

**Select Board Meeting**  
**Monday, October 4<sup>th</sup>, 2021, 7:00 p.m.**  
**Nowak Room, Town Offices**  
**10 Front Street, Exeter NH 03833**

Meeting in the Nowak Room at the Town Office Building. For virtual access, see instructions below.

Watch this meeting on Channel 22, or EXT V Facebook <https://www.facebook.com/ExeterTV>, or YouTube <https://www.youtube.com/c/ExeterTV98>.

To access the meeting via Zoom, click this link: <https://exeternh.zoom.us/j/84313975501>

To access the meeting via telephone, call +1 646 558 8656 and enter Webinar ID 843 1397 5501

Please join the meeting with your full name if you want to speak.

Use the “Raise Hand” button to alert the Chair you wish to speak. On the phone, press \*9.

More access instruction found here: <https://www.exeternh.gov/townmanager/virtual-town-meetings>

Contact us at [extvg@exeternh.gov](mailto:extvg@exeternh.gov) or 603-418-6425 with any technical issues.

**AGENDA**

1. Call Meeting to Order
2. Public Comment
3. Proclamations/Recognitions
  - a. Proclamations/Recognitions
4. Approval of Minutes
  - a. Regular Meeting: September 27<sup>th</sup>, 2021
5. Appointments
6. Discussion/Action Items
  - a. Bower Land Donation – Acquisition Vote
  - b. Tree Ordinance – Second Reading
7. Regular Business
  - a. Tax Abatements, Veterans Credits & Exemptions
  - b. Permits & Approvals
  - c. Town Manager’s Report
  - d. Select Board Committee Reports
  - e. Correspondence
8. Review Board Calendar
9. Non-Public Session
10. Adjournment

Niko Papakonstantis, Chair  
Select Board

**Posted: 10/1/21 Town Office, Town Website**

**Persons may request an accommodation for a disabling condition in order to attend this meeting. It is asked that such requests be made with 72 hours notice.**

**AGENDA SUBJECT TO CHANGE**

## Proclamations/Recognitions

**Minutes**

Select Board Meeting  
Monday September 27, 2021  
7 PM  
Nowak Room, Town Offices  
Draft Minutes

Members present: Julie Gilman, Lovey Roundtree Oliff, Daryl Browne, Niko Papakonstantis, and Town Manager Russ Dean were present at this meeting.

Members absent: Molly Cowan

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. Purple Heart Day

Ms. Gilman read the proclamation:

*Whereas, the people of the Town of Exeter have great admiration and the utmost gratitude for all citizens of our community who have unselfishly served in the Armed Forces, which has been vital in maintaining the freedom and way of life enjoyed by our citizens; and*

*Whereas, citizens of our community have been wounded in action or killed in action while serving in the Armed Forces, and have been posthumously awarded the Purple Heart for their ultimate sacrifices; and*

*Whereas, the Purple Heart is the oldest American military decoration and was created as The Badge of Military Merit made of purple cloth in the shape of a heart with the word "Merit" sewn upon it, on August 7, 1782 in Newburgh, New York by General George Washington; and,*

*Whereas, the heritage it represents is sacred to those who know the price paid to wear the Purple Heart; and*

*Whereas, August 7th is nationally recognized as Purple Heart Day,*

*Now Therefore, we the Select Board of the Town of Exeter, NH will recognize August 7th, annually, as Purple Heart Day and encourage citizens and organizations of Exeter to display the American flag, as well as other public expressions of recognition of our Purple Heart recipients.*

*Dated this 27th day of September, 2021.*

4. Approval of Minutes

a. Regular Meeting: August 23, 2021

**MOTION:** Ms. Gilman moved to approve the minutes of August 23, 2021 as presented. Mr. Browne seconded. Ms. Oliff abstained, as she was not present at the 8/23 meeting, and the motion passed 3-0-1.

b. Regular Meeting: September 13, 2021

**MOTION:** Ms. Oliff moved to approve the minutes of September 13, 2021 as presented. Ms. Gilman seconded. Mr. Browne abstained, as he was not present at the 9/13 meeting, and the motion passed 3-0-1.

5. Appointments

a. There were no appointments made at this meeting.

6. Discussion/Action Items

a. Bower Land Donation - Public Hearing

Mr. Papakonstantis said this is the second public hearing on the land donation.

**MOTION:** Ms. Gilman moved to open the public hearing. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

Mr. Papakonstantis opened the hearing for public comment, but there was none.

**MOTION:** Ms. Gilman moved to close the public hearing. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

There will be a third public hearing and a motion to accept the donation at the next meeting on October 4th.

b. Conservation Deed - Mendez Trust

Kristen Murphy, the Town Natural Resources Planner, was present to discuss this issue. Justin Pasay of DTC Lawyers was also present on behalf of the applicant, Brian Griset.

Mr. Dean mentioned that the Conservation Commission has reviewed the deed, and it's in a form to be accepted. Mr. Papakonstantis said this deed would convey 31 acres of land to the town of Exeter.

Attorney Pasay said he can answer the Board's questions, but this deed has already been subject to scrutiny by the Planning Board and Conservation Commission. The Conservation Commission approved it unanimously, and it's a condition of project approval from the Planning Board. It's also received legal approval.

Ms. Gilman said she'd seen this at the Planning Board already. She mentioned that the property is contiguous with the Brickyard Pond ball field.

**MOTION:** Mr. Browne moved to accept the proposed Warranty Deed which would convey approximately 31 acres of land to the town from the Mendez Revocable Realty Trust. Ms. Oliff seconded. Ms. Gilman asked if they should include the tax map number.

**MOTION:** Mr. Browne moved to amend his motion to include tax map number 81-53. Ms. Gilman seconded. All were in favor, and the motion passed 4-0.

c. Tree Ordinance First Reading

Ms. Gilman said the Tree Committee, a subcommittee of the Conservation Commission, was formed to maintain Exeter's "Tree City" status. This tree ordinance is part of that effort. This is regarding street trees and those in the public way. Citizens have the right to bring trees that are a hazard to the attention of the tree warden, currently Jay Perkins, and the ordinance sets out the guidelines for the tree to be replaced. There are extensive illustrations of how to plant and take care of a tree, as well as a list of prohibited plants no longer allowed by the State, and what trees are encouraged.

Eileen Flockhart of 7 Jacks Court, a member of the Tree Committee, said we established Exeter's "Tree City" status in 2019, and have maintained that status in the last two years. In the course of the work, we realized Exeter didn't have a tree ordinance, so this was the subject of a lot of work by the Committee and others. This will make what we say about street trees and the trees in our parks mean something, and affirms the value of trees in those spaces.

Kristen Murphy said four different arborists worked on this, including an arborist from Unutil, so they had both perspectives in the room when working on this. Greg Bisson and Jay Perkins have also been there from the start. This ordinance applies to all streets, highways, parks, cemeteries, and public easements. They could talk about eliminating cemeteries from the ordinance, since there are some concerns with the Winter Street Cemetery and trees disturbing headstones. The ordinance sets a threshold level of diameter of trees which require Tree Warden or Tree Committee consultation to cut down. If a resident will commit to caring for and watering a tree on a public right of way, Public Works will come in and plant it. This has the potential to change our streetscape long-term. If a tree is removed without permission, that's identified as an unlawful act, and requires payment of a penalty fee not to exceed \$300 or replanting. The goal is to encourage people to consult the Tree Warden before cutting down trees. The Memorial Tree Foundation has the ability to establish a Memorial Tree Fund, which will be managed by Parks and Rec. The ordinance still requires legal counsel review, but she's looking for feedback from the Board, for example on having volunteers making recommendations to the Tree Warden.

Mr. Papakonstantis said when they passed the mask ordinance last year, the intent was to educate rather than police it, and he thinks that's the case here as well. If the fine were to remain in the ordinance, who would enforce that? Mr. Dean said normally the enforcement agent on the Town Ordinances is the Police Dept, so we should check with legal counsel on whether it should be another group. Ms. Murphy said she thinks it would be enforced similarly to littering.

Mr. Papakonstantis asked about funding. Ms. Murphy said Jay Perkins is looking to have support from an on-staff Arborist, and the Tree Committee would support that goal. There's no line item proposed for the Tree Committee itself.

Mr. Browne asked about the language of "chapter" vs "ordinance." Mr. Dean said the ordinance is codified in chapters, and that's why it reads that way.

Mr. Sharples said recent work at Winter Street Cemetery removed 26 trees, all of which would have been deemed significant by this ordinance, but which were causing damage to the headstones. He'd like the ordinance to exempt cemeteries. They wouldn't remove a tree unless it were posing a hazard to the grave sites.

Mr. Papakonstantis said the second and third readings would be on October 4th and 18th.

d. Public Safety Complex Analysis Contract

Mr. Sharples said the voters approved warrant article 13 in 2021, Public Safety Complex Alternative Analysis: *To see if the town will raise and appropriate, through special warrant article, the sum of \$100,000, for the purpose of evaluating alternatives for a new Public Safety Complex. This sum to come from general taxation.*

This vote was successful, and Mr. Sharples helped the Chiefs work with the Facilities Advisory Committee to issue an RFQ and go through the evaluation process. We received 15 responses to the RFQ, and selected Lavallee Brensinger Architects. The interview committee consisted of himself, the Chiefs, Mark Leighton representing the FAC, and Mr. Dean. The interview committee ranked the responses according to set criteria and chose 5 of the 15 firms. Kris Weeks, the Chair of the FAC, sat in on the interviews in place of Mark Leighton, along with Paul Vlasich, the Town Engineer and the other members of the interview panel. They selected Lavallee Brensinger to put together a cost proposal. Mr. Sharples negotiated with Rob Robicsek of LBA, who initially proposed a fee of \$94,000 plus up to \$2,000 for reimbursable. After discussion, they agreed to keep the same scope of work for \$78,800 plus reimbursables up to \$1,000 for a total cost of \$79,800. The company's willingness to negotiate underscores their willingness to be a partner to the town. The contract has been reviewed by legal counsel and both Chiefs. He recommends the Select Board approve the Town Manager to sign the documents. He put up to \$100,000 in the motion, which will allow them to engage LBA for additional services if the need arises.

Mr. Browne asked about the difference between RFQs and RFPs. Mr. Sharples said he's never done a controlled comparison. The RFQ process is good if you'd like to use Federal Funding down the road, because they often require it. Otherwise both processes have their place.

**MOTION:** Mr. Browne moved that the Town Manager is authorized to execute any documents and agreements and take any and all such actions on behalf of the Town, to complete the Public Safety Complex Alternatives Analysis project in accordance with Town Warrant Article 13 approved on March 10, 2021. This authorization includes executing the attached contract with Lavallee Brensinger Architects PLLC for a total price not-to-exceed \$79,800 and up to \$20,200 for any additional work (ie Geotech, Hazardous Materials survey, etc) up to a total not-to-exceed



\$100,000 to complete the project as approved by the voters. Ms. Gilman seconded. All were in favor and the motion passed 4-0.

e. Construction Administration Contract - Salem Street Utility Project

Mr. Papakonstantis said the town voted in March 2021 to approve funding for construction administration and inspection for the Salem Street Area Improvement Project for a total of \$5,100,000. Since that article passed, Hoyle Tanner and Associates were chosen as the design engineers for this project. Attached is a contract for services to facilitate this project at a cost of \$568,500, split between the General Fund (\$100,000), Water Fund (\$288,500), and Sewer Fund (\$188,000). The DPW recommends approving the contract.

Mr. Dean said that this contract is about 11% of the total project cost of \$5.1M, which is in line with what you'd expect.

**MOTION:** Mr. Browne moved to approve the contract for Construction Administration and Resident Project Representative Services to facilitate the Salem Street Area Utility Improvement Project in the amount of \$568,500 and to authorize the Town Manager to sign said contract amendment. Ms. Oliff seconded. Ms. Gilman said the contract includes facilitating public meetings. All were in favor and the motion passed 4-0.

f. FY22 Preliminary Budget

Mr. Dean said they're anticipating \$7,236,223 in revenue for FY22. The current use tax in FY21 is \$147,770, but that's reduced to \$7,500 in FY22; we can't forecast that revenue source, so we have to be conservative. Another drop is in income from departments, dropping from \$1,215,000 in FY21 to \$1M in FY22 because we're anticipating a Health Trust refund and Primex refunds in 2021.

The Department budgets have been put together. There are three main budgets: General Fund, Water Fund, and Sewer Fund. The General Fund increase YOY is 3.39%, but that's a number compared to the March 2021 vote which included a Police Contract. The FY22 budget is \$20,566,002, an increase of \$648,461, or 3.26%, over the FY21 approved adjusted budget of \$19,917,541. The FY22 CIP is an additional \$328,135. The Town has an unassigned fund balance of \$6.1M, so there's a recommendation to use \$269,770 of that towards additional warrant articles. General Government is up 14.33% over FY21, mostly in HR, because they are recommending making a part-time position full-time. The IT budget is up considerably, by \$98,283, or 33.72%, partly due to a recommended server purchase at \$53,000.

Ms. Gilman asked about Human Services. Why is the anticipation that it will go down? Mr. Dean said they adjusted the direct relief budget down. Other aspects will stay the same or increase slightly. Ms. Gilman said she expects that they will have more people needing aid this year.

Mr. Papakonstantis said he knows the IT increase looks high, but it's probably about time. It's amazing how they've done so much with so little.

Mr. Dean said a number of accounts are going back to pre-Covid levels, such as Education and Training budgets, or Paving at \$100,000, which was cut last year. The last few years of budgets have been very bare bones. There was only a 1.64% increase

YOY in the Covid year. 3.39% isn't a bad starting position. For the Health Insurance reserve, we're budgeting a 7.5% increase, but once we get the rating that may change. Last year we had 8.1% budgeted and it came in at 2.5%.

Town Moderator and Elections are up; there are three elections in FY22. Finance is up 5.78% due to the MUNIS software agreement and restoring pre-Covid levels of education and training. The Treasurer budget is level-funded. Tax Collection is a decrease of 6.19%, due partly to a discontinuance of the lock box service. In Assessing, there's a slight increase. We still have an assessing contract with MRI, which is under review. There's a small increase in postage of \$800, and a reduction in the software line of \$1,385.

The Planning Department budget is up by 11.1%. We're looking to turn a part time Natural Resources Planner into full-time. This position would be able to work with the Energy Committee and the Sustainability Committee. Currently the Town Planner is doing that work, and it's a stretch for him. Mr. Papakonstantis said when the Sustainability Committee was formed, the request was for a full-time position, and the Select Board recommended that the Town Planner take that role, but that was meant to be temporary. There's an existing staff member who's expressed willingness to move to full time, and is familiar with the Department and the Sustainability Committee. Mr. Dean said it's an area where they've had a lot of requests for resources but haven't been able to match that momentum. Mr. Browne asked if there were cost offsets to making this position full time, and Mr. Dean said he wasn't aware of any. Mr. Papakonstantis said this person would be in a good place to apply for additional grants, so there may be a return.

Economic Development is up 3.79%; the main increase is the Director looking to complete a course to become a Certified Economic Developer at a cost of \$3,600. To offset, Consulting Services have been reduced by \$1,800, from \$3,000 to \$1,200. Inspections and Code is up 2.84%, an increase of \$7,704 over FY21. The Code Enforcement Officer now has a smartphone. The part-time Electrical Inspector Position has been vacant due to a retirement, and the Code Enforcement Officer has been performing those duties. Ms. Gilman asked if they'd spoken with other communities that have a part-time Inspector. Mr. Dean said Doug Eastman has been trying to feel out communities that have part-time positions, but some just use the State to do electrical inspections.

The Land Use Boards are mostly level-funded. The costs there are just for recording secretaries and public notices of meetings.

The Police budget is 2.28% increase over FY21. There's a \$4,000 Education/Training increase, with an emphasis on mental health training for Officers and Dispatchers.

The Fire/Emergency Management Dept has a 1.1% increase over FY21. This will include a request for two additional Fire Fighters that were recommended by the CPSM study. They also reduced a part-time clerical position, with a savings of \$17,467. The Fire Dept Expense budget has increased by \$10,172, or 3.3%.

Mr. Browne asked about the clerical position. Chief Wilking said asking for two new hires is a heavy lift, so we did everything we could to look at what was absolutely

needed. The newly hired full-time Clerical person has implemented efficiencies that have made a part-time person unnecessary this year. The budget request, although 1.1% higher than last year, is \$25,000 lower than pre-Covid levels. There will be an upcoming retirement that will affect the budget in the future.

Mr. Dean said Public Safety, Shared Services, and Communication Dispatch is an increase of 1.49% over FY21, due to wage and benefits changes. Expenses are increased \$150.

The Health budget is 1 FTE, James Murray, who has done more than 1 FTE of work during Covid. That account is up 3.15%. Education and Training has increased.

In Public Works, Administration and Engineering is up 3.53%, which includes the restoration of \$3,000 for Professional Development. Highway Paving is seeing an increase of \$137,433, street marking an increase of \$10,000, and vehicle maintenance an increase of \$10,000 due to inflation. Snow Removal is a 0.65% increase. The winters have not been bad in recent years, so the Snow and Ice Deficit fund has a balance of \$103,150, and it's easier to level fund it. Solid Waste has a decrease of \$63,830, or 4.6%, most of which is due to the GZA contracts for the Powder Mill and Cross Road analysis being completed in October, as well as the extra value associated with the recyclables market. The Solid Waste contract ends in May 2022, and we are in the process of renegotiating that contract, so there may be an increase. Streetlights have been level-funded since 2019, when we converted the street lights to LEDs.

Ms. Gilman asked why there are random ones that weren't changed to LEDs, such as one at the corner of High Street and Portsmouth Ave. Mr. Dean said if people see those, let us know.

The Stormwater Budget has increased by 71%, to \$92,360, to address the long-term control plan for nitrogen. We have to be compliant with the EPA and MS4. Paul Vlasich spoke to the Select Board a few meetings ago about some of the nitrogen reduction strategies, which include rebuilding seven faulty catch basins at a cost of \$28,000.

The Maintenance General Budget has an increase of 3.48%, partly due to Education/Training and Wage and Benefit changes.

Ms. Gilman said some of the HDC signs that designate the neighborhoods are faded or blank, which is a long-standing maintenance issue. Can this be addressed? Mr. Dean said this is the Board's budget, so if there are things that should be added they can have a conversation about it.

Town Buildings Utilities accounts are up \$730, a 0.25% increase. For the Maintenance Projects budget, there's the typical \$100,000 request that's made every year. Some of the proposed projects are roof repair at the Public Safety Complex, attic insulation at the Town Hall, replacement of doors at the Public Works Complex, and work on the gazebo downtown. Maintenance Garage has an increase of \$4,808, or 1.76%. There's an increase of \$900 in the Mechanics' tools account.

Welfare and Human Services has a decrease of \$1,687, or 0.94%, from FY21. There's an increase in non-direct relief expenses of \$40 and decrease in direct relief of \$465. The electricity line is reduced by \$1,500. Human Service Agencies funding is

down by \$1,615, or 1.5%, after a review of the agency requests by the Human Services Funding Committee.

Parks and Rec has an increase of 7.34%. In Recreation Wages and Benefits, they had a personnel change when the Assistant Parks and Rec Director moved to HR/Assistant Town Manager. There's a Parks increase of \$11,345, or 5.09%; there was a restructuring to have a Parks Foreman and a full-time Laborer. There's a request to increase Parks equipment to \$5,000 to buy an enclosed trailer, and there have been corresponding decreases in other line items. Total Parks expenses are \$90,450, a decrease of \$765 from FY21. Other Culture and Recreation, such as Christmas Lights, the Holiday Parade, Summer Concerts, the Brass Band, etc, remains the same as last year.

The Library budget is set by the Library Trustees, and their budget has increased by \$42,884, an increase of 3.97%. Public Services are level-funded, which includes utilities, books, and operating expenses.

In Debt Service and Capital, there's a decrease of \$131,670 or 7.42%. Principal payments in FY22 include the first year of the Salem Street Utilities Bond, which is offset by the retirement of the Great Dam study. Net principal has increased by \$21,196 or 2.1%. Debt Service interest has decreased 2.6% because of maturing debt. The Debt Service budget includes a first year interest payment on the Salem Street project of \$39,148 so that's been added to the list. For Vehicles, Replacement/Leases requests are down by \$142,957. FY21 was the last payment on Ladder 1 and a DPW dump truck. There's a request for \$110,000 to replace two Police Cruisers. Other vehicles are proposed warrant articles, with some to come from fund balance. Benefits and taxes, increase of \$192,268; that's where the Health Insurance reserve is being held, and will be redistributed once the Health Trust sets its rates.

Mr. Papakonstantis said regarding the percent increase, the real comparison is FY22 to FY20, because last year's budget was unique. He would like Mr. Dean to show the breakdown between FY20 and FY22, so that the increases won't seem so drastic.

Mr. Dean said there are three bond articles for the General Fund. One is the 10 Hampton Road property purchase which was discussed at a previous meeting, at \$1,150,000. There's a request for Pickpocket Dam modification at \$300,000; we've received two grants, a \$40,000 Coastal Resiliency grant and a \$75,000 State Revolving Fund grant. The third is the Westside Drive area reconstruction design funds; the Public Works Dept held a meeting with the neighborhood. They've spent the \$100,000 and they're looking to get to the next step in design. For individual articles, the three collective bargaining agreements and several warrant articles. lease purchases for SCBA equipment for the Fire Department, \$59,064, and Police Body Cameras, which we're seeking outside funding for. Raynes Barn improvements, net cost to the town \$100,000, he would include this as part of the \$269,770 to be funded from fund balance. Replacing a one ton truck with a dump-body truck, also recommended to be funded by fund balance. The Intersection Improvements plan has been moved up a year; it was initially in FY23, but given the things they've been talking about, Jennifer Perry of the DPW agreed that it was prudent to move it up. Public Works Facilities Garage for \$50,000, reduced from \$75,000.

Ms. Gilman asked about Police Body Cameras. In the last State budget, they passed an allocation for body-worn cameras for distribution to towns, which might bring this number down. Mr. Dean said Chief Poulin was looking at multiple funding sources for this proposal.

The Parks Improvement Fund was reduced from \$150,000 to \$50,000. With the Hampton Road purchase coming forward, it was a good year to cut this. That would be funded via fund balance. There's a Car 3 replacement in the FD, a 2010 vehicle they're looking to replace, also funded by fund balance. A Facilities Condition Assessment has been put forward by the Facilities Committee. They're replacing two Jeep Patriots in Public Works. There's a Bike and Pedestrian Improvement Plan for the Planning Department. Two ARPA funded projects are in the CIP, at a cost of \$1.6M: Great Bay total nitrogen permit work and the Winter Street Stormwater Mitigation.

For deferrals, they're deferring the replacement of Sedan 24 in Public Works for \$24,000; the replacement of a sidewalk tractor for \$162,400; and a truck replacement in Public Works at \$51,252. Mr. Dean also recommended deferring the replacement of Engine 5, a 20 year old engine, although the Fire Department aims to replace these vehicles every 20 years. The Town Offices Geotechnical Evaluation and the Fire Inspector vehicle replacement were moved to FY23.

The FY22 preliminary budget is \$20,566,002, plus General Fund warrant articles at \$328,135. There were initially over \$600,000 in warrant articles, but we've taken about half to be funded through fund balance. The total budget plus warrant articles would be \$20,894,137. Total FY21 appropriations were \$20,167,541; FY22 is \$726,596 more, which is a 3.6% increase. The proposed tax impact is 39 cents per \$1,000.

The Water Fund is at \$4,253,495, an increase of \$199,311 or 4.92% over FY21. The Sewer Fund is a 6.19% increase, and the two funds together are a 5.72% increase. The Administration budget in Water is up 5.76%, or \$23,595 over FY21. There's an increase in the Consulting line of \$5,000 to create a lead service line replacement plan. Professional development opportunities have been restored to a pre-Covid level of \$3,000. Water Billing is at \$192,101, a 12.2% increase. There's an increase in audit fees and a \$10,501 increase in the Software Agreement line for Munis and Munilink. There's an increase of \$550 in travel reimbursement for Munis to come do training here. The Distribution budget is a 2.5% increase. The FD got out of the fire alarm monitoring business, so Water and Sewer are paying for their own monitoring for the pump stations. There's an increase in GIS software and meter replacements. Water Treatment is up 2.7%, mostly for increased testing to comply with the Safe Drinking Water Act. Water treatment chemicals have been increased by \$4,000. Water Debt Service is up 4.74% or \$59,835, for the Salem Street Utilities project and the second payment on the Groundwater/Surfacewater Assessment Program. In Capital Outlay, there's an increase of \$53,970, or 10.47%. This is where you see the vehicle and equipment requests, a Ford Escape Hybrid, a Half-ton Crew Cab Hybrid, and a ¾ Ton Crew Cab, for \$93,970. The BRC will vet those requests along with the General Fund. The Water budget is carrying \$460,000 for water system capital outlay; we're looking at having Suez do work on the clarifiers and filters at the Surface Water Treatment Plant, at a cost of \$335,412. Right now they do painting and maintenance on the water tanks. Typically you pay more

in the first few years and it drops off after that. There are additional requests for a rehab of the Lary Lane and Stadium Wells.

The Sewer Fund has a 6.19% increase. Admin is up \$993. There's a reduction in Consulting Services of \$20,000. There's an increase in Legal Expense line to deal with permit issues. Some professional development is going back to pre-Covid levels. Sewer Billing is split 50/50 with Water Billing, and the increases are the same as in that budget. Collection is up 1.65% or \$12,115. There are fire alarm communication costs and a \$1500 increase in GIS software. Sewer Treatment is up 7.43%, or \$98,792. The largest items are \$59,000 for additional lab testing and \$22,500 in equipment maintenance. That's something flagged for potential ARPA funding. Sewer Debt service is up 6.33% due to lagoon sludge removal and the sewer portion of the Salem Street Utilities project. What's not in here is the siphons project, because it's not completed. Sewer Capital is up 1.92%, which includes some vehicle requests. The bond issues for the Sewer Fund are for Westside Drive, the Court Street Design Project at \$400,000, the sewer capacity rehabilitation design phase at \$200,000, and the Webster Avenue Pump Station project. Right now we're reconsidering the cost estimates of the Webster Ave project, so it may not be ready for the warrant.

The Revolving Funds, CATV, EMS, and Recreation, are non-appropriated funds. With the EMS Revolving Fund, we're looking to replace an ambulance.

Our budget represents 24% of the tax rate, only about ¼ of the total tax bill. We try to give a lot of value for that cost.

Mr. Papakonstantis discussed the timeline of the budget process. He said it was staggering to see how much wasn't in the budget last year; when comparing 2020 and 2022, it's not as staggering.

## 7. Regular Business

### a. Tax Abatements, Veterans Credits and Exemptions

Mr. Dean said he's asking the Select Board to sign off on deed waivers for 40 or so properties. The reason for waiving the deed is because the properties represent an undesirable obligation or liability risk per RSA 80:76 II(a). He still wants to follow up on a group of properties, which he will bring back to the Board at a later time. Mr. Papakonstantis asked if Mr. Dean were comfortable with a four-person Board signing off on them, and Mr. Dean said yes. They each have to be read individually.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 104/79/602 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 64/105/30 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 95/64/03 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 104/79/139 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 95/64/239 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 104/79/229 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 87/14/21B because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 110/2/80 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 104/79/701 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 87/08/A16 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 95/64/82 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 95/64/228 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deeding on 104/79/524 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deed on 95/64/165 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deed on 103/13/37 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Ms. Gilman moved to waive the tax deed on 95/64/332 because in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risk. Mr. Browne seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 72/60/2 on the grounds that it would subject the municipality to undesirable liability risks per RSA 80:76 II(a). Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 104/79/421 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 64/105/82 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/222 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 103/15/11 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/308 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Gilman seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 103/13/26 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 87/14/1A on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.



**MOTION:** Mr. Browne moved to execute the deed waiver on 104/79/513 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/175 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 104/79/230 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 111/5/1 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/15 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/182 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/180 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 103/15/3 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/125 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/214 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/327 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 104/79/317 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 104/79/144 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/382 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/69 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 103/11 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 103/15/15 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 95/64/41 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

**MOTION:** Mr. Browne moved to execute the deed waiver on 104/79/523 on the grounds that it would subject the municipality to undesirable obligations or liability risks. Ms. Oliff seconded. All were in favor and the motion passed 4-0.

- b. Permits & Approvals
  - i. There were no permits or approvals considered at this meeting.
- c. Town Manager's Report
  - i. He met last week with Kate Miller, who is the Special Counsel for Cable TV matters, and Andy Swanson regarding the cable TV contract. There are some new laws regarding cable TV. He'd like to bring her in to a future meeting.
  - ii. We've been working with a few blind residents to consider implementing the OmniBallot system. We want to make sure the company can deliver what they're promising.
  - iii. The next Budget meeting is Wednesday.
- d. Select Board Committee Reports

- i. Mr. Browne had no report.
  - ii. Ms. Gilman attended the HDC meeting, where they tabled an application for replacement windows because the choice of replacement was something that's not recommended. The Conservation Commission considered the Menedez/Griset Trust donation. The Skywatch this week has been postponed due to cloudy weather, until Oct 13. The Heritage Commission met to discuss a date for demolition review for 7 Wadleigh Street, which has been set for Oct 6. There was discussion of the Park Street neighborhood district, and they will make another proposal to the neighborhood. She has been named as an alternate to the Community Power Coalition of NH.
  - iii. Ms. Oliff said that at the Swasey Park Trustees meeting, the primary discussion was tree work. There was a presentation given by Darius Thompson on how the bidding process would be managed. There was also an irrigation update.
  - iv. Mr. Papakonstantis attended the River Advisory meeting, which was only 15 minutes. Paul Vlasich gave an update on Pickpocket Dam. That committee will meet again in November. He met with Ms. Oliff regarding the goal setting for Committees and Boards, and will have it ready by the October 18th Select Board meeting.
- e. Correspondence
- i. A notice about Rail Safety week.
  - ii. A thank-you note from the town for the donation of a granite watering trough.
  - iii. A notice of Administration of Transportation laws and a list of the Public Hearing schedule through 2032.
  - iv. Ms. Gilman said there's a Redistricting Committee at the State level, and they will meet with every County. Rockingham County's meeting will be October 5th at the County Courthouse, which we should post publicly.

8. Review Board Calendar

- a. The next meetings will be October 4th and 18th.

9. Non-Public Session

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

10. Adjournment

**MOTION:** Mr. Browne moved to adjourn. Ms. Oliff seconded. All were in favor and the meeting adjourned at 9:23 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary

## Appointments

**Board and Committee Appointments**  
**October 4<sup>th</sup>, 2021**

**Communications Advisory Committee**  
Connor Barry (resignation, moved from Exeter)

**Bower Land Donation**

**TOWN OF EXETER  
PLANNING DEPARTMENT MEMORANDUM**

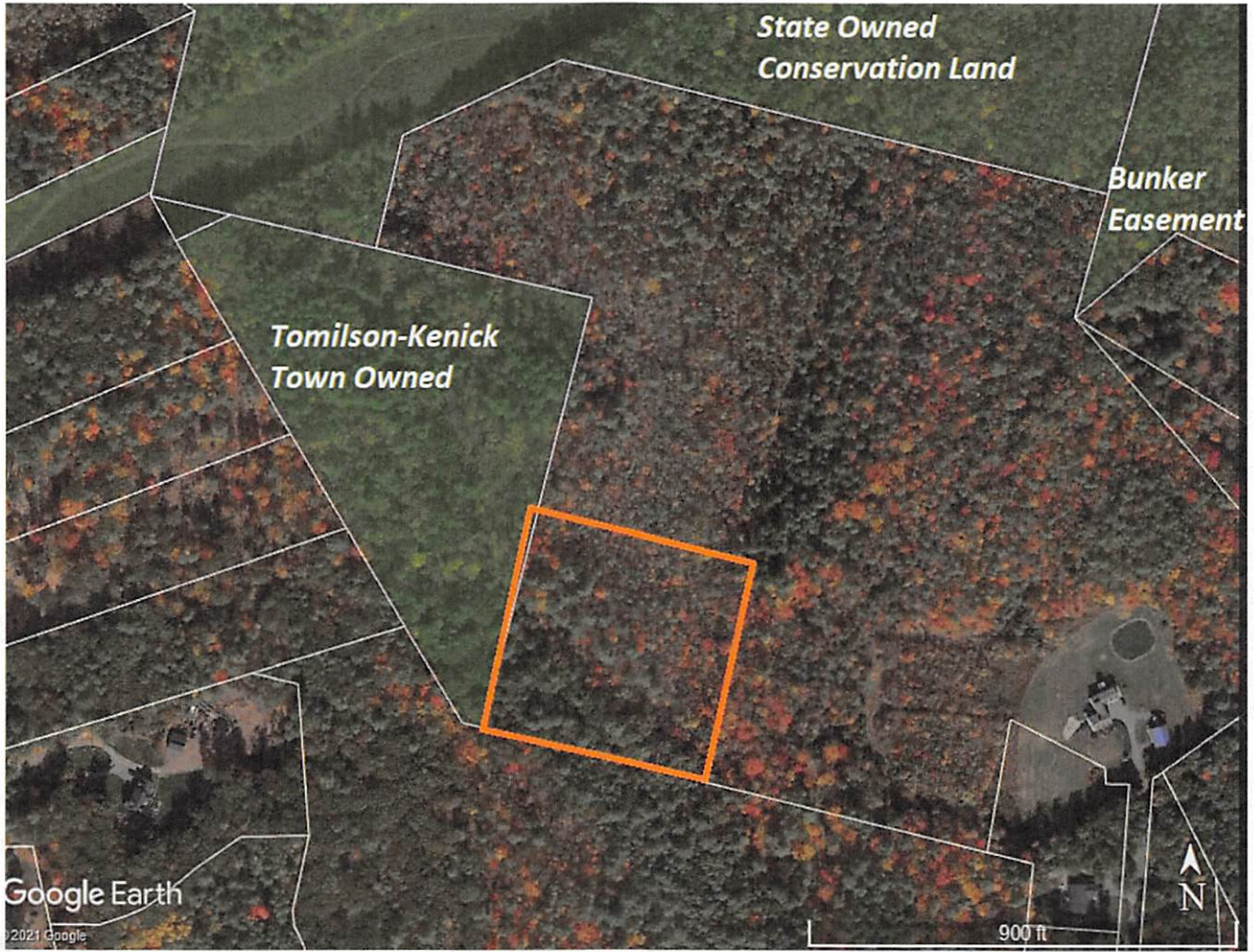
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Date: August 16, 2021  
To: Russ Dean, Town Manager  
Exeter Select Board  
From: Kristen Murphy, Natural Resource Planner  
cc: Drew Koff, Chair, Exeter Conservation Commission  
Lang Plumer, Chair, Exeter Planning Board  
Subject: Mary Bower Land, Beech Hill Road, Map 28, Lot 16

The estate of Mary Bower wishes to donate a 5 acre parcel of undeveloped land to the Town for conservation purposes. The parcel (indicated in yellow below) is a land-locked wooded parcel that contains a mix of upland and wetland. It abuts the existing town-owned conservation parcel Tomilson Kenick Land and would add to a regional corridor of protected lands (indicated in purple below) between Old Town Farm Road and Beech Hill Road.

