 91-A. Ms. Gilman said the Conservation Commission has a new member orientation package. The Heritage Commission has a package of materials including 91-A and Robert's Rules of Order.

Mr. Papakonstantis said he's heard from committees asking if the Select Board still supports their goals. If the committees bring back goals and progress to the Select Board each year, we can review and everyone is held accountable. Ms. Oliff said we should find out if the goals are achievable.

Mr. Dean said the Master Plan was adopted in 2018, and there were quite a few aspects that involve Town Committees, so we should look at whether we are in line with that document.

Ms. Cowan said there should be more opportunities to collaborate between the Boards. She asked if she should discuss with the Planning Board a rotating leadership structure.

Mr. Papakonstantis said we could consider discontinuing or consolidating Boards. Ms. Gilman said people have talked about combining Heritage and HDC, although they have different responsibilities. Mr. Papakonstantis said maybe some small committees are meeting too frequently. These committees could form subcommittees that meet to achieve specific goals.

Mr. Papakonstantis said the next step is to start talking to some Chairs and Boards and get their feedback before the end of the year.

## 8. Regular Business

- a. Tax Abatements, Veterans Credits and Exemptions
  - i. There were no abatements or credits considered at this meeting.
- b. Permits & Approvals
  - i. There were no permits/approvals beyond the \$500 donation already discussed.
- c. Town Manager's Report
  - i. Trick or Treating is Sunday October 31st from 4 - 7 PM. Parks and Rec is hosting a Halloween Parade on Oct 30 at 10 AM.
  - ii. He attended the swearing-in ceremony for Chief Wilking and other members of the FD.

- iii. He recognized Sergeant Brian Hanna for getting a \$4,000 grant for equipment.
- iv. The Salem Street Utility project is underway. They'll do the sewer on Oak Street first and move west over the next few weeks. There were some delays on Locust Street due to pipe delivery delays.
- v. The PD is continuing to work on speed surveys. They completed Elliot and Pine. He talked to the Chief about updated speed limits, and he wanted to present to the Board around Nov 22nd.
- vi. The all-day BRC meeting is this Friday starting at 8:30 AM.
- vii. There's a project off of Stoneybrook Lane in Stratham, and they may come to the Select Board to seek Water/Sewer service. He's meeting with the proponents this Wednesday.

Mr. Papakonstantis said he would like to have the Swasey Parkway next steps on the agenda for a November meeting. We should look into a warrant article before someone submits a Citizen's Petition. Mr. Dean said the Citizen's Petition Deadline for a warrant article is the second Tuesday in January. Citizen's Petitions can't be withdrawn once they're submitted.

d. Select Board Committee Reports

- i. Ms. Oliff had no meetings.
- ii. Ms. Cowan had a Planning Board meeting where they considered a couple of subdivision lot adjustments at 50 Newfields Road. That project is turning a church into 4 condo units, and had no opposition. Another church is subdividing at 12 Little River Road and selling off a portion. There was an extension of approval for the Rose Farm project after the Supreme Court found the Planning Board decision of 2017 or 2018 was valid.
- iii. Ms. Gilman had a Conservation Committee meeting, where the same project came up for a conditional use permit because some buildings will go into wetlands. They ended up tabling the project with some questions. The Heritage Commission is considering more demolitions; PEA wants to demolish 31 High Street and 8 Gilman Lane, and there will be a public hearing on it.
- iv. Mr. Browne said the Communications Advisory Committee is looking for a refreshed direction and trying to find a better time to meet. At the last meeting, they didn't have a quorum, but will be meeting this week to go over different projects.

Ms. Gilman said she heard that one committee had three members and one person remotely, which is ok with RSA, but they adjourned the meeting because they didn't think they had a quorum. NH will probably have a bill on virtual meetings this year.

- v. Mr. Papakonstantis said the BRC met last Wednesday to talk about the CIP process. He was unable to attend but watched it later. There were good comments from Committee members on process.
- e. Correspondence
  - i. A letter from Andrew Elliot re Washington Street. Chief Poulin will be presenting to the Board by Nov 22nd.
- 9. Review Board Calendar
  - a. The next meetings are November 1, 15, and 22. He'd like to try to get Swasey on the agenda Nov 1st or 15th.
- 10. Non-Public Session
  - a. There was no non-public session at this meeting.
- 11. Adjournment

**MOTION:** Ms. Gilman moved to adjourn. Mr. Browne seconded. All were in favor and the meeting adjourned at 8:44 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary