

Select Board Special Meeting  
Thursday, December 28, 2023  
8:00 am  
Nowak Room, Town Offices  
Draft Minutes

1. Call Meeting to Order

Members Present: Chair Niko Papakonstantis, Clerk Julie Gilman, Dan Chartrand, Nancy Belanger, Town Manager Russ Dean, ATM Melissa Roy

Members Absent: Vice Chair Molly Cowan

2. 3<sup>rd</sup> Public Hearing: RSA 41-14-a Proposed Acquisition of 23 Water Street (Map 72, Lot 39) from Pairpoint, LLC, owners Elliot Berkowitz and Nancy Phillips, for the purposes of retaining the property as a public park. To be followed by a vote under RSA 41-14-a.

Selectman Chartrand recused himself from this matter. This left 3 of the 5 Select Board members, still constituting a quorum.

**MOTION:** Chair Papakonstantis requested a Motion to open the hearing. Selectwoman Belanger made the motion. Clerk Gilman seconded. Motion approved 3-0.

Chairman Papakonstantis said on December 4 or 5 he was formally notified by the Town Manager that Elliott Berkowitz and Nancy Phillips proposed this donation. In order to follow the RSA, before scheduling the 3 Public Hearings, the Planning Board, Heritage Commission, Historic District Commission and Conservation Commission needed to hear, approve and vote to recommend this proposal to the Select Board. This was completed within 24 hours, which is a testament to the dedication and commitment of the volunteers of these committees. December 8<sup>th</sup> was the 1<sup>st</sup> Public Hearing, held in the Nowak Room at 8:00 am. The 2<sup>nd</sup> Public Hearing was held on December 18<sup>th</sup> as part of the regular Select Board meeting. Today is the 3<sup>rd</sup> Public Hearing and Select Board vote. The Select Board had a lot of questions, looked at the property, easements, Legal Counsel has reviewed and the Town Manager was provided with questions to provide answers to.

Town Manager Dean said there is a memo in the packet reviewing the questions from the Select Board at the last meeting on December 18<sup>th</sup>.

What can we anticipate in lost property value if the property is not developed?

What is the cost to construct the park/green space?

What is the cost to maintain the site as a park/green space?

Town Manager Dean referred to the memo to answer the questions.

Property Value: To address the property value question, various adjacent properties in the Vision system were reviewed:

1-9 Water Street

11 Water Street

27-31 Water Street

23 Water Street is currently assessed at \$237,600 as a vacant lot. If the 23 Water Street property is developed with building and land valued at \$2 million, taxes generated on the property given the current tax rate of \$26.78 would be \$53,560 annually.

Pairpoint's estimates for property investment including land totaled \$2,174,563 in the RSA 79-E application submitted April 9, 2020, and present to the Select Board on May 4, 2020. It should be noted that in the original 79-E application, 7 years of property relief was granted to the property. Therefore, any tax revenues would be realized from new construction after 7 years have passed from the construction completion date.

Donation of the site as a park to the Town, would extinguish the 79-E tax relief for the site.

Cost of Construction: The cost to construct the green space can be anywhere from simply putting up a fence around the property with a gate for approximately \$15,000 to constructing a very attractive, flat space with high quality amenities. Jen Martel, a member of our Planning Board and a landscape architect, developed a cost estimate for a park, or \$353,890 including survey & design, site improvements, temporary conditions, and including a contingency. These are "very ballpark" numbers but give a representation what a full park development may look like.

Chair Papakonstantis opened the meeting to the public requesting name and address.

Jim Culp, 7 Dewey Street: Mr. Culp said he sent in comments yesterday. He asked if the Board saw them. They replied yes. He said this is a large expense and spoke of the loss of tax revenue. He said the vote should not take place without further review due to the financial impact on voters/residents.

Chair Papakonstantis said all new emails will be included in the next Select Board packet. He said the Select Board has the authority to accept a donation, but any major expenditures would go on a warrant for voters to approve.

