

Select Board Meeting
Monday December 18, 2023
6:00 PM
Nowak Room, Town Offices
Final Minutes

1. Call Meeting to Order

Members present: Chair Niko Papakonstantis, Vice-Chair Molly Cowan, Dan Chartrand, and Nancy Belanger

Members Absent: Clerk Julie Gilman

Town Manager Russ Dean was also present at this meeting.
The meeting was called to order by Mr. Papakonstantis at 6PM.

2. Non Public Session

MOTION: Ms. Belanger moved to enter into non public under RSA 91-A:3II(d). Ms. Cowan seconded. In a roll call vote, the motion passed 4-0.

The meeting reconvened in the Nowak Room at 7 PM.

3. Bid Award

Mr. Papakonstantis said the chemical bids for Public Works that were opened at the previous meeting have been reviewed.

MOTION: Ms. Belanger moved to recommend to the Public Works Department the following bid recommendations: Bid item #1 to Harcros Chemicals of Nashua NH at \$2.2630 per gallon; Bid item #2 to George S. Coyne Chemical Inc of Croydon PA at \$2.2084 per pound; Bid item #3 to Harcros Chemicals of Nashua NH at \$2.4675 per pound; and Bid item #4 to Borden & Remington of Fall River MA at \$1.4980 per gallon. Mr. Chartrand seconded. The motion passed 4-0.

4. Public Comment

- a. Vanessa Lazar of 35 Wood Ridge Lane said everyone in the room wearing a green ribbon and the 962 signatures we've received are all in support of the creation of a community town forest in tandem with Newfields. We can either continue with the enjoyment of the Rugg land or it will be sold to a developer and paved. These parcels create an enormous trail system that provides outdoor entertainment for all. Places like this kept us sane during the Covid shutdown and continue to support our mental and physical well-being. The Rugg family is on our side. The wetlands and wildlife corridors must be protected. She asked that the Board ensure the town works out the boundary question as soon as possible and support the fundraising and a town bond vote in 2025.

Mr. Papakonstantis said this is a discussion item for later in the agenda so the Board will take further comment at that time.

- b. Donald Latener of 1 Split Rock Road said he is in favor of Pickpocket Dam not being removed. The removal of the dam would remove part of the history of Exeter. People come from Exeter, Brentwood, and other places to enjoy the dam from the bridge. It seems like a report has been accepted for taking down the dam without the community being given the opportunity to comment on the removal. It's not clear who will benefit from that. Once the dam is removed, the character of the area around the dam will be altered forever. It doesn't seem like there has been an adequate archaeological survey. The dam is a lovely sight and he's been unable to determine the benefits to the people of Exeter in removing the dam. There's one residence in danger from a hundred year flood but there are other approaches to addressing that issue.

Mr. Papakonstantis said there was a letter of deficiency several years ago from DES, so a feasibility study is underway and will be concluded next month. It will be presented at the River Advisory meeting in February. Removal is one of a few options that will be discussed. There was a grant opportunity that came before the Select Board in October, and the Board voted to apply for a grant that if approved would pay 100% for removal of the dam, taking that burden off of the Exeter taxpayers. If we were to be awarded the grant, that would require public hearings to allow the public to come forward before any decision could be made. The public will be heard and we will consider the other options.

5. Proclamations/Recognitions

- a. Fire Chief Eric Wilking introduced new Health Officer Madison Bailey.
- b. Town Clerk Andie Kohler swore in new Deputy Town Clerk Jennifer Shupe.

6. Approval of Minutes

- a. Regular Meeting: December 4, 2023

MOTION: Ms. Belanger moved to approve the Select Board regular meeting minutes of December 4, 2023 as presented. Ms. Cowan seconded. The motion passed 4-0.

7. Appointments

- a. There were no appointments made at this meeting.

8. Discussion/Action Items

- a. Newfield-Exeter Community Forest

Duane Hyde, the Land Conservation Director of the Southeast Land Trust (SELT) was present to discuss the issue. Lynnette Batt of the Trust for Public Land was present via Zoom.

Mr. Papakonstantis said this is a wonderful piece of property that the Board has been looking at for some time now. The town is looking into the deeds and ownership. That report is due in mid-January, at which time we will be able to answer more questions.

Duane Hyde said the Rugg property is 148 acres, 101 in Newfields and 47 in Exeter. It's on the south side of Route 87 and the east side of Watson Road. It extends to the Oaklands Town Forest. There's a small town forest in Newfields called Inland Acres Town Forest, and this project would unify them into a larger conservation land area. The proposed project structure is for each town to own the component within its municipality. We're proposing this as a community forest model, where the communities work jointly to raise the money and manage it long-term. It includes a proposal for a new parking area on the Newfields side.

For over 75 years, the Rugg family has kept this land open to the public and have allowed trails to be built on the property. Now is the opportunity to provide a financial remuneration for this. The proposal will protect 30% of the trails in the system, about 12 miles out of 40 miles in the Fort Rock Trail System. This will make these trails public, on public land. This property is fully within a wetland protection area and a hydrologic area of concern. It would protect drinking water in this neighborhood. There are vernal pools and rare wildlife on the property that would be protected.

Right now, we have two town forests without a lot of communication back and forth. Under the community forest model, each town would still manage their respective forest area, but would do that through discussions with each other and the public. Right now we have a group of volunteers that's been managing the trails, the "Fort Rock Riders."

The Rugg family needs to sell the property. They have agreed to give us the opportunity and the time to try to conserve this property, but if we fail, the only other option is to sell the property, likely for development. They're giving us two years. If we fail, approximately 67 or so lots are possible on the property. We've had an appraisal done and the fair market value is \$5,166,000. Exeter's 47 acres is \$1,642,000 and Newfields' 101 acres is \$3,525,000. We're proposing a \$800,000 - \$1.1M bond from the Town of Exeter in 2024. We would also go for a State Revolving Loan fund for drinking water, which would be a low-interest loan with 20% forgiveness. On the Newfields side, they're looking for a \$2M - 2.5M loan, which has been awarded but is pending town approval. We're also seeking public grants for the project, to be divided between the two towns so each town is funding the same percentage of their portion of the property. We're also seeking around \$600,000 on top of the purchase price, which would be raised by private funding and donations.

Mr. Papakonstantis asked if the \$600,000 is divided between the two towns, and Mr. Hyde said yes, those are overall project costs and cover both towns.

Mr. Chartrand asked when the vote from Exeter would be needed. Mr. Hyde said in 2025. Ms. Batt clarified that the March 2024 comment was regarding a town "support vote" or an "advisory vote"; the funding vote would not come until 2025.

Mr. Hyde said the boundary survey and title work was provided to the town in July. We've gone to several grant sources with mixed results. Many grant programs want to see community support before they fund a project. The State Revolving Fund for drinking water was awarded to Newfields in the amount of \$2.5M. In Newfields, they are looking at a warrant article for funding in this year's town meeting. We've had outstanding public support at their public meetings, the vast majority of attendees being favorable to the project. There's a letter of support with over 950 signatures.

The boundary review will be completed by Exeter in January. We're proposing an advisory warrant article just to show if the public supports the acquisition of this land, but with no funding requested. That should help us with grant applications.

Mr. Papakonstantis said we've received an overwhelming amount of support through correspondence, which is included in the Select Board packet. The letters received Friday and over the weekend will be included in the next packet.

Ms. Belanger said she would like to see an example of the community forest model. She also mentioned that when submitting correspondence, people need to include their physical address.

Mr. Papakonstantis asked for further public comment.

Ryan Cunningham of 17 Woodridge Lane said he thinks that everyone in the neighborhood that directly abuts the town forest supports this and looks forward to helping promote it.

- b. Second Public Hearing: Proposed Acquisition of 23 Water Street under RSA 41-14 a

Mr. Chartrand recused himself.

MOTION: Ms. Belanger moved to open the second public hearing on the proposed acquisition of 23 Water Street under RSA 41-14 a. Ms. Cowan seconded. The motion passed 3-0.

Mr. Dean said the owners Elliot Berkowitz and Nancy Phillips are the proponents of this project, a donation to the town for a public park in perpetuity. There are two public hearings and a vote by the Board. This property is located downtown and is vacant at the moment. Mr. Berkowitz was in the process of developing this property but that did not take, so he's interested in donating it into the town. There will be significant investment involved to turn it into a park. It's required to be a park in perpetuity; there were other requirements in the agreement but they were pulled back. We have fence quotes. We would need to put fencing by the river at approximately \$4,000 and another fence would be required at the sidewalk at \$6,000. Primex has not weighed in on liability issues yet but likely will before the next meeting. Legal Counsel has gone through the details.

Mr. Papakonstantis asked for public comment.

Lori Smith of 16 Locust Ave said she supports turning this land into a park. It's exciting for families in town as a place to sit and see the river.

Jim Kulp of Dewey Street made a comment that was not recorded in the video of the meeting. [Three minutes of the meeting's audio were lost.] Mr. Papakonstantis asked Mr. Koch to repeat his main point, and Mr. Koch said we need those cost numbers to make a rational decision on this fast-track offer.

Mr. Papakonstantis asked Mr. Dean to get those numbers for a third public hearing. Mr. Koch pointed out that there was an article in the newspaper; that's out of our purview as the Select Board but it wasn't particularly accurate and we weren't contacted for comment. We talked about reaching out to the reporter to write a more accurate article.

MOTION: Ms. Belanger moved to close the public hearing under RSA 41-14 a. Ms. Cowan seconded. The motion passed 3-0.

Ms. Belanger said it's imperative that Primex weigh in before the next hearing. We don't have a lot of numbers. How can we get an estimate on what we need to do to make it a park? What's the difference between a green space and a park? That space is small, how will we make it ADA accessible? Mr. Dean said this would need to be looked at through a process of design, and that was not something Parks and Rec were prepared to do.

Ms. Cowan asked if this is contingent on happening this year and then goes away. We as a town have committed to a large number of other park projects, such as Planet Playground and the Hampton Road property. There is room for green space but she doesn't feel comfortable recommending this to our taxpayers without more details. The most valuable tax base is right across the street, with mixed use commercial and residential, which she understands they tried to do here but couldn't. Mr. Berkowitz said it would have to happen this year, by the 29th of December. If it doesn't happen, we'll probably build a building. The taxes on that parcel are \$6,500 a year. It would have to be a registered deed in this year. He understands concerns about the timing, but it was brought up in September.

Mr. Papakonstantis said a quorum of three members could meet on December 28th at 8 AM. He would like to see more information on the proposal before that time.

Mr. Berkowitz said regarding not knowing what the expenses would be, someone would probably come in and remove the granite for free.

Ms. Cowan said a donation of property comes with risk and consequences. Is there something that we could consider around Mr. Berkowitz helping to facilitate work on the property?

c. FY23 Year End Encumbrances

Finance Director Corey Stevens was present to discuss the encumbrances. Mr. Dean said this is customary. We have to have things encumbered by year end.

Mr. Stevens presented the list of proposed encumbrances. These are operational budget items that weren't spent but will be spent in the next year, or special warrant articles that can be encumbered for one year if the Board so chooses. He said that #5 should read 2023, not 2022.

Mr. Stevens said last year we encumbered \$1.3M, this year \$1.175M. Mr. Chartrand asked if those were typical amounts. Mr. Stevens said if we were to go back more than two years, it might have been lower. It could be related to the pandemic. Some projects, like septage receiving, go on for more than a year. Mr. Dean said it's been lower in previous years, around \$700,000 - \$800,000.

MOTION: Ms. Belanger moved to approve the 2023 encumbrance request as amended for the year ending 12/31/23 in the amount of \$1,175,202.53. Ms. Cowan seconded. The motion passed 4-0.

d. RiverWoods Donation

Assistant Fire Chief Justin Pizon discussed the donation of updated video laryngoscopes to help with the insertion of breathing tubes. With the standard laryngoscope, your eye is very close to the person's airway, which is a Covid risk. The RiverWoods Resident Council approved a donation to the Fire Department of two new video laryngoscopes. With this equipment, the Exeter Hospital saw the success rate of their first time attempt at intubation go from low 50% to over 90%. The value of this donation is \$3,599.98.

Richard Crosby of the Exeter RiverWoods Resident Council said typically our donations are in the form of scholarships to local students, but he often sees the Fire Department ambulances going up there, so he felt it was time to give something back to the town.

MOTION: Ms. Cowan moved to accept the donation of two McGrath video laryngoscopes from the RiverWoods Resident Council in the total amount of \$3,599.98. Ms. Belanger seconded. The motion passed 4-0.

e. FY24 Operating Budget & Warrant Articles

Finance Director Corey Stevens and Budget Recommendations Committee Chair Bob Kelly were present to discuss the proposed budget.

Mr. Stevens said the proposed General Fund budget was \$23,060,862, up \$1.7M over the 2023 budget, or 8.13%. We've continued to look at ways we might reduce the budget. We haven't spent all the federal and state funds we've received over the last few years, so looked at reductions we could make using those funds. We could reduce the budget by another \$300,000. We intend to spend \$50,000 on equipment for the Tree Committee from the ARPA funding, of which \$230,000 is left. We would reduce the paving budget by \$250,000 and use Road Aid from the State to offset that. This would bring it down to a \$1.4M increase, or 6.73%. This would help with tax rate setting next year.

Mr. Papakonstantis said we had earmarked \$85,000 of the Road Aid for the Swasey Parkway turnaround. We also have the Kingston Road project that may require additional funds. Would we be better served using only \$100,000

from Road Aid? Mr. Stevens said regarding Kingston Road, we have sidewalk funds of \$233,000. We understand what the town's input for Kingston Road needs to be, which is the difference between the warrant article and the bids that came in, and it should leave \$166,000 in the sidewalk fund. Mr. Papakonstantis asked if that would be in lieu of another sidewalk project, and Mr. Stevens said yes, but we don't have a sidewalk project in the queue. Mr. Papakonstantis said he thinks this is a little risky given that we may need the Road Aid funds in the future. Mr. Stevens said this Road Aid has been sitting unspent for a while. We received our first tranche in 2022 and another tranche this year.

Mr. Chartrand asked how much closer the reduction to a \$1.4M increase over last year brings us to the default budget. Mr. Stevens said he thinks it would be about a \$200,000 delta between the proposed and default budgets. Mr. Chartrand said he supports the proposal for that reason.

Mr. Papakonstantis said we don't expect to get any more Road Aid. We're looking at how we're going to pay for the Swasey Park turnaround. He thinks \$250,000 is too high. Last year the difference between the proposed and default budgets was \$302,460. Mr. Chartrand proposed \$175,000.

Mr. Kelly said the paving budget has been QC'd through Jay Perkins. We try to give him whatever resources we can. He has had labor and contractor shortages over the last few years. If we need to backfill the paving budget next year, the BRC is committed to that.

Mr. Chartrand said most of the budget increase is driven by employee retention efforts. That's the story we're going to tell the voters.

f. RSA 79E Update

Mr. Dean said the Housing Advisory Committee and staff talked about 79E and recommended a work group should be formed to review 79E in full before any changes are made. They also said they wouldn't want to see multiple town votes on 79E but to only go one time. There was an agreement that workforce housing was a priority, so 79E applications that involve workforce housing should be viewed more favorably. The work group would reassess locations in town where 79E is practical. They thought the Board should consider pausing any further applications until the workgroup has recommendations, but we're vetting that with legal counsel.

Ms. Belanger said the initial committee would be a small group meeting with town staff. Mr. Chartrand said he would like to be involved.

9. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Belanger moved to approve the DRA Equalization Study Certification abatement for 111/5/46 in the amount of \$115.15 for tax year 2023. Ms. Cowan seconded. The motion passed 4-0.

MOTION: Ms. Belanger moved to approve a land use change tax for 102/4/1 in the amount of \$25,000. Ms. Cowan seconded. The motion passed 4-0.

Ms. Belanger said the next land use change tax [for 54/6/EX] had a \$0 amount. Mr. Dean suggested skipping that one.

b. Permits & Approvals

i. Ice Rink Donation

Parks and Rec Director Greg Bisson was present to discuss a donation of two ice rinks from Phillips Exeter Academy. They have a value of about \$14,000. We'd like to accept them but we're not sure where they would be set up. Previously we looked at locations for a skating rink, which is one of the #1 suggestions we get for the winter. He's going to visually inspect it and store it in the 10 Hampton Road Carriage House. The liners are \$2,500 each. The costs would likely come out of the Rec Revolving Fund. We wouldn't have the equipment until after January. Ms. Belanger asked what we used at Park Street Common, and Mr. Bisson said his predecessor just flooded the ground. Mr. Chartrand said this new system has a better chance of working [than the old way] with climate change. Mr. Bisson said we'll still only get about a month of skating. We can't afford refrigeration and we don't want to contribute to global warming.

MOTION: Ms. Belanger moved to authorize the Parks and Rec Department to accept the donation from Phillips Exeter Academy for two 52x96 outdoor ice rinks. Mr. Chartrand seconded. The motion passed 4-0.

ii. Updated Water & Sewer Fees

Mr. Dean said there were miscellaneous water & sewer fees recommended as part of the rate study from Underwood. Town Staff looked at it closely and there is an updated schedule recommended for adoption.

Water/Sewer Advisory Committee and BRC Chair Bob Kelly said the Water/Sewer Advisory Committee approved 5-0 to recommend a septage fee of 12 cent fee per gallon instead of the current 8. The schedule presented tonight says 10-12 cents. The Budget Recommendation Committee also voted 11-0 to recommend the 12 cents. When we finish our new facility, we will be the state of the art facility in the area and we should grab that revenue while we can. We don't need to max out our facility in the beginning.

MOTION: Ms. Belanger moved to amend the septage in the Miscellaneous Water/Sewer fees to 12 cents per gallon as recommended by the BRC and the Water/Sewer Committee. Ms. Cowan seconded. The motion passed 4-0.

MOTION: Ms. Belanger moved to adopt the Miscellaneous Water/Sewer Fees as amended. Ms. Cowan seconded. The motion passed 4-0.

c. Town Manager's Report

- i. We will be closed for the holidays December 22 at noon, and the full day December 25 and 26.
 - ii. He thanked the first responders for their work during the storm today. Fire Chief Eric Wilking said the town's concern was appreciated. We responded on 45 calls between 9 AM and 1 PM. Three homes we know were damaged by trees. We anticipate an increase as people come home from work and find damage. Unitil estimates 54 customers are still without power, and they will be continuing power restoration through the night. There's a corridor on Kingston Road and Pickpocket road where the winds predictably cause issues. There were no injuries that we're aware of.
- d. Select Board Committee Reports
 - i. Ms. Belanger said that before the Planning Board meeting there was a multi-board meeting to discuss accepting 23 Water Street and all were in favor. During the regular Planning Board meeting, two applicants were approved, one for 12 River Road and one for Mario Ponte for adding six additional units to his building downtown. She did not attend the Conservation Commission meeting but watched it on TV, and they approved a commemorative bench and the purchase of an underwater camera for the alewife arrival, and made a request for a letter of support for the Rec property in Newfields. We had our second open house on the parking, pedestrian, and traffic study which had low turnout but she thinks people were watching the video. She didn't make it to the volunteer holiday party but thanked the volunteers for their work. Mr. Dean thanked Pam McElroy for pulling together the holiday party.
 - ii. Mr. Chartrand attended a Sustainability Advisory Committee meeting. Chris Zigmont agreed to be Chair. They're going to have a meeting in January with the Energy Committee to talk about a possible merger. He attended the special Select Board meeting but had to recuse himself. He attended the parking report meeting and there were great proposals.
 - iii. Mr. Papakonstantis attended the special Select Board meeting. It had to be pulled together quickly due to the timeline of the planned acquisition discussed in the public hearing earlier. The corresponding article in the newspaper was irresponsible journalism.
- e. Correspondence
 - i. A notice of the 2023 annual bridge payment of \$87,551.16.
 - ii. A notice from Comcast regarding programming changes.
 - iii. A letter of thanks from Haven for a donation from the town.
 - iv. Meeting notes from a meeting with VHB, Public Works, and a resident.
 - v. A notice from Pennichuck with an estimated water rate increase
 - vi. A notice of the Town of Exeter 2024 holidays and election cycle dates.

10. Review Board Calendar

- a. The next meetings are a special meeting on December 28 at 8 AM, regular meetings January 8, January 16 (budget hearing), January 29, February 12, February 26, March 4, and March 18. Deliberative is February 3. Town Election is March 12. The Presidential Primary Election is January 23.

11. Non-Public Session

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

12. Adjournment

MOTION: Mr. Chartrand moved to adjourn. Ms. Belanger seconded. The motion passed 4-0 and the meeting was adjourned at 9:15 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary