

Select Board Meeting
Monday December 5, 2022
7 PM
Nowak Room, Town Offices
Final Minutes

Members present: Chair Niko Papakonstantis, Vice-Chair Molly Cowan, Clerk Julie Gilman, Lovey Roundtree Oliff, and Nancy Belanger.

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 6:45 PM.

2. Non-Public Session

MOTION: Ms. Gilman moved to enter into non-public session under RSA 91A:3II (a) and (c). Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

The Board went downstairs to the Wheelwright Room for the non-public session at 6:47 PM. The meeting reconvened at 6:58 PM

3. Bid Opening - Water/Sewer Chemicals

- a. Harcros Chemicals of Nashua NH: 1) Sodium Hypochlorite 15%, per gallon: \$3.58; 2) Activated Carbon, per pound: no bid; 3) Potassium Permanganate, per pound: \$4.710; 4) Sodium Hydroxide 25%, per gallon: \$3.2300.
- b. United Mineral & Chemical Corp of Lyndhurst NJ: 1) Sodium Hypochlorite 15%, per gallon: no bid; 2) Activated Carbon, per pound: no bid; 3) Potassium Permanganate, per pound: \$2.95; 4) Sodium Hydroxide 25%, per gallon: no bid.
- c. Borgen Remington of Fall River MA: 1) Sodium Hypochlorite 15%, per gallon: \$3.6250; 2) Activated Carbon, per pound: no bid; 3) Potassium Permanganate, per pound: \$2.7298; 4) Sodium Hydroxide 25%, per gallon: \$2.0831.
- d. Coyne Chemical of Croydon PA: 1) Sodium Hypochlorite 15%, per gallon: no bid; 2) Activated Carbon, per pound: \$2.1929; 3) Potassium Permanganate, per pound: \$2.5274; 4) Sodium Hydroxide 25%, per gallon: no bid
- e. Shannon Chemical Corp of Malvern PA: 1) Sodium Hypochlorite 15%, per gallon: no bid; 2) Activated Carbon, per pound: no bid; 3) Potassium Permanganate, per pound: \$3.34, minimum 36 pails; 4) Sodium Hydroxide 25%, per gallon: no bid
- f. Univar Solutions, Morrisville PA: 1) Sodium Hypochlorite 15%, per gallon: \$2.592; 2) Activated Carbon, per pound: no bid; 3) Potassium Permanganate, per pound: \$2.48; 4) Sodium Hydroxide 25%, per gallon: \$2.1837.

MOTION: Ms. Gilman moved to refer these bids to the Water/Sewer Department for review and recommendation. Ms. Belanger seconded. The motion passed 5-0.

4. Public Comment

- a. There was no public comment.

5. Proclamations/Recognitions

- a. Ms. Gilman read the proclamation for the Daughters of the American Revolution 125th anniversary:

Whereas, Exeter Chapter, National Society Daughters of the American Revolution, one of approximately 3,000 Chapters in all 50 States, District of Columbia, and Units Overseas commemorates 125 Years of Service; and Whereas, The objectives of the National Society -- Promoting Education, Historic Preservation, and Patriotic Endeavor through the work of Committees functioning at the local, state and national levels; and

Whereas, The nineteen charter members established a firm foundation; Resolved, That Exeter Chapter, NSDAR, celebrates its 125th anniversary with reflection and anticipation of continuing service.

Now Therefore, Niko Papakonstantis, Select Board Chair of the Town of Exeter, hereby proclaims December 3, 2022 as the 125th Anniversary of the Exeter Chapter, National Society Daughters of the American Revolution, a day of celebration and urge all citizens within the Town of Exeter, NH to congratulate Exeter Chapter on this 125th anniversary.

In witness whereof, I have hereunto set my hand and caused the Seal of the Town of Exeter to be affixed this 5th day of December of the year of our Lord Two Thousand and Twenty-Two.

- b. Ms. Belanger said last Thursday, she attended a Workforce Housing Coalition of the Greater Seacoast event in Portsmouth, where Mr. Sharples accepted a Municipal Leadership Award on behalf of Exeter. Mr. Dean said Mr. Sharples has been one of our most innovative employees and has turned policy issues into action. He presented Mr. Sharples with the award. Mr. Sharples said he'll continue to come up with creative ideas from the community.

