

Select Board Meeting
Monday November 21, 2022
7 PM
Nowak Room, Town Offices
Final Minutes

Members present: Chair Niko Papakonstantis, Vice-Chair Molly Cowan, Clerk Julie Gilman, and Nancy Belanger were present at this meeting.

Members Absent: Lovey Roundtree Oliff

Town Manager Russ Dean and Assistant Town Manager Melissa Roy were also present at this meeting.

1. Call Meeting to Order

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

2. Public Comment

a. There was no public comment at this meeting.

3. Proclamations/Recognitions

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

4. Approval of Minutes

a. Regular Meeting: November 14, 2022

The minutes were not available for review and will be approved at the next meeting.

5. Appointments

MOTION: Ms. Gilman moved to appoint Alan Mangan to the Water/Sewer Advisory Committee, term to expire April 30, 2024. Ms. Belanger seconded. Ms. Belanger asked if this was a full member, and Mr. Papakonstantis said yes. The motion passed 4-0.

MOTION: Ms. Gilman moved to appoint Alan Mangan to Facilities Advisory Committee as a full member, term to expire April 30, 2025. Ms. Belanger seconded. The motion passed 4-0.

Mr. Papakonstantis welcomed EHS students Olivia Shore and Neila O'Brien as Student Co-Liaisons to the Energy Committee.

6. Discussion/Action Items

a. Town Ordinance Second Reading: Single Use Plastic Ban

Natural Resources Planner Kristen Murphy and Sustainability Advisory Committee member Chris Zigmont were present for the hearing.

MOTION: Ms. Belanger moved to open the public hearing. Ms. Gilman seconded. The motion passed 4-0.

Mr. Papakonstantis mentioned that there were letters of support in the packet from residents Sarah DeWitt, Enna Grazier, and Betsy Ferguson.

Mr. Zigmont said it was a long road to get to mandatory seat belts; people had to accept the data, change their habits, and pay a little more. Now 375,000 lives have been saved with seat belts. Plastics have far greater, more permanent, and harmful consequences. More than 50% of all plastics produced have been produced since the year 2000. Microplastics are everywhere, including in our bodies. These are not fully recyclable; reducing is our only way out. This may be a little inconvenient and we may need to pay a little more, but soon not using single-use plastics will become a healthy habit. The SAC will offer guidance to support the transition. This will save ourselves and the next generation. It will not be easy, and there will be impacts, but Exeter residents are in support of sustainability initiatives.

Ms. Murphy gave an overview of the ordinance. This applies only to town-owned property and town permitted events. It's modeled after a policy adopted in Portsmouth in 2019. She surveyed town staff and permittees, and made some modifications.

Ms. Murphy read the ordinance, leaving out the definitions with the permission of the Board:

DISTRIBUTION OF SINGLE-USE PLASTIC BAGS, FOOD SERVICE PRODUCTS, AND POLYSTYRENE FOOD CONTAINERS ON TOWN PROPERTY

24.00 PURPOSE:

The Town of Exeter recognizes that limiting the distribution and subsequent disposal of single-use plastics through reduction is necessary to protect human health, to preserve the natural environment, and to promote sustainable and ethical practices regarding material waste.

24.02 DISTRIBUTION OF SINGLE USE PLASTICS ON TOWN PROPERTY

No person shall distribute a prohibited single use disposable item at any town facility, town property, town-managed or sponsored event, or activity authorized through special permits issued under the authority of the Town of Exeter Select Board unless otherwise allowed under EXCEPTIONS 24.03.

Prohibited Single Use Disposables:

- 1. Single-Use Plastic Bags.*
- 2. Single-Use Plastic Food Service Products.*
- 3. Single-Use Polystyrene Containers.*

24.03 PRODUCT EXCEPTIONS:

- 1. Reusable Bags*
- 2. Single-Use Compostable Food Service Products*

3. *Packaging materials required for food safety reasons added at the site of the business or a processing facility. Examples: wrapping around meats, seafood, lettuce mix or other perishable products.*

4. *Products where alternatives to prohibited items do not exist, until an alternative is identified.*

24.04 ORGANIZATIONAL EXCEPTIONS:

1. *All town departments/vendors may distribute their remaining inventory for 9 months following policy adoption*

2. *Items used by emergency responders or human service non-profit organizations.*

3. *Prohibited Single Use Containers brought by staff/customers themselves*

4. *Exeter Parks and Recreation Department will work with the Sustainability Committee to develop a transition plan.*

24.05 PENALTIES AND REMEDIES

In addition to any other penalty or remedy permissible by law for violation of this ordinance, the following shall apply:

1. *If the Town determines a violation of this ordinance has occurred, a written warning will be issued.*

2. *Upon a second or subsequent infraction of this ordinance, the Town interprets this as a direct violation of the vendor permit and cause for refusal to approve use permit.*

Ms. Murphy said the SAC will be a support entity for individuals transferring through this process. They are making a source list for alternative products. For water bottles, they are exploring a partnership with a local brewing company to offer canned water, and seeking price points for reusable water bottles. The Swasey Parkway Trustees are supportive of extending the existing water spigot down towards the bandstand for a source of water. The 2022 Beer and Chili Fest had multiple composting facilities and a dramatic amount of SUPs were avoided.

Mr. Papakonstantis opened the discussion for public comment.

Scott Ruffner of 11 Hall Place said this is not an issue for TEAM. We've always wanted to have water stations and not use single-use water bottles. He talked to the vendors TEAM works with and heard feedback on price point issues and certain types of food that require the packaging. The education piece and collaborative piece will help with all of that. He wants to ensure the ordinance doesn't scare anyone off before we can collaborate. Some vendors use OBA, whose packaging is eco-friendly. Memories Ice Cream has tried some products that haven't worked. The biggest pushback may be the cost of bottled water and

the impact on fundraising. We need to change the culture and find alternatives. Mobile vending at Townhouse Common needs to be integrated as well. Town Hall needs a water station.

Enna Grazier of Warren Ave, the owner of Enna's Chocolate, said this is a wonderful opportunity for collaboration. She surveyed her customers on single-use compostable products, and found that 80% go to landfills. Compostables are not the end-all. Reusables are the end goal. The town could encourage reusable cups through the budgeting process. In the survey, some respondents expressed concern about styrofoam, but she's sorry to hear it's even still in use.

Mr. Ruffner said the Arts & Culture Commission will be a logical collaborator in facilitating work with affected organizations.

Ms. Gilman asked Mr. Ruffner if vendors have a business model for providing reusable bottles for events. Mr. Ruffner said he thinks that's a good idea. It could be promoted as part of the event.

Ms. Grazier said aluminum water bottles are 100% recyclable and most aluminum is already recycled. They can also be reused, unlike a tab-top aluminum can.

MOTION: Ms. Belanger moved to close the public hearing. Ms. Cowan seconded. The motion passed 4-0.

Mr. Dean said he had a meeting last Friday with Ms. Murphy and Mr. Bisson and there were questions raised about how Parks and Rec would follow this ordinance. Last year they sold 1,500 bottles of water and 800 bottles of Gatorade, and eliminating that income stream would put a dent in their operation. Does the ordinance impact Parks and Rec?

Ms. Murphy said language as it stands is intentionally vague: *Exeter Parks and Recreation Department will work with the Sustainability Committee to develop a transition plan.* There's no timeline. Mr. Bisson has installed a water station at the Rec Park, can find reusable utensils, and can get rid of straws. Water bottles and Gatorade are the big issue. We're looking for solutions. Locally, we can buy Proudsource [canned] water at 60 cents a unit, so it's more expensive. We don't have the answers, so the language is vague.

Mr. Papakonstantis asked if we can get a more precise cost difference between a single-use bottle and cans. We need to pause on a few things, including the pool and summer camp. These programs are catering to all demographics in town, including those families whose resources are limited. We don't want a child to hydrate and not eat. Portsmouth revised their ordinance not to ban but to encourage, particularly because of Parks and Rec.

Ms. Murphy said Mr. Bisson shared a document from Jan 2022 from Portsmouth affirming the policy. It had new language about encouraging best practices, but still referenced a ban, so it was confusing. She reached out to the Health Officer in Portsmouth, who was talking about enforcement, so it seems to still be enforced. Mr. Bisson heard that their Parks and Rec is exempt. Proudsource is \$5 for an 8 pack at Shaws or 63 cents per unit. Right now water bottles are 12 cents a unit and sold for \$1. They could sell at \$1.50 to make up

the difference. She looked into reusable water bottles and found that Ali Baba sells at 80 cents a unit, which could sell for \$2.50, but they don't want water to be more expensive than sodas.

Ms. Gilman said regarding Gatorade, do they have the storage capacity for large coolers so they could sell it by the cup? Ms. Murphy said there's a question of what health codes they need to follow. Gatorade also comes in packets you can add to water bottles, so we could explore that.

Ms. Belanger asked how we anticipate enforcing #2 [single-use plastic at town permitted events]. Is someone supposed to be on site? There needs to be an educational aspect to this. People support sustainability, but we don't want pushback at voting time. The pool concession stand adds about \$5,000 to the Parks and Rec budget, so losing that affects our budget. There's a cost to putting in water fountains and using the water. The source list will be really important. She added that parents can forget kids' water bottles.

Ms. Cowan said we should modify the penalties and remedies section to have a violation process plan so that we have this be a positive thing. This is a good first step. What is the outreach to businesses and other organizations in town for next steps? Would it make sense to update the Parks and Rec clause to involve the Rec Advisory Committee? Parks and Rec could work with parents to mitigate, for example keeping bottles there and washing them for a fee. We need to create sustainable habits for families and kids without having it be a hardship.

Mr. Zigmont said there is powdered Gatorade and other things that don't use plastics. There are alternatives. We should look at what budget parameters are acceptable for replacements and develop a timeframe to sunset single-use plastic products.

Mr. Papakonstantis said the Select Board is supportive of this, but would like to push the third hearing to December 19 to allow the Sustainability Committee and the Arts & Culture Commission to discuss it, as well as investigate what Portsmouth does with Parks and Rec.

Mr. Papakonstantis asked whether the penalties and remedies apply to town Departments. Ms. Murphy said the authority to issue this is through the Health Department, but Mr. Murray was concerned about workload, so she was ok with being the point person. It's not intended to be punitive, and she supports language changes around that.

b. Town Ordinance First Reading: Sewer Regulations Update

Mr. Papakonstantis said this is the first hearing for the proposed updated sewer regulations

MOTION: Ms. Gilman moved to open the public hearing on the proposed town ordinance to update the sewer regulations. Ms. Belanger seconded. The motion passed 4-0.

Mr. Papakonstantis opened the discussion to the public, but there was no public comment.

MOTION: Ms. Gilman moved to close the public hearing on the proposed town ordinance to update the sewer regulations. Ms. Belanger seconded. The motion passed 4-0.

Ms. Gilman read the changes [see attachment].

Ms. Gilman said this is State issued language we need to adopt.

Mr. Papakonstantis said the second reading will be December 5th.

c. Boards & Committees Policies and Procedures

Mr. Papakonstantis said he and Ms. Oliff looked at Boards and Committees and came up with recommendations.

Regarding term limits, they did a review of other municipalities, and found no practice of limiting terms served, including on land use boards. They recommend not adopting a policy of limiting terms served, but the Board may want to consider a two year rotation of full members and alternates.

They recommend that town staff conduct an orientation for all new committee and board members, including a review of 91A.

They recommend a goals and objectives process for all boards and committees. The year's goals could be submitted to the Select Board in writing or through the Select Board rep to that committee. The Planning Board, ZBA, HDC, Budget Recommendations, and similar boards would be exempt.

Collaboration between committees would be beneficial, such as at a bi-annual meeting of all committees and boards.

They recommend that boards and committees review their mission statements and charges on an annual basis or as necessary. The Select Board should review the list of committees annually and consider ending or consolidating committees or revising the number of members to allow them to achieve a quorum. Boards and committees should review their meeting frequency. Regarding attendance, the Select Board adopted a policy that states those who failed to attend 60% of meetings may forfeit their membership; the Board should start to enforce that and have committee chairs submit attendance sheets.

Ms. Gilman said people apply to be alternates when there's a full member slot open. The board or committee should recommend who will take the full time slot. Full voting seats should be filled before alternate positions.

Ms. Belanger said she's glad we're not considering term limits, which undervalue historical knowledge. Ms. Gilman said a rotation of members and alternates used to be informally done by the Planning Board.

Ms. Belanger said instead of the goals being submitted in the first 90 days of calendar year, the date should be June 1st, since appointments end in April. Otherwise those aren't the same people who were part of the goal setting.

Ms. Belanger asked if the attendance requirement includes alternates.

Ms. Gilman said it used to be for full voting members only. Ms. Belanger said we should consider adding alternates. Hearings may extend over several meetings, and alternates need to be ready to vote.

Ms. Cowan said we're running up against lack of participation and people not showing up. Ms. Gilman said childcare is an issue. Ms. Belanger said offering participation via Zoom meetings would help with childcare. Mr. Papakonstantis said that's a State issue.

Mr. Papakonstantis said this will be on a future agenda for further discussion.

d. All Boards Meeting Follow-up

Mr. Papakonstantis said the Library community room is available for the meeting. They do have a projector and screen. EXTV can film it and post the video but not show it live. Ms. Cowan said she likes the idea of having it there, as the Board should engage more with the Library. The Board decided to hold the meeting on February 8th at the library, time TBD.

Mr. Papakonstantis asked if the board and committee meetings can be scheduled out on the website for the next year.

7. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

- i. There were no abatements or exemption considered at this meeting.

b. Permits & Approvals

- i. There were no permits or approvals considered at this meeting.

c. Town Manager's Report

- i. Christina Ristuce started November 18th in the HR Office.
- ii. He attended the NHMA Conference on Nov 16 and 17.
- iii. There were two BRC meetings last week, the Water & Sewer review and the CIP/wrap up.
- iv. We're continuing to meet with Public Works on the DOL audit.
- v. The work on tax bills continues. The overall rate was set at \$24.75 per \$1,000, an increase of 74 cents. The town rate increased 17 cents per \$1,000. Bills should be out shortly
- vi. Last year, we had our first employee appreciation day, and we're proposing another one this year, on December 23rd. Mr. Papakonstantis said this is where we gave town employees an extra day off. The Board was in support. The volunteer appreciation event hasn't happened in a few years, but we will be issuing gift certificates for local businesses to volunteers in lieu of a gathering. It's a comparable cost. Ms. Belanger said volunteers should have a gathering outside of a meeting.
- vii. The Swasey Parkway hearing is scheduled Dec 5 for Cy Pres and deviation. This will be during the Select Board meeting. After that, we notify the Director of Charitable Trusts and Probate Court we've had the hearing. Mr. Papakonstantis said he wanted a statement from Attorney Mitchell on the process to include in the packet prior to the Public

Hearing. Mr. Dean said the wording of the petition will be available at the Public hearing; we can give a brief description at the meeting, including what was approved at Town Meeting. We can also post the petition online tomorrow.

viii. The holiday parade is December 3rd, starting at 5:30.

d. Select Board Committee Reports

i. Ms. Cowan had no report.

ii. Ms. Gilman said the Heritage Commission talked about recommendations for the Historic Registry for Town Hall and gathering stakeholders together. They voted to go ahead with a grant from the NH Preservation Alliance. They talked about a summary narrative about the Heritage Area for Park Street. They talked about the watering trough placement. They discussed how to document buildings that have been demolished. The Chair is going to write a response for the resident letter. Ms. Belanger said she's getting emails on that issue. The Select Board has no say over the committees and commissions, and can't tell the HC that it could never come back up again. Ms. Gilman said that's correct. The Heritage Commission is a State-defined land use board and is not under the purview of the Select Board.

iii. Ms. Belanger said she met with Jennifer Perry and Jay Perkins regarding the winter parking ban. The downtown has 40 overnight parking spots, and can add 14 more spaces at the municipal lot. The three projects with 19 units which have been approved won't have people living in them this winter. We need to find a way to get data on how many overnight parking spots are being utilized. The downtown traffic parking study in the CIP would give us a better understanding of our needs. The Planning Board is in support of the study being on the warrant this year. At the Conservation Committee, they talked about a floodplain draft ordinance. There was a kayak event with 10 participants, several of whom were first-timers. They had no problems with the new boat launch. There was talk of a possible community garden near Raynes Barn, but there is limited parking and it's not close to town. The Trail Maintenance subcommittee met and talked about how to make the trails more user-friendly and keep people from getting lost.

iv. Mr. Papakonstantis said he went to the Public Safety Complex open house, which was a good event but not well-attended. At the Swasey Trustee meeting, he updated the Trustees on the Swasey Park public hearing, the lifting of the water ban, and the vandalism addressed last week. They opened bids for maintenance of the park. He attended the CIP budget meeting last week, and the Board will hear the BRC's recommendations next week.

e. Correspondence

- i. A letter from the Holland Company, who will not be offering a bid because they do not supply the correct chemical.
- 8. Review Board Calendar
 - a. The next meetings are December 5 and December 19
- 9. Other business
 - a. Mr. Papakonstantis said Santa's mailbox is up for children's letters to Santa. Ms. Belanger said the deadline is December 16.
- 10. Non-Public Session

MOTION: Ms. Belanger moved to enter into non-public session under RSA 91A:3II(a) and (c). Ms. Gilman seconded. In a roll call vote, the motion passed 4-0. The Board emerged from non public session. Motion made by Selectwoman Cowan to permanently seal the minutes, seconded by Selectwoman Belanger. The motion carried 4-0.

- 11. Adjournment. Selectwoman Belanger motioned to adjourn, seconded by Selectwoman Gilman. The motion carried and the Board stood adjourned at 9:50 pm.

Respectfully Submitted,
Joanna Bartell
Recording Secretary