Lara Bricker, Coach Road: Ms. Bricker said the 23 Water Street location is the murder scene in her new book. She said the property is an eye-sore to the downtown and this is an opportunity to do something about it through donations. She thanked Mr. Berkowitz and Ms. Phillips, well-known business owners, deliberate in business, care about Exeter.

Sally Ward, 72 Park Street: Great opportunity for the Town. She said she understands the process has been unusual and sped-up, but thinks the process has been transparent and all due diligence has been done. She is impressed with the spirit of volunteerism and dedication to the Town. She thinks it will be a beautiful addition downtown. Nothing has been done since the fire. She can imagine the lovely park.

Eileen Flockhart, 7 Jacks Court: Ms. Flockhart spoke of protecting/preserving green spaces that residents value. This is an opportunity to improve and create, making a welcome to all. She spoke of accessibility to everyone, especially ADA. She spoke of value of outside spaces during Covid and the value of beautiful spaces. She said respecting and appreciating the gift is important. She said it could be a plus for business owners. She spoke of watching the river and the wildlife along the river. If it is done carefully and respectfully it won't be a burden to tax payers.

Doug Flockhart, 7 Jacks Court: Mr. Flockhart remembered the fire that caused the vacant lot 30 years ago. He spoke about the economic view – loss of tax revenue if not developed vs. improve tax revenue due to improving value of properties downtown. He also spoke of the enjoyment of downtown.

Scott Ruffner, 11 Hall Place: Mr. Ruffner compared this gift to that of Ambrose Swasey – what if that gift was not accepted? He said this is an opportunity and is a generous donation. He spoke of opportunities, volunteers, grants, donations available. He said the Arts & Culture Advisory Commission has been working on pocket parks and this is a great opportunity. He said he spoke with downtown business owners – their concerns are based on the burden of more construction downtown.

Enna Grazier, 8 Warren Avenue: Added her support for the park. Compared looking at lost tax revenue to lost opportunities and value of public spaces to tie our community together. This is an opportunity for a window to the river, environmental resource for community enrichment.

Martha Walsh, 27 Chestnut Street: She said she walks downtown every day. She thanked Mr. Berkowitz and Ms. Phillips for their generous offer and thanked the Boards, Committees and Commission for their quick actions.

Molly Ruffner, 11 Hall Place: Thanked Mr. Berkowitz & Ms. Phillips for their generous offer. She said she's sure the dollar numbers have increased since the 2020 building quotes. Rent is downtown Exeter is already high.

Florence Ruffner, 5 Pine Street: Ms. Ruffner said she is in favor of acceptance of the project and thanked Mr. Berkowitz and Ms. Phillips.

Sally Ward, 72 Park Street: She said she thinks not enough has been done to embrace the river front and this is a gem of an opportunity.

Dave Short, 1 Dewey Street: Mr. Short wants to make sure the Board is working with accurate data based on the slope of the land regarding ADA compliance and regarding cost.

Donald's iPhone via ZOOM – unable to connect. (Assuming Don Clement) Clerk Gilman called Mr. Clement's phone – she put her phone to the microphone, but it did not work.

Jen Martel via ZOOM – she texted Selectwoman Belanger saying she could hear everyone in the room as well as Mr. Don Clement.

Eileen Flockhart, 7 Jacks Court: She read information being sent with regard to this project. She is struck by the generosity and help offered. She said there is concern regarding care of the park after construction. There is opportunity and potential.

Selectwoman Belanger emailed, then called Jen Martel – allowed to speak through phone into microphone. Jen Martel, 22 Woodridge: Ms. Martel is a member of the Planning Board. She is also a landscape architect. She prepared the estimate, but don't get hung up on \$350,000, as it was an estimate. The important number is \$18,000 to stabilize the site for safety. She appreciates the enthusiasm she's hearing. She hopes this support is also shared for Planet Playground.

Chair Papakonstantis confirmed the prior call was from Don Clement. He summarized a conversation he had with Mr. Clement as "Don hoped that the Select Board considered the donation and the opportunity that it can bring."

Bill Campbell, 7 River Woods Drive: Mr. Campbell appreciates the comment regarding ADA. He said this is a gem of an opportunity. He said financially the Town tends to work things out.

**MOTION:** Chair Papakonstantis requested a motion to close the Public Hearing. Motion was made by Chairwoman Belanger and seconded by Clerk Gilman. The motion was accepted 3-0.

Clerk Gilman said she appreciates the offer for the donation. She noted the support and said she will listen to the majority. She said she has reviewed the reality of ongoing cost. In her professional life as an architect she doesn't consider this the best use of the property. She spoke of development cost estimate, engineering costs of change in level from road to river and ADA requirements, removal of granite (reuse vs. removal).

Selectwoman Belanger said she recognizes this is a rushed process. She thanked Mr. Berkowitz and Ms. Phillips for the donation and for everyone coming to the meetings. She referred to Selectwoman Molly Cowan's point regarding tax revenue loss. She asked Town Manager Dean about the deed. He assured that there would be no issues with the deed. Ms. Belanger said she is fine with accepting the donation as a park and putting up a fence for now. She thanked Jen Martel for the estimate. She suggested putting the park on as a CIP item, look at grants and volunteers. She was also concerned about the impact on the Parks and Recreation Department and their current budget. She said Town Planner Dave Sharples has been working on a bench project. Thank you to everyone here.

Chair Papakonstantis thanked Mr. Berkowitz and Ms. Phillips for their generous donation, the volunteers of the Boards, Committees, Commissions, Town Staff, Select Board Members for due diligence in working together to make this happen. Thank you for the outpouring of support of this great opportunity. He agrees with Selectwoman Belanger that this would become a CIP project. We will seek grants, donations and volunteers. He referred to Planet Playground being built by volunteers. He said we will continue to look into liability through Primex Insurance. Chair Papakonstantis said it is the Select Board's responsibility to look into all information and get residents together regarding all projects, then listen to the voters and what they want. As Mr. Campbell said, "We'll work out the rest."

Selectwoman Belanger asked if the deed will be filed today or tomorrow. Town Manager Dean said the deed would be filed first thing tomorrow morning, plans are in process.

**MOTION:** Chair Papakonstantis entertained accepting the following motion: The Select Board accept the proposed donation of 23 Water Street, Map 72, Lot 39 from Pairpoint, LLC, owners Elliott Berkowitz and Nancy Phillips, and that the Select Board further approve this property to be used in the future as a park, and that the Select Board approves that the Pairpoint name is used as the name of the park, as requested by the donors, that the Select Board further authorize the Town Manager to work with the Town Planner and other various Town staff to develop a formal plan for 23 Water Street, for that plan to be placed as a Capital Improvement Project in line behind the other existing projects, and authorizing the Town Manager to move forward with developing a formal plan and also for the Select Board to consider all other fundraising donations, donations of time and lastly, once a formal plan is developed, the Select Board will consider organizing an ad hoc committee of staff and citizens of Exeter appointed by the Select Board to finalize the formal plan of development of the park.

Selectwoman Belanger motioned to accept the Motion presented by Chair Papakonstantis and Clerk Gilman seconded with the request to amend “future” to “perpetuity”.

**AMEND MOTION:** Chair Papakonstantis entertained amending the motion to replace the word “future” with “perpetuity”. Selectwoman Belanger motioned to accept the amended motion and Clerk Gilman seconded. Motion approved 3-0.

3. Adjournment

Chair Papakonstantis adjourned the meeting at 9:04 am.

(Second item on agenda deferred to next Select Board Meeting.)

Respectfully submitted,

Pam McElroy  
Senior Executive Assistant