6. Approval of Minutes

- a. Regular Meeting: November 14, 2022

MOTION: Ms. Belanger moved to approve the regular meeting minutes of November 14, 2022 as presented. Ms. Gilman seconded. The motion passed 5-0.

- b. Regular Meeting: November 21, 2022

MOTION: Ms. Belanger moved to approve the regular meeting minutes of November 21, 2022 as presented. Ms. Gilman seconded. Ms. Oliff abstained, as she was not present at the November 21 meeting. The motion passed 4-0-1.

7. Appointments and Resignations

MOTION: Ms. Belanger moved to nominate Don Clement for re-appointment to the Exeter Squamscott River Advisory Committee. Ms. Gilman seconded. The motion passed 5-0.

MOTION: Ms. Belanger moved to accept with regret Amanda Kelly's resignation from the Facilities Advisory Committee. Ms. Gilman seconded. The motion passed 5-0.

8. Discussion/Action Items

a. Public Hearing: Swasey Parkway Cy Pres and Deviation Petition

Swasey Parkway Trustee Chair Dwane Staples was present for the hearing. Mr. Papakonstantis said the Swasey Park Trustees posted this as a meeting tonight, but they don't have a quorum.

Attorney Laura Spector-Morgan was present via Zoom.

Mr. Papakonstantis said legal notice of this hearing was posted Nov 15 2022. He read the notice:

The Exeter Select Board hereby gives notice of a public hearing on the Swasey Parkway Petition for Cy Pres or for Deviation Relief on Monday, December 5, 2022, at 7 PM, in the Nowak Room of the Exeter Town Offices. The public is welcome to attend and comment.

Mr. Papakonstantis said that this hearing is required by the Cy Pres statute as an informational hearing only. It's not preserved and submitted to the Court. There's nothing occurring that would have weight in the court process.

MOTION: Ms. Belanger moved to open the public hearing on the Swasey Parkway Cy Pres and Deviation Petition. Ms. Gilman seconded. The motion passed 5-0.

Don Clement of Thelma Drive read a statement:

I have spent the past few weeks reading and re-reading the draft petition to the court for Cy Pres or Deviation relief. After considerable review, it is my opinion that this is based on convoluted reasoning to craft an argument that the original trust is no longer valid. In fact I believe that the comments in the petition paint a false narrative as to the historical purpose and issue regarding the parkway.

The main point of the petition is that over the many years of the parkway's existence there has been a significant increase in commuter traffic and higher vehicle speed. At worst this is misleading and at best an assumption. And the reason I say this, is due to the absence of any data to substantiate that claim. Unless you have been compiling comparative statistics over a period of time this is a presumption.

If a goal is to slow vehicle speed down, various traffic calming methods such as chokes, bump outs, and speed bumps could be applied.

I also believe that your interpretation of Mr. Swasey's intent is subject to debate. But we can't really have that debate because Mr. Swasey is not here to speak to the petition action and consequences. So our opinions are irrelevant. The petition states that due to current circumstances the original purposes of the trust have become impractical, obsolete, ineffective and/or prejudicial to carry out. I contend that discontinuing half the parkway actually does render the original trust impractical, obsolete, ineffective and prejudicial. The parkway was created for vehicle use.

In conclusion it is my strong belief that a significant amount of people will be disenfranchised by the prohibition of pleasure vehicles from a section of the parkway. This is an injustice that creates an undue hardship on a certain segment of the population.

Gerry Hamel of 17 Little Pine Lane said he can understand people wanting to enjoy half of the parkway with no cars, but this is a piece of land given to us by a benefactor for a purpose: to be a “parkway,” or landscaped highway, not a park. Mr. Swasey was going to defray the cost for the parkway, to be solely for park purposes, and the roadway therein open only to pleasure vehicles. We don’t want the intent being lost. The argument in the petition has been embellished. The Select Board are not the Trustees; the Cincinnati Trust is the original trust. The town didn’t acquire property; the trust acquired the property. There’s nothing about quiet, serenity, or natural beauty in the trust. Mr. Swasey wanted a nice way to go back to his house. The change creates mobility issues. The town is not keeping all motorized vehicles out of the parkway; what about the Farmer’s Market, or setting up at the bandstand? The park should be left as it is, like Mr. Swasey wanted.

Dwane Staples of 33 Ashbrook Road, the Chair of the Swasey Parkway Trustees, said we should keep the parkway one-way. There are mobility issues. There are no handicapped spaces downtown near the parkway for access. If we close that road, we’ll close off two sidewalks that are handicapped accessible; the handicapped would only have one way down, by the lower bridge at Norris Brook. Two parades use the parkway, as well as the Farmer’s Market and people setting up at the pavilion. We need to take a step back and look at this. We moved hastily without taking time to think about these issues. He hopes that the Select Board can discuss with the Trustees which way this should go.

Bill Campbell of High Street, who was remote via Zoom, said he’s concerned that if we close the parkway and have access only at the north end of the park, that will make it hard for older people or young families to get to the best part of the park. We need to look at ways of slowing traffic down, but not closing it off.

Andrew Elliott of 42 Washington Street asked if this will set any kind of precedent for future changes for Swasey Parkway. Mr. Papakonstantis said this is what was voted on in the warrant article. The process is contingent on Charitable Trust, which portion is complete, and then Probate Court after this hearing. Attorney Spector-Morgan said it does not authorize any other changes than what was voted on.

MOTION: Ms. Belanger moved to close the public hearing. Ms. Gilman seconded. The motion passed 5-0.

Ms. Belanger said she was not on the Board at the time, and would not have voted to put this on the warrant. She’s concerned about this and agrees with the public comments. Elderly people drive down and sit under the trees or in their cars. If we do go forward, we should work with the Trustees for a solution

that will take that into consideration. Regarding the draft, section 9 says the “road borders the parkland,” but it’s actually straight down the middle.

Ms. Gilman said she didn’t want to do this. She agrees with the public comments. What is the next step from this? Attorney Spector-Morgan said this is a draft. Should the town have any changes, those can be communicated to Attorney Mitchell for him to make changes as appropriate.

Ms. Gilman asked if the Select Board are regarded as the Trustees. Mr. Dean said the Select Board are the Trustees as outlined in the agreement.

Ms. Cowan said we’ve had a robust discussion and hearings. It didn’t seem like there was opposition on the Board then. There’s a need to think through changes that are helpful and forward-thinking. The Trust allows for us to take possession of this area. We have to be thoughtful and realistic about changes to technology and how that could decrease the enjoyment and impact the safety of young families, older folks, and everyone else. This was not a close town vote, it was clear and decisive. We have to be considerate about how we implement this. People wanted to enjoy the parkway without people driving through it. Ms. Oliff said she agrees, we fleshed this out for months.

Mr. Papakonstantis said the process began in summer of 2021. We’ve enjoyed collaborating with the Trustees. It’s pivotal moving forward to continue the collaboration once this goes through all the regulatory procedures. We’ve had multiple Select Board hearings where the public weighed in. During Covid, when the Select Board closed the parkway under the emergency order, it was wonderful for folks. It was eye-opening to hear about mobility issues. We represent the community, and voted 4-0 that the decision should come from the voters. We will make this inclusive for all folks.

Ms. Belanger asked again about section 9, “the road borders the park land.” Attorney Spector-Morgan said she made a note of the concern and will raise it with Attorney Mitchell.

Ms. Gilman asked if this prohibits us from making changes to the proposed configuration. Mr. Papakonstantis said we’ll have to work with Public Works. Attorney Spector-Morgan said the vote was to discontinue one half of it. Ms. Cowan said we will make decisions with lots of input from everyone.

Don Clement asked about next steps. Will there be another public hearing before the draft is submitted to probate court? Mr. Papakonstantis said this was the regulatory hearing, and there are no further hearings. Mr. Dean will work with Attorney Mitchell to make corrections and file it with the court.

b. Budget Recommendations Committee report

Bob Kelly, Chair of the BRC, was present to discuss the budget review process. Mr. Kelly said that from early Aug through Nov 17th, there were eight BRC meetings and multiple subcommittee meetings. The group thoroughly vetted the different funds and the capital improvements program.

Mr. Kelly said that two positions were recommended. A part-time Human Resources Assistant was requested to lighten the workload in view of increased

Human Resources issues, and the BRC supported the funding of this position. Also, a GIS Technician or Resource Manager was requested by Public Works. The funding for this would come 60% from the General Fund and 20% each from the Water and Sewer Fund. The town collects GIS data in the field, but there's no mechanism for putting that into a repository. Most communities of a similar size have had a GIS Manager for multiple years. It's time to add this to our staff.