In accordance with RSA 41:14-a, the proposal was presented to the Conservation Commission on August 10<sup>th</sup> and the Planning Board on August 12<sup>th</sup>. Both committees voted unanimously in support of the Town acquiring this land for conservation purposes. The Conservation Committee and Planning Board would like to express their appreciation for this generous gift from the Bower family.







**Tree Ordinance – Second Reading**

**TOWN OF EXETER  
PLANNING DEPARTMENT MEMORANDUM**

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Date: September 30, 2021  
To: Russ Dean, Town Manager  
Exeter Select Board  
From: Kristen Murphy, Natural Resource Planner  
Subject: Amended Tree Ordinance

Based on comments received at the first reading of the proposed Tree Ordinance on your September 27<sup>th</sup> meeting, I have revised the tree ordinance to reflect an exemption for town-managed cemeteries. Section titled "Jurisdiction" has been revised as follows:

**XXX JURISDICTION**

Areas subject to the Ordinance: All streets, highways, parks, ~~cemeteries,~~ or other grounds owned by the Town. This includes public easements along all public roads to the property line. The Conservation Commission has its own procedures for dealing with trees on conservation land, therefore this Ordinance does not apply to Town owned (fee owned) conservation land. Due to concerns over tree damage to headstones, Town managed cemeteries are also exempt from this ordinance.

Legal counsel has been provided a copy of the ordinance for review. Attached please find a copy of the revised ordinance for your second reading.

## **CHAPTER X TREE ORDINANCE**

### **XXX PURPOSE**

The purpose of this Chapter is to encourage the proper management of public trees within the Town of Exeter; to establish a standard of care and provide clear guidance to Town officials, public utilities, arborists, and residents regarding the planning, planting, preservation, maintenance, care, and removal of trees in public parks and on public rights-of-way within the Town of Exeter; and to establish and assign proper authority regarding care of public trees on these lands within the Town of Exeter.

### **XXX JURISDICTION**

Areas subject to the Ordinance: All streets, highways, parks, or other grounds owned by the Town. This includes public easements along all public roads to the property line. The Conservation Commission has its own procedures for dealing with trees on conservation land, therefore this Ordinance does not apply to Town owned (fee owned) conservation land. Due to concerns over tree damage to headstones, Town managed cemeteries are also exempt from this ordinance.

Activities subject to the Ordinance: Planning, planting, preservation, maintenance, care, and removal of trees in public parks and on public rights-of-way within the Town of Exeter. Any work on public trees shall comply with the tree regulations regardless of whether such work involves private individuals, businesses, public utility companies, contractors, or Town officials.

### **XXX DEFINITIONS**

As used in this Chapter, the following terms are defined as follows:

#### **Caliper**

Tree Caliper means an American National Standards Institute (ANSI) standard for the measurement of nursery trees and shall be used for trees under 12" in Diameter at Breast Height (DBH). The caliper measurement of a trunk shall be taken 6" above the ground for trees up to and including a 4" caliper size at that height. If the caliper at 6" above ground exceeds 4", the caliper measurement should be taken at 12" above the ground. For trees above 12" in diameter, Diameter at Breast Height (DBH) is used.

#### **Central Leader**

Referred to as the leader or dominant leader. It is a vertical continuation of the main trunk, beginning above the highest lateral branch and extending to the top of the tree.

#### **Diameter at Breast Height (DBH)**

The measurement of a tree's trunk diameter in inches at breast height (4 ½ feet

above ground level at the tree's base). For trees with less than 4 ½ feet of clear trunk, the diameter shall be of the largest leader measured 4 ½ feet above ground level. For multi-trunk trees, it shall be the sum of the diameter of the individual trunks measured 4 ½ feet above ground level.

### **Easement**

An agreed-upon use of land by a party other than the landowner, whereby the holder of the easement acquires only a reasonable and usual enjoyment of the property, and the owner of the land retains the benefits and privileges of ownership consistent with the easement.

### **Fee Owned Conservation Land**

Outright ownership of a property.

### **Hazard Tree**

A tree or tree part that has defects or structural weaknesses that poses a high risk upon its failure of causing personal injury or death, or damage to property; public or private, and could be a threat to public passage or traffic safety.

A tree becomes a potential hazard when its woody structure is weakened by one or more defects which decrease its structural integrity and increase its potential for failure. Defects are visible signs that a tree has failed, is failing, or has the potential to fail. There are seven main categories of defects:

1. Cracks,
2. Weak branch unions,
3. Stem or branch decay,
4. Cankers, infectious disease, insect problems,
5. Dead trees, tops or branches,
6. Root problems, and
7. Poor tree architecture.

As defined by the International Society of Arboriculture (ISA), a hazard tree must meet three (3) criteria:

- (1) The tree is sufficiently large enough to cause damage should it fall;
- (2) The tree has a target that would be damaged should it fall;
- (3) The tree has a condition that would make it likely to fall.

*By definition, a hazard tree = a defective tree plus a target*

**Note:** Hazard trees within the river are addressed through the River Hazard Removal Policy (Select Board Policy 2010-01)

### **Invasive Species**

An alien or an introduced organism that causes ecological harm, or is likely to cause harm in a new environment where it is not native. Invasive species can lead to extinction of native plants or animals, destroy biodiversity, and permanently alter habitats. The NH Department of Agriculture maintains the list

of NH Invasive Species in accordance with the State Invasive Species Act.

**Memorial Tree Program**

The Exeter Parks and Recreation Department's Memorial Tree Program is designed as a resource to allow residents, organizations, and businesses the opportunity to assist the Town in its beautification of public spaces with a purchase of designated trees. The Memorial Tree Program contributes to the Town's goal of increasing trees in the community through the efforts of the Tree Committee.

Through this special Exeter Parks and Recreation program, trees can also be purchased and planted in public places as living tributes to friends and loved ones or to commemorate a special occasion.

**Park**

An area of land owned and managed by the Town and set aside for environmental protection and/or recreation.

A list of Exeter's parks can be found [here](#).

**Property Owner**

A person or business entity with a legal or equitable interest in a property (as shown by the Town's Assessor's list).

**Pruning**

A horticultural practice of selectively cutting/removing specific portions of a tree (such as roots, buds, branches) that are dead, undesirable, or overgrown, OR trimming for healthy plant development and aesthetic purposes. Pruning can be considered preventive maintenance.

**Public Places**

Includes all streets, highways, parks, cemeteries, easements, or other grounds owned by the Town. This includes public easements along all public roads to the property line. Property owners should ascertain the public easement along their property line before any tree work, including pruning, removal, or planting. Questions can be directed to the Tree Warden or the Code Enforcement Officer of the Town.

**Public Trees and Street Trees**

Public Trees refers to trees, shrubs, and other woody vegetation within the public right-of-way or on any public property. This includes shade, ornamental, and forest trees or shrubs growing on any street, park, cemetery, or public place. Street Trees refers to trees and other woody vegetation growing on public streets and on land lying within the public rights-of-way.

**Replacement Trees**

A tree or trees to be planted to replace any trees removed. The replacement

trees will be nursery grown, with a preference for native trees.

**Equivalent Replacement:** The replacement of a removed or damaged tree to compensate for that tree's removal, or its damage, with one tree the same diameter, or a combination of smaller trees that will equal that removed tree's DBH as defined herein. Alternatively, payment of equivalent replacement value can be made to the Parks and Recreation Memorial Tree Fund.

**Tree-for-Tree Replacement:** Replacing a removed tree with a tree, or trees, with a minimum of two to two-and-one-half inches in cumulative trunk diameter at breast height (DBH). The Tree Warden and the Tree Committee will develop and maintain within the regulations an up-to-date list of approved trees for planting under appropriate circumstances.

### **Right-of-Way**

The "legal right, established by grant or usage, to pass along a specific route through grounds or property belonging to another". It usually includes the median, utility poles, sidewalks, and the area immediately adjacent to the street.

### **Significant Trees**

Significant trees, as defined in Exeter's Site and Subdivision regulations (7.4.7), are 20-inches or greater in diameter at breast height (DBH).

### **Tree Maintenance**

Activities, equipment, plans, and provisions to keep trees alive and flourishing.

## **XXX TREE WARDEN**

The Exeter Tree Warden is an appointed official with relevant training and/or experience, who has the authority and responsibility for maintaining public trees, and advising the public on matters relating to public trees. The Tree Warden works with and is supported by the Exeter Tree Committee.

The Tree Warden's job may include, but is not limited to, the oversight of the following:

- Pruning of trees for health and safety;
- Spraying of trees;
- Removal of trees that are dead or dying as a result of storms, insects, disease, or old age;
- Identification of sites for planting new trees;
- Planting new trees;
- Maintaining an inventory of public trees;
- Supervising Town tree workers;
- Inspecting contracted tree work;
- Utility arboricultural operations;

- Assessment of trees for potential hazards to public safety.

The Technical Review Committee may request that the Tree Warden or designee provide advice on tree removal, tree selection, and placement of trees on projects that come before the Planning Board.

The Tree Warden shall advise on and help coordinate landscaping efforts on Town properties and/or within the Town's right-of-way.

### **XXX TREE COMMITTEE**

The Exeter Tree Committee was created in 2019 as part of the Town of Exeter's efforts to be officially recognized as a Tree City. The Committee is a subcommittee of the Conservation Commission, and is made up of volunteers who will:

- Coordinate efforts in support of Exeter's Tree City USA designation;
- Aid in carrying out the provisions of this ordinance;
- Collaborate with the Tree Warden, Town departments, and other Town officials to foster a tree-rich community;
- Help monitor the health and protection of public trees;
- Work to update our inventory of public trees;
- Seek grants and secure funds to support and advance the work of the committee;
- Advance educational efforts to promote awareness and knowledge of the benefits of trees.

More information on the Tree Committee can be found on the Town's website under the [Conservation Commission Main Web Page](#).

More information on Tree City USA at Arborday.org can be found [here](#).

### **XXX PERMITS / PERMISSION REQUIRED**

Permission must be obtained from the Tree Warden prior to doing any work related to public trees, or commencing any activity within the public right-of-way that may disturb roots, trunks, or limbs of public trees. This can include, but is not limited to, trimming, fertilizing, planting, treating with chemicals (fertilizer, herbicides, or pesticides), and removal.

Any person engaging in the business of cutting, planting, pruning, removing, spraying or otherwise treating public trees must first produce evidence of certification/license to the Tree Warden or designee.

Permission for removal of a public tree will not be granted without first establishing an acceptable plan for replacement. The Tree Warden shall determine which replacement method (Equivalent or Tree-For-Tree Replacement) is appropriate for the given circumstance.

**XXX TREE COMMITTEE CONSULTATION**

A significant public tree (defined as having a diameter larger than 20" DBH) may be removed only with prior approval of the Tree Committee, and only after the opportunity for public input at a Tree Committee meeting, *except* where delay in the removal of the tree would pose an imminent threat to public safety or property.

Replacement plans for Significant Trees will be determined in consultation with the Tree Committee.

**XXX SPONSORSHIP OF PUBLIC TREES**

The sponsorship of public trees within the public right-of-way by the abutting property owner is permissible and encouraged provided that the Tree Warden approves the location and selection of such trees. The selected tree or trees will be planted by the Department of Public Works, and it will be the responsibility of the abutting property owner to water the tree(s) until they have become successfully established.

(See our standards for planting and care.)

**XXX TREE REMOVAL AND REPLACEMENT**

The Tree Warden, subject to the approval of the Tree Committee, shall take such action necessary to order the removal of a public tree or trees wherever necessary to preserve public safety or to prevent the spread of disease or insects to other public trees and places. The approval of the Tree Committee is not necessary in emergency situations when public safety, health, and welfare is at risk.

Prior to the removal of a public tree, a replacement plan must be approved by the Tree Warden. The plan shall identify the replacement method (Equivalent Replacement or Tree-for Tree Replacement), planting location, and tree species. If the tree to be removed is a Significant public tree, the replacement plan will be determined in consultation with the Tree Committee.

When a public tree has been (unlawfully) damaged or destroyed, in addition to tree replacement, the responsible party shall pay for the removal and disposal of the removed tree, including the stump, and any resulting sidewalk and/or landscape repairs, and shall provide a 3-year guarantee of success. (Trees that do not survive must be replaced.)



### **XXX HARMING PUBLIC TREES**

No person shall, willfully or mischievously, break down, injure, climb upon, or commit any injury to public trees, nor shall they interfere with the roots or place signs or posters or any other fixture on a tree using nails or other devices which may damage the tree. Removal of any guard, stake, or watering device intended for the promotion of the health and protection of a public tree is also prohibited.

### **XXX PENALTIES**

Anyone who violates any provision of this ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed (\$300) for each separate offense. If the injury, mutilation, or death of any public tree(s) is caused, the cost of repair or replacement, or the appraised dollar value of such tree(s), shall be borne by the party in violation.

### **XXX ENFORCEMENT**

The Town Warden or designee, in consultation with the Tree Committee, shall have the power to promulgate and enforce regulations, rules, and specifications concerning the spraying, trimming, removal, planting, and protection of public trees.

### **XXX PRIVATE TREES**

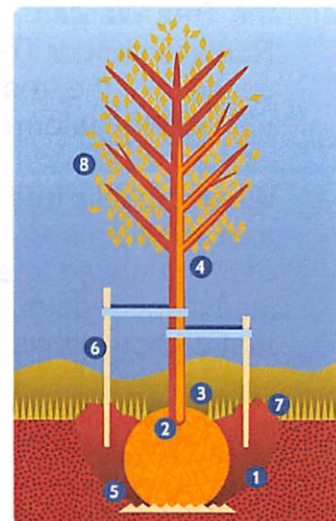
If the Tree Warden determines that a tree on private property is a public hazard, the Tree Warden will notify the property owner to make them aware of the problem, and alert them that immediate action must be taken to resolve the issue. If the property owner does not respond, or does not take corrective action, the Town Manager will be notified and the Tree Warden will then remove what is necessary to ensure public safety.

### **XXX STANDARDS FOR PROPER PLANTING AND MAINTENANCE**

See Exhibit A for technical planting and maintenance specifications.

The following are general planting guidelines to aid in successful tree/shrub planting and maintenance:

1. Dig a shallow, broad planting hole. The hole should be three times the diameter of the tree's root ball but only as deep as the root ball itself. It's important to make the hole wide because roots on the newly-established tree push through surrounding soil to establish.
2. Identify trunk flare. Find the trunk flare so you can determine how deep the hole needs to be for proper planting. Trunk flare is the point where



roots spread at the tree base. This point should be partially visible after the tree is planted (see diagram). If the trunk flare is not visible, remove some soil from the top of the root ball.

3. Place tree at the proper height. Before placing the tree in its hole, ensure that the hole has been dug to the proper depth. Many roots on the newly-planted tree will develop in the top 12 inches of soil. If the hole is too deep, new roots will have difficulty developing from lack of oxygen. Plant the tree two to three inches above the base of trunk flare. This planting level allows for settling (see diagram). To avoid damage when setting the tree in the hole, lift it by its root ball, never by the trunk.
4. Straighten the tree. Before backfilling, check the tree from several directions to confirm that it's straight.
5. Fill the hole gently but firmly. Fill the hole about 1/3 with soil and gently but firmly pack that soil around the base of the root ball. If the root ball is wrapped, cut and remove any fabric, plastic, string, and wire from around the trunk and root ball to facilitate growth (see diagram). Take care not to damage trunk or roots while unwrapping.

Fill in the hole, packing soil firmly to eliminate air pockets that may cause roots to dry out. Add soil a few inches at a time and settle with water. Continue until the hole is filled and the tree is firmly planted. Fertilizer isn't necessary during planting.

6. Stake the tree, if necessary. Trees establish more quickly and develop stronger trunk and root systems if they aren't staked during planting. However, protective staking may be required on sites where lawn-mower damage, vandalism or windy conditions are concerns. If staking is necessary, use two stakes in conjunction with a wide, flexible tie material on the lower half of the tree. This holds the tree upright, provides flexibility, and minimizes injury to the trunk (see diagram). Remove support staking and ties after the first year of growth.
7. Mulch the tree's base. Mulch acts like a blanket that holds in moisture, controls soil temperature extremes and prevents grass and weed competition. Choices include leaf litter, pine straw, shredded bark, peat moss, or composted wood chips. A two to four-inch layer is ideal. More than four inches may cause oxygen problems. When placing mulch, don't cover the tree trunk (it promotes decay). A mulch-free area, one to two inches wide at the base of the tree, prevents moist bark conditions and decay.
8. Follow-up care: Keep soil moist but not soaked; overwatering causes leaves to turn yellow or fall off. Water trees at least once weekly and more frequently during hot weather. When soil is dry below the surface of the

mulch, it's time to water. Continue until mid-fall, tapering off for lower temperatures that require less-frequent watering.

### **XXX NATIVE TREES AND SHRUBS**

See Exhibit B: Approved Trees and Shrubs

See Exhibit C: Prohibited Trees and Shrubs

Note: *This will be updated every 5 years.*

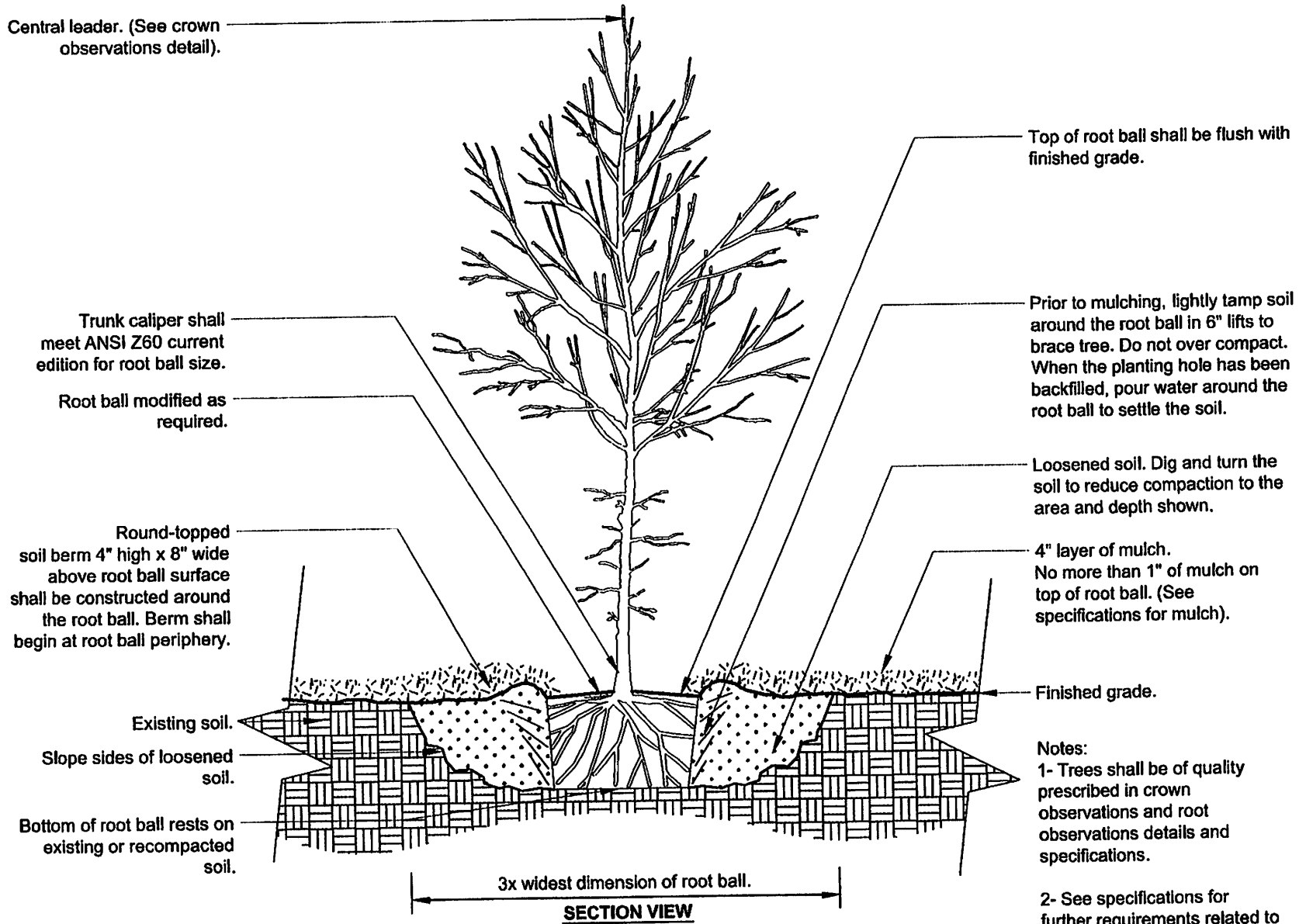
### **XXX FUNDING**

It is the goal of the Tree Committee to work with the Town to establish a fund that will support the activities of the Committee.

This fund would cover for activities and purchases including:

- Tree work such as labeling public trees in Town;
- The expense of a Town arborist;
- The purchase, planting, and maintenance of new trees in public places;
- The purchase of equipment for emergency and tree maintenance work to be done in-house.

# Exhibit: A(1)

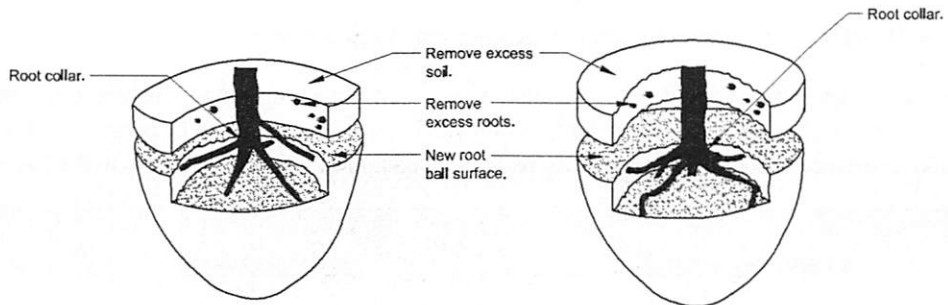


P-X

## TREE w/ BERM (EXISTING SOIL NOT MODIFIED)

**Exhibit: A(2)**

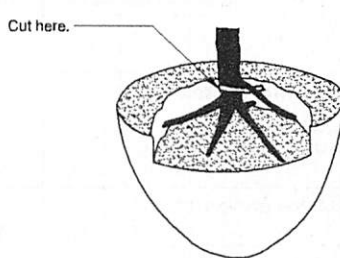
**Step 1 - Remove soil and roots over the root collar.**



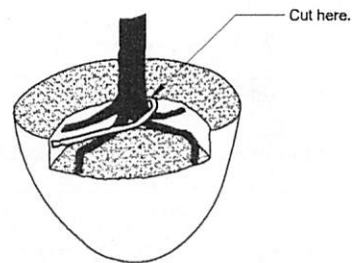
Tree planted too deeply in root ball. Remove excess soil and roots to meet root inspection detail.

Tree planted too deeply in root ball. Remove excess soil and roots to meet root inspection detail.

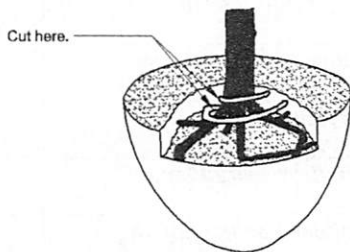
**Step 2 - Remove defects.**



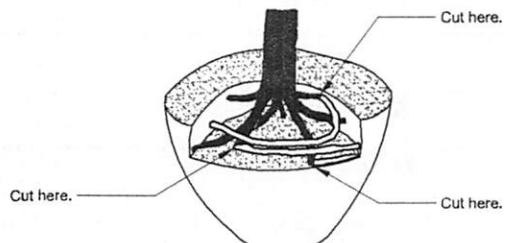
Five structural (large) roots shown in black. Remove structural (white) root wrapping root collar.



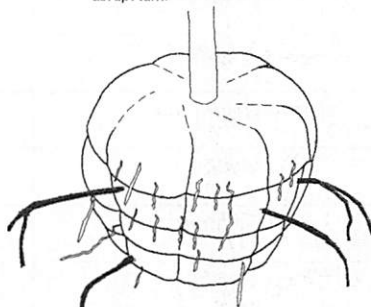
Four structural roots shown in black. Remove root (white) growing over structural roots.



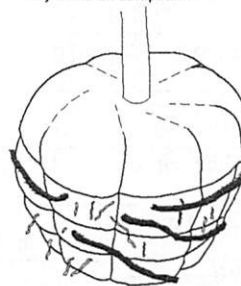
Six structural roots shown in black. Remove structural roots (white) growing over root collar by cutting them just before they make an abrupt turn.



Seven structural roots shown in black. Remove structural roots (white) growing around or over root collar by cutting them just before they make an abrupt turn.



Remove structural roots (4 shown in black) extending from root ball.



Remove structural roots (4 shown in black) deflected on root ball periphery. Small roots (1/4" or less) at the periphery of the root ball are not defined as defects and do not need to be removed.

**Notes:**

- 1- All trees shown are rejectable unless they undergo recommended correction.
- 2- First step 1, then step 2. Adjust hole depth to allow for the removal of excess soil and roots over the root collar.
- 3- Roots and soil may be removed during the correction process; substrate/soil shall be replaced after the correction has been completed.
- 4- Trees shall pass root observations detail following correction.

P-X

**ROOT CORRECTION DETAIL - BALLED AND BURLAPPED**

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**EXHIBIT B: APPROVED TREES AND SHRUBS**

Please Note: Justification must be provided prior to the selection of a non-native species.

The Town maintains a spreadsheet with tree characteristics and suitable planting conditions (street tree, park or suitable for larger area, high salt tolerance, and more). Contact the Tree Warden at the Department of Public Works if you would like assistance in selecting a species for particular conditions. (\*indicates native to the Eastern US)

<b>Common name</b>	<b>Scientific name</b>	<b>Native</b>
Red maple	<i>Acer rubrum</i>	Yes
Sugar maple	<i>Acer saccharum</i>	Yes
Freeman maple	<i>Acer xfreemanii</i>	Yes
Serviceberry/ juneberry	<i>Amelanchier canadensis</i>	Yes
River birch (single trunk)	<i>Betula nigra</i>	Yes
American hornbeam, ironwood, musclewood	<i>Carpinus caroliniana</i>	Yes
Hackberry	<i>Celtis laevigata</i>	Yes
Common hackberry	<i>Celtis occidentalis</i>	Yes
Pagoda dogwood/alternate leaf dogwood	<i>Cornus alternifolia</i>	Yes
Flowering dogwood	<i>Cornus florida</i>	Yes
Hawthorn	<i>Crataegus macrosperma</i>	Yes
American beech	<i>Fagus grandifolia</i>	Yes
Eastern red cedar	<i>Juniperus virginiana</i>	Yes
Sweetgum	<i>Liquidambar styraciflua</i>	Yes*
Tulip tree or tulip poplar	<i>Liriodendron tulipifera</i>	Yes*
Cucumber magnolia	<i>Magnolia acuminata</i>	Yes*
Black gum or black tupelo	<i>Nyssa sylvatica</i>	Yes
Ironwood	<i>Ostrya virginiana</i>	Yes
White spruce	<i>Picea alba</i>	Yes
Pitch pine	<i>Pinus ridgida</i>	Yes
White pine	<i>Pinus strobus</i>	Yes
American sycamore	<i>Platanus occidentalis</i>	Yes
Pin cherry	<i>Prunus pensylvanica</i>	Yes

Common name	Scientific name	Native
White oak	<i>Quercus alba</i>	Yes
Swamp white oak	<i>Quercus bicolor</i>	Yes
Scarlet oak	<i>Quercus coccinea</i>	Yes
Bur oak	<i>Quercus macrocarpa</i>	Yes
Red oak	<i>Quercus rubra</i>	Yes
Black willow	<i>Salix nigra</i>	Yes
Sassafras	<i>Sassafras albidum</i>	Yes
American mountain ash	<i>Sorbus americana 'dwarfscrown'</i>	Yes
Common baldcypress	<i>Taxodium distichum</i>	Yes*
American linden/basswood	<i>Tilia americana</i>	Yes
American elm	<i>Ulmus americana</i>	Yes
Eastern redbud	<i>Cercis canadensis</i>	No
White fir	<i>Abies concolor</i>	No
Flame amur maple	<i>Acer ginnala 'flame'</i>	No
Paperbark maple	<i>Acer griseum</i>	No
Fort McNair horse chestnut	<i>Aesculus carnea 'fort McNair'</i>	No
European hornbeam	<i>Carpinus betulus</i>	No
Northern catalpa	<i>Catalpa speciosa</i>	No
Yellowwood	<i>Cladrastis kentukea</i>	No
Stellar pink dogwood	<i>Cornus 'stellar pink'</i>	No
Cornelian-cherry dogwood	<i>Cornus mas</i>	No
Ginkgo	<i>Ginkgo biloba</i>	No
Honey locust	<i>Gleditsia triacanthos</i>	No
Kentucky coffee tree	<i>Gymnocladus dioicus</i>	No
Elizabeth magnolia	<i>Magnolia 'elizabeth'</i>	No
Flowering crabapple	<i>Malus spp.</i>	No
Dawn redwood	<i>Metasequoia glyptostroboides</i>	No

Common name	Scientific name	Native
Sourwood	<i>Oxydendron arboretum</i>	No
Norway spruce	<i>Picea abies</i>	No
Bloodgood london planetree (sycamore, <i>plantanus occidentia</i> )	<i>Platanus acerfolia</i>	No
Japanese cherry	<i>Prunus serrulata</i>	No
Douglas fir	<i>Pseudotsuga menziesii</i>	No
Pin oak	<i>Quercus palustris</i>	No
Scholar tree or japanese pagodatree	<i>Sophora japonica</i>	No
Japanese stewartia	<i>Stewartia pseudocamellia</i>	No
Japanese tree lilac	<i>Syringa reticulata</i>	No
Japanese zelkova	<i>Zelkova serrata</i>	No
Green vase zelkova	<i>Zelkova serrata</i> 'green vase'	No



**EXHIBIT C: PROHIBITED TREES AND SHRUBS**

**Prohibited Species:** No trees or shrubs that have been designated a State of New Hampshire Prohibited Species may be planted. The full list can be found at [State of New Hampshire Office of Legislative Services, Administrative Rules s Agr-3800](#) and shall be the main resource. Below is a compilation of the trees and shrubs from that list, current as of 8/6/21.

Prohibited Plant Species		
Scientific name	Synonyms	Common name
<i>Acer platanoides</i> L.	<i>Acer platanoides</i> var. <i>schwedleri</i> Nichols.	Norway maple
<i>Ailanthus altissima</i> (P. Mill.) Swingle	<i>Ailanthus glandulosa</i> Desv.	Tree of heaven
<i>Alnus glutinosa</i> (L.) Gaertn.	<i>Alnus alnus</i> (L.) Britt.; <i>Betula alnus</i> L. var. <i>glutinosa</i> L.	European black alder
<i>Berberis thunbergii</i> DC.		Japanese barberry
<i>Berberis vulgaris</i> L.		European barberry
<i>Celastrus orbiculatus</i> Thunb.		Oriental bittersweet
<i>Elaeagnus umbellata</i> Thunb. var. <i>parvifolia</i> (Royle) Schneid.	<i>Elaeagnus parvifolia</i> Royle	Autumn olive
<i>Euonymus alatus</i> (Thunb.) Sieb.	<i>Celastrus alatus</i> Thunb.	Burning bush
<i>Frangula alnus</i> P. Mill.	<i>Rhamnus frangula</i> L.	Glossy buckthorn
<i>Ligustrum obtusifolium</i> Sieb. & Zucc. var. <i>obtusifolium</i>	<i>Ligustrum obtusifolium</i> var. <i>leiocalyx</i> (Nakai) H. Hara	Blunt-leaved privet
<i>Ligustrum vulgare</i> L.		Common privet
<i>Lonicera japonica</i> Thunb.	<i>Nintooa japonica</i> (Thunb.) Sweet	Japanese honeysuckle
<i>Lonicera maackii</i> (Rupr.) Herder*		Amur honeysuckle*
<i>Lonicera morrowii</i> Gray*		Morrow's honeysuckle*
<i>Lonicera tatarica</i> L.*		Tartarian honeysuckle*
<i>Lonicera ×bella</i> Zabel*	<i>Lonicera morrowii</i> × <i>L. tatarica</i>	Bella honeysuckle*
<i>Lysimachia nummularia</i> L.		Moneywort
<i>Rhamnus cathartica</i> L.		Common buckthorn
<i>Rosa multiflora</i> Thunb. ex Murr.		Multiflora rose

**\*\*See page 2 for Plants Recommended for Avoidance\*\***

**Recommended for Avoidance:** The following list of plants are strongly discouraged for public tree planting is based on a combination of the NH Invasive Plant Species Watch List, developed by the New Hampshire Invasive Species Committee (ISC), as well as additional plants that are discouraged due to their invasive-like growth qualities.

Scientific	Synonyms	Common Name
<i>Acer ginnala</i> Maxim.		Amur maple
<i>Amorpha fruticosa</i> L.	<i>Amorpha fruticosa</i> var. <i>angustifolia</i> Pursh; <i>Amorpha fruticosa</i> var. <i>oblongifolia</i> Palmer; <i>Amorpha fruticosa</i> var. <i>tennesseensis</i> (Shuttlw. ex Kunze) Palmer	False indigo-bush
<i>Bassia scoparia</i> (L.) A.J. Schott	<i>Chenopodium scoparium</i> L.; <i>Kochia scoparia</i> (L.) Schrad.; <i>Kochia scoparia</i> var. <i>pubescens</i> Fenzl; <i>Kochia scoparia</i> var. <i>subvillosa</i> Moq.	Firebush smotherweed
<i>Cytisus scoparius</i> (L.) Link var. <i>scoparius</i>	<i>Spartium scoparium</i> L.	Scotch broom
<i>Elaeagnus angustifolia</i> L.		Russian-olive
<i>Euonymus europaeus</i> L.		European spindle-tree
<i>Euonymus fortunei</i> (Turcz.) Hand.-Mazