

Select Board Meeting
Monday March 14, 2022
7 PM
Nowak Room, Town Offices
Final Minutes

1. Call Meeting to Order

Members present: Julie Gilman, Molly Cowan, Niko Papakonstantis, and Nancy Belanger

Members Absent: Lovey Roundtree Oliff

Also present: Town Manager Russ Dean and Assistant Town Manager Melissa Roy

The meeting was called to order by Mr. Papakonstantis at 7 PM.

2. Swearing In of Elected Officials - Town Clerk Andie Kohler

- a. Ms. Kohler swore in Nancy Belanger, Julie Gilman, and Niko Papakonstantis as new members of the Select Board.
- b. Ms. Kohler swore in Swasey Parkway Trustee Dwane Staples and Supervisor of the Checklist Michelle Berke.
- c. Ms. Kohler swore in BRC Members Chris Soutter, Anthony Zwaan, Judy Rowan, and Christopher Zigmont.

3. Select Board Reorganization

MOTION: Ms. Cowan moved to appoint Niko Papakonstantis as the Chair of the Select Board. Ms. Gilman seconded. The motion passed 4-0.

MOTION: Mr. Papakonstantis moved to appoint Ms. Cowan as Vice Chair of the Select Board. Ms. Belanger seconded. The motion passed 4-0.

MOTION: Ms. Belanger moved to nominate Julie Gilman as Clerk of the Select Board. Ms. Cowan seconded. The motion passed 4-0.

4. Swearing In of Deputy Police Chief - Timothy Joshua McCain

Chief Poulin said that the new procedure for bringing in officers and new employees is to do so publicly in front of the town. He spoke about the new Deputy Chief's background; Mr. McCain once served on the PD in Exeter, joined the military, and has spent 18 years working for the Portsmouth Police Department. Mr. McCain's goals will include fostering a strong Police/community bond and supporting the implementation of the body-worn camera program and the Department's quest for accreditation.

Ms. Kohler swore in Timothy "Josh" McCain as the Deputy Police Chief.

5. Bid Openings: Fire SCBA Equipment, Engine 5 Replacement

- a. 3M Scott Safety of Monroe NC, represented by the dealer Industrial Protection Services of Salem NH, submitted a bid of \$269,843 for the Fire SCBA.
- b. MSA from Cranberry Township PA, represented by the dealer Firematic Supply Company of Milford MA, submitted a bid of \$374,308 for the Fire SCBA.

MOTION: Ms. Gilman moved to forward the SCBA bids to the Fire Department for review and recommendation. Ms. Belanger seconded. The motion passed 4-0.

- c. The manufacturer E1 Fire Apparatus of Oakland FL, represented by the dealer Greenwood Emergency Vehicles, submitted a bid of \$650,000 for the Engine 5 Replacement. This was the only bid received.

MOTION: Ms. Belanger moved to forward the Engine 5 Replacement bid to the Fire Department for review and recommendation. Ms. Cowan seconded. The motion passed 4-0.

6. Public Comment

Andrew Elliott of Washington Street asked what he can do to move Washington Street along. His citizen's petition didn't pass in the election. It didn't have support from the Select Board. They wanted Washington Street to go through a process rather than being the subject of a citizen's petition, so he wants to know the next steps in that process. He pointed out that over 900 people voted for it.

Mr. Papakonstantis said at the next Select Board meeting, DPW Director Jennifer Perry will be here to talk about ongoing DPW projects. He [Mr. Papakonstantis] will have a conversation with her on the subject and follow up with Mr. Elliott.

7. Proclamations/Recognitions

Mr. Papakonstantis thanked the volunteers who worked the polls last Tuesday, as well as Board members Ms. Cowan and Ms. Oliff and Town Moderator Kate Miller.

8. Approval of Minutes

- a. Regular Meeting: Feb 22, 2022

MOTION: Ms. Gilman moved to approve the minutes of February 22, 2022 as presented. Ms. Cowan seconded. Ms. Belanger abstained, as she was not present on Feb 22. The motion passed 3-0-1.

9. Appointments - BRC, HDC

MOTION: Ms. Cowan moved to appoint Eduardo Contreras to the Budget Recommendations Committee. Ms. Gilman seconded. Ms. Belanger abstained, as she was not present for the interview. The motion passed 3-0-1.

MOTION: Ms. Cowan moved to appoint Joseph Alexander to the Historic District Commission as an alternate member, term to expire 4/30/2024. Ms. Gilman seconded. Ms. Belanger abstained, as she was not present for the interview. The motion passed 3-0-1.

10. Discussion/Action Items

a. Recap of Town voting from March 8th

Town Moderator Kate Miller said there was a steep learning curve for her first Town Meeting. There were a huge number of voters who came. We registered 99 new voters that day. 2,600 ballots were printed, but over 3,000 ballots were cast. We had to create unofficial ballots. Next time we will print more. There was a total of 3,090 ballots plus 319 absentee ballots. There are upcoming elections in September and November. We had some ideas on streamlining absentee balloting. The Supervisors are looking at adding another Supervisor of the Checklist. We suggest people looking to register do so before November's election to avoid long waits on election day. We're considering moving to an electronic poll book, which is quicker than paper. We want to make things more accessible to vision-impaired voters, but we couldn't implement the new system this year without more review. We're looking for additional volunteers to usher voters into booths or to over to the ballot machines.

Ms. Cowan thanked the voters and all participants. It was a smooth process and she feels confident about our results. Ms. Gilman said it was the highest turnout she's ever seen for a town election.

Mr. Papakonstantis asked if we've had any word on new ballot machines. Attorney Miller said the Secretary of State oversees elections, and there's also a ballot law commission that approves devices and machines. Milford NH was going to do a beta test of the new machines, but the ballot law commission said a hand recount was necessary, which Milford determined was impossible. She's hoping the new machines can be in place for the next election, but it may not be until next year.

Mr. Papakonstantis said there was confusion as to what is allowed with passing out materials outside. Attorney Miller said the laws about "electioneering", or advocating for a person or ballot initiative, give the Moderator the right to define an area 10 feet wide leading to the polling place which will be free from electioneering. Inside, there can be no electioneering. Outside in the passageway past the 10 feet, people can electioneer, but can't leaflet. In the parking lot, folks asked permission and were allowed to leaflet. People were walking into the polling place with those leaflets, but because the leaflets were informational we didn't stop them. If the electioneers were handing out bigger pieces of cardboard, we may have had to draw the line. It's public property and voters have the right to petition the government for changes, so we don't want to infringe their First Amendment rights, but also don't want voters harassed or deterred.

Mr. Dean discussed the percentages by which each warrant article passed. Only the DPW design, at 49.3% in favor, and the petition on Washington Street, at 32% in favor, did not pass.

Regarding Swasey Parkway, Mr. Dean said we've given that over to Legal Counsel who reached out to Tom Donovan of the Charitable Trusts Division. Ultimately we will have to petition the Probate Court. There's no estimate on time, it depends on the Charitable Trust process. Probate Court is

backed up because of Covid, so it could be a few months. We got some feedback on how to proceed from Highway Superintendent Jay Perkins. It's possible that ARPA funds could be used for any work on the Parkway. Mr. Papakonstantis said he'd like the Swasey Park Trustees present when we discuss options.

Regarding the 10 Hampton Road purchase, the property will be vacant by the end of the month, so we're working towards setting up a closing as soon as we can. We can pay for that from the Town's operating account and reimburse ourselves when we borrow the funds. Mr. Papakonstantis said once Parks and Rec move out of Court Street, we should talk about what to do with that property.

Don Clement of 5 Thelma Drive said regarding Article 33, certain procedures have to be followed for discontinuing a road. Did the town adhere to the State regulations for that? Mr. Dean said we were guided by legal counsel through the whole process. Mr. Papakonstantis said we deliberately used the word "discontinuance" rather than closing. Mr. Clement said "discontinuing" makes it subject to State law. Someone aggrieved of the decision could file against that vote.

b. Committee Meeting Protocols

Mr. Papakonstantis said folks were comfortable meeting via Zoom, but once the Governor's emergency order was lifted, committees need to meet in person. One member can Zoom in if it's not "reasonably practical" for them to attend, but the committee must have a physical quorum. Some committees are not meeting the guidelines. Town staff may have to stop a meeting or stop the voting if there's no quorum. Ms. Gilman said we should send a memo to all committees regarding attendance and non-public sessions. Mr. Dean said if someone can't make a meeting and attends virtually, it must state the reason in the minutes of the meeting. There must be roll call voting. Each individual must state that they are alone in the room or who they are with, which is part of the Statute. If you're a voting member of a committee and you're on Zoom, you're there to vote, although you can say that you abstain from every vote. Ms. Belanger asked if the video of alternates needs to be on. Mr. Dean said the law doesn't specifically say the video needs to be on, but you have to be able to be heard.

Ms. Belanger said it's important to let people know what the quorum is; even if there are vacancies on the Board, the quorum number doesn't change. Mr. Papakonstantis said there are a lot of vacancies. Should we look at how many positions are on each committee? Mr. Dean said the number of members on Water/Sewer was set by town meeting, so would require town meeting to change it.

Ms. Gilman said there's a bill tomorrow about having virtual meetings, but it's recommended to not pass.

Mr. Papakonstantis said we previously discussed using the Assistant Town Manager for an orientation or onboarding with new Board or Committee

members. Mr. Dean said NHMA also has a 91A training. Mr. Papakonstantis suggested that committees put that training on their agenda to watch at one of the meetings.

Don Clement said regarding having a quorum, at a recent Water and Sewer Advisory Committee meeting, only Ms. Cowan and Mr. Kelly were present. They also had one person on Zoom, so they voted, but the quorum is 4, not 3, and not all were physically present. All of those votes on abatements should be redone. There should be more education.

Mr. Papakonstantis said he doesn't think we need to have people who received abatements come back and present again. Ms. Cowan asked if it makes sense to reduce the size of the Water and Sewer Committee, and Mr. Dean said a town meeting vote established it as 7 members, so changing the size would have to be another town vote. Ms. Belanger said the Select Board gave Water and Sewer the ability to vote on abatements; if they don't have a quorum, they could still make a recommendation to the Select Board. Ms. Gilman disagreed, saying they can't discuss it if there isn't a quorum. Ms. Cowan said that Water and Sewer could call another meeting to review the material and re-vote, without having the applicants come back again.

c. Police Department Update

Chief Stephan Poulin said the PD is working on acclimating the new Deputy Chief. Dispatch is fully staffed. All officers have gone through ethics and implicit bias training. The Mental Health and Wellness one-on-one training sessions will be scheduled yearly and we'll add more as needed. We're starting back up with community engagement programs, such as Coffee with a Cop several times a month. Officers are reading at MSS as part of Read Across America. We're offering defense classes and holding a fraud presentation at the Exeter Public Library. He's working with Dave Sharples on the space and needs assessment of the Public Safety Complex, and looking to have public input meetings on that project. He thanked the voters who supported the Police Contract and the article on body cameras. Thanks to Senator Shaheen's advocacy, the body-worn camera program is slated to be completely federally funded.

Mr. Papakonstantis said he's seen amazing results from the new social media/communication program in the Police Department. As a town we may want to look at using that resource as well. Mr. Dean said the Police Department is using Jason Schreiber of Schreiber Media to do their communications, and we're looking at it as a model for the entire organization. We may put something in the 2023 budget.

d. ARPA Funding: Siphons Project

Assistant Town Manager Melissa Roy said we heard this week that we're likely to receive the \$600,000 from the Federal budget for the Sewer Siphons project that Congressman Pappas was advocating for. However, we had to

approach the project in a different way, and the new cost is estimated at \$2.6M. \$1.4M was approved in the original warrant article, of which we spent \$422,250, so \$977,750 from that article is left. We should get the \$600,000 through Congressional Directed spending. DPW also applied for an NHDES Wastewater Infrastructure CWSRF ARPA grant of \$180,000. Now we're \$420,000 short of the new project price. We recommend using \$420,000 of the town's \$1.6M ARPA funding. This project qualifies under two different categories, Water Infrastructure and Government Services.

Mr. Dean said we anticipate going out to bid for this project in May.

MOTION: Ms. Belanger moved that the Select Board authorize up to \$420,000 from the Town-allocated ARPA funds for the Squamscott River Sewer Siphons project, and authorize the Town Manager to sign any documents necessary to effectuate this authorization. This completes the necessary approval needed for the total project costs. Ms. Gilman seconded. The motion passed 4-0.

Ms. Roy said we heard from Senator Shaheen that we should also receive the funding of \$1.05M towards the Webster Ave Pump Station project.

e. Legislative Updates

Ms. Gilman discussed various recent State bills. HB1033 says that municipalities may not pay for any lobbying with municipal appropriations. These groups are helpful to towns that don't have enough staff or a Select Board to review what's out there. Also means that town staff couldn't lobby at the State level. She thinks it shouldn't pass. Mr. Dean said the NHMA is made up of all cities and towns in NH, so it shouldn't really be considered a lobbying group. Ms. Gilman said there's a bill that proposes to reinstate a portion of the State appropriation to the retirement system, which was zeroed out about eight years ago. This bill proposes a 7.5% contribution. She supports that bill. This week her committee is considering a bill about the default budget. This bill would have any expense from the previous year that was taken out of the proposed budget also be taken out of the default budget. There's also a bill regarding the "fourplex" or having four family units per residential lot. This has the conditions that the residential lot has to have water and sewer service and have the same zoning limits for each property, setbacks, frontage, parking, etc. It's aimed at getting more affordable housing, but it's very controversial. It will only affect Exeter slightly because there are limited areas that could take advantage of it. It will keep the rural part of town rural. There's a plastic bag bill, but it's not a mandate from the State; it would enable legislation on the town level.

Mr. Dean said the value of HB1417 on retirement to Exeter is over \$300,000.

Ms. Gilman said that currently the Health Officer comes to the Select Board with ordinance recommendations, but there's a proposed bill where that function is cut out. The Health Officer would only look at decrepit houses and

other issues with property, not at the general health of the town. There is a bill regarding veterans' tax credits which was written so broadly to include currently serving armed forces personnel, which could increase the cost by 10%. She also discussed several other upcoming bills.

f. MS232 Report of Appropriations

Mr. Dean said this document is filed every year within 20 days following the annual Town Meeting. The Board members signed the document.

11. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve a Veteran's Credit for 95/64/376 in the amount of \$500 for FY 2022. Ms. Belanger seconded. The motion passed 4-0.

MOTION: Ms. Gilman moved to approve a Veteran's Credit for 73/49/1 in the amount of \$500 for FY 2022. Ms. Belanger seconded. The motion passed 4-0.

MOTION: Ms. Gilman moved to approve an Elderly Exemption for 52/84/10 in the amount of \$152,251 for FY 2022. Ms. Belanger seconded. The motion passed 4-0.

MOTION: Ms. Gilman moved to approve a tax abatement for 86/1 in the amount of \$3,517.47 for FY 2021. Ms. Belanger seconded. The motion passed 4-0.

MOTION: Ms. Gilman moved to approve a tax abatement for 68/6/513 in the amount of \$1,267.73 for FY 2021. Ms. Belanger seconded. The motion passed 4-0.

MOTION: Ms. Gilman moved to approve the following abatements for 111/5/2: \$165.22 for FY 2019; \$173.88 for FY 2020; and \$170.47 for FY 2021. Ms. Belanger seconded. The motion passed 4-0.

b. Permits & Approvals

Mr. Papakonstantis said there is a street name change recommendation from Mr. Sharples and the E911 committee. This is a private roadway serving 16 condo units in an open space subdivision off Tamarind Lane, tax map and lot 96/15.

MOTION: Ms. Belanger moved to name the private roadway that will access 16 new condominium units in 96/15 as "Wild Apple Lane." Ms. Gilman seconded. The motion passed 4-0.

Mr. Dean said there is a request for waiving interest on a tax bill. The applicant is building an early childhood education center and they claim that they never received a tax bill. It was sent to the physical address, but it did not have a mailbox at the time. The applicant has paid the bill and is looking for a waiver of the \$59.50 interest.

MOTION: Ms. Belanger moved to waive the interest of \$59.50 for 55/3/1 for FY 2021 as requested by the applicant. Ms. Gilman seconded. The motion passed 4-0.

- c. Town Manager's Report
 - i. We've had new hires start: Jason Behrens is a new Firefighter, Chris Goodwin is a new Senior Operator at the WW Treatment plant, and Sean Bayliss is a new Heavy Equipment Operator with the DPW.
 - ii. He's working on integrating the new union contracts.
 - iii. He attended an HAC meeting to discuss the Regional Housing Needs survey. The principal planner will be at the Select Board meeting on March 28 to talk about the survey.
 - iv. As part of the budget implementation, the two part-time positions will go to full-time as of April 1.
 - v. He will be attending a Health Trust meeting in Concord tomorrow.

- d. Select Board Committee Reports
 - i. Ms. Cowan had no report.
 - ii. Ms. Gilman has Heritage Commission and HDC meetings this week, but may not be able to attend.
 - iii. Mr. Papakonstantis said the Sustainability Advisory Committee meeting was canceled for the third month in a row because of a lack of a quorum. As the new coordinator to the committee, Kristen Murphy will work on how to move this forward. The Swasey Parkway Trustees discussed tree work that needs to be done. Five local tree companies will do pro bono work for the town to celebrate Arbor Day on April 29. The cost would have been around \$20,000. The Trustees voted unanimously to take funds out of the maintenance fund to provide breakfast and lunch for these workers. The Trustees will use local eateries, and engage the press and Bob Glowacky to give these companies some publicity.

- e. Correspondence
 - i. A thank you from Riverwoods for a candidate forum and warrant article discussion Feb 23 which Mr. Papakonstantis, Ms. Gilman, and Ms. Belanger attended.
 - ii. A "Notice of Trespass Infringement on Constitutional Rights" related to the voting. Mr. Dean said he called the Secretary of State's office and was told we should follow the law and use electronic voting machines. This has also been referred to the town's legal counsel, but we have been told there's no further action to take. Ms. Gilman said other towns have gotten the same letter.
 - iii. A memo from Tony Callendrello of the Arts & Culture Commission regarding the formation of an ad hoc committee on the Town Hall renovations. Mr. Dean said he thinks it's a good idea now that we have the Town Hall revolving fund and donations fund in place. Ms. Gilman

said it could be a subcommittee of the Facilities Advisory Committee. Mr. Papakonstantis said we can't fill the committees we have right now, but a subcommittee could take folks from Parks and Rec, Facilities, Arts & Culture, Energy Committee, or HDC. It could be modeled on the Master Plan Committee and report back to the Select Board. Mr. Dean said we can put that into action.

12. Review Board Calendar

- a. The next meetings are March 28, April 11, and April 25. On March 28th the Board will discuss the dates for the April goal-setting meeting. Mr. Dean said he asked Primex if they could facilitate the goal-setting meeting.

13. Non-Public Session

MOTION: Ms. Belanger moved to enter into Non-Public Session under RSA 91-A3II(a). Ms. Gilman seconded. In a roll call vote, the motion passed 4-0.

14. Adjournment. Selectwoman Belanger moved to adjourn. Selectwoman Gilman seconded. The Board stood adjourned at 9:25 pm.

Respectfully Submitted,
Joanna Bartell
Recording Secretary