Regarding the Water Fund, we are an older town with an older system including lead-based piping. The DES and the US EPA have requested that everyone has a plan by the end of 2024 to deal with that. Because of DPW labor shortages and consultants, we want to get going earlier. We do have a grant possibility of \$80,000. We also want to expand our meter replacement program. The meters are the town's cash register. If they slow down, the town is losing money. We have 1,000 units that are over 10 years old, which is the life span of a meter.

Regarding the Sewer Fund, there's a Capital Outlay request for the Wastewater Treatment Plant to receive septage. We don't make as much revenue for this service as we should. It would be \$125,000 to build, but revenue would be \$300,000 a year.

Mr. Kelly discussed the CIP list of 22 projects and vehicles; he said not all were approved, although all of the projects are worthwhile. There's a proposed Police Station and Fire Substation on Continental Drive, a \$15.9M project. There was interest in making it a net zero energy facility, which added \$300,000. The BRC recommended the final warrant article be \$16.3M to include net zero. We supported the Westside Drive improvements project at \$6M. 10 years ago, we started redoing catchment areas around town, starting in Jady Hill, to take unwanted water out of the sewer system, and that's been very successful. We're also in the middle of a groundwater source development project. We got \$1M last year to continue; the town asked for \$6M this year, but the BRC felt it would be premature and reduced it to \$500,000. Next year we can have a warrant article for construction of groundwater facilities.

There was one vehicle which the subcommittee initially did not recommend, a new DPW tank truck to clean catchbasins to comply with MS4 drainage requirements. They're \$550,000 each. The one we have is 8 years old, but they're 12 - 18 months out on the ordering process. If we wait, we're starting to push it with maintenance costs. The trade-in value would be less than \$50,000, so the DPW proposed to keep in our fleet. Having two vehicles would work well, as the existing one is being used aggressively. The BRC had a 10-0 unanimous vote to support this purchase.

Mr. Kelly said looking at year over year expenses, we've reduced the CIP. Budgets have been in the 2-2.5% increase range over the years, although Water/Sewer has risen due to regulatory initiatives.

Mr. Papakonstantis thanked the members of the 2022 BRC.

Ms. Gilman said the line-by-line budget is posted, if anyone would like to review and ask questions.

Mr. Papakonstantis said the budget hearing is in January. He would like to have this as a standing discussion item until then.

Mr. Dean acknowledged the contributions of Finance Director Corey Stevens and Laura Zogopoulos to the budget process.

c. Grant Acceptance: Exeter Reservoir Dam Feasibility Study

Mr. Dean said that this came in from Town Engineer Paul Vlasich. The town received a NH DES ARPA grant for Exeter Reservoir Dam, which is a high hazard dam because it's currently unable to meet the required discharge capacity. This is for a feasibility study to determine alternatives. The grant is \$172,000, which will fund 100% of the study.

MOTION: Ms. Belanger moved to authorize acceptance of the State ARPA grant from NH DES in the amount of \$172,000 for the Town of Exeter, and authorize the Town Manager to sign the associated paperwork for such agreement on behalf of the town for the Exeter Reservoir Dam. Ms. Gilman seconded. The motion passed 5-0.

d. Town Ordinance Second Reading: Sewer Use Regulations

Ms. Gilman suggested just highlighting the changes in the index.

MOTION: Ms. Belanger moved to open the public hearing on town ordinance second reading for sewer use regulations. Ms. Gilman seconded. The motion passed 5-0.

There was no public comment.

MOTION: Ms. Belanger moved to close the public hearing. Ms. Gilman seconded. The motion passed 5-0.

Ms. Gilman described the changes to Chapter 15 in our town ordinances, sewer regulations, as follows:

In section 1508, pre-treatment of wastewater, we added information about amalgam separators. In section 1516, septage disposal, we added language for septage hauler requirements, temporary septage permits, septage permits, and septage disposal charge.

Mr. Papakonstantis said this issue will have a final hearing on December 19.

e. Boards & Committees Policies and Procedures

Mr. Papakonstantis described a few changes made since the last discussion. He said that Ms. Gilman had suggested under vacancies, if someone leaves, the board should move an alternate up to a permanent member. Ms. Gilman also found a typo under Committee Membership; he changed it to "quorum." He said that Ms. Belanger had suggested that the goals and objectives report be moved from the beginning of the year to by June 30.

Ms. Belanger suggested that attendance rules should include alternates.

Ms. Gilman said under orientation, it says that training will be provided on RSA 91-A and town policies and procedures, but some boards have their own

policies and procedures. Mr. Papakonstantis said it says that some land use Boards are exempted. We were looking at committees with no regulatory function.

Ms. Belanger said under vacancies, add that the Chair will make a recommendation for nomination to the Select Board. Mr. Papakonstantis said he believes that's already the practice.

Ms. Cowan said she would like each of the Select Board members to create reports on their other meetings, perhaps in a standardized Google Doc. Ms. Roy said the Select Board members could submit information through Google Forms and review the final product, but not edit, comment, or discuss it without getting into Right to Know issues. Ms. Belanger said it would be helpful to have a place to refer back to member reports on these meetings.

9. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve a tax abatement for 111/5/30 in the amount of \$173.88 for tax year 2022. Ms. Belanger seconded. The motion passed 5-0.

MOTION: Ms. Gilman moved to approve a tax abatement for 104/79/957 in the amount of \$4.93 or tax year 2022. Ms. Belanger seconded. The motion passed 5-0.

MOTION: Ms. Gilman moved to approve a tax abatement for 104/79/1000 in the amount of \$17.90 for tax year 2022. Ms. Belanger seconded. The motion passed 5-0.

MOTION: Ms. Gilman moved to approve a Solar Exemption for 21/20 in the amount of \$20,500 for tax year 2023. Ms. Belanger seconded. The motion passed 5-0.

b. Permits & Approvals

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

c. Town Manager's Report

- i. Tax bills are due December 30th. Residents should have received them in the mail by now
- ii. Health Trust had its annual meeting last Thursday, and elected new Board of Director members
- iii. He has started working on the Town Meeting warrant articles.
- iv. He complimented the Assistant Town Manager for her work on the DOL audit process. They went through many buildings last week, including Town Offices and Town Hall. We're starting to get better remarks.
- v. The DPW Director hiring process continues. We're looking at references now.
- vi. He thanked the organizers of the Holiday Parade for a well put-together event. The weather held off and it was a great time.
- vii. He's heading to Arizona this Wednesday, and will be back Monday Dec 12.

- d. Select Board Committee Reports
 - i. Ms. Oliff had no report.
 - ii. Ms. Cowan attended the Rec Advisory Board meeting, where they had a presentation from Chris Zigmont on the single use plastics ordinance. They had a robust discussion, but no action was taken. People seemed in favor of the policy in theory but were wary of saddling the concessions stand with that kind of responsibility. We fund the pool operations with that money. The RAB want more funding from the town to run the different operations so as to rely less on concession sales.
 - iii. Ms. Gilman attended a Facilities Advisory subcommittee meeting, where they interviewed firms remotely to conduct the Facilities Condition Assessment. One firm topped the list; they're a national firm, and won't charge us for a specialist to travel here. The next step is for the full committee to review the results.
 - iv. Ms. Belanger had no report. She thanked the parade organizers, as well as EXTV for filming the parade.
 - v. Mr. Papakonstantis had no report. The Sustainability Advisory Committee is having a hard time getting a quorum, and will meet next Monday, December 12, to review the single use plastic policy. He walked in the parade and it was a lot of fun.
- e. Correspondence
 - i. Five pieces of correspondence in favor of the single use plastic ordinance.
 - ii. A notification from Xfinity about increased pricing.
 - iii. A letter from the Community Center rehabilitation project. Ms. Gilman said this is regarding Parks and Rec's new building. There isn't enough funding for it.
- 10. Review Board Calendar
 - a. The next Board meeting is December 19th. The Board may have to meet briefly later in December for encumbrances.
- 11. Other business
 - a. Mr. Papakonstantis thanked DPW Director Jennifer Perry for her years of service. Her last day is Friday.
- 12. Non-Public Session
 - a. There was no non-public session at this time.
- 13. Adjournment

MOTION: Ms. Belanger moved to adjourn. Ms. Cowan seconded. The motion passed 5-0 and the meeting adjourned at 8:54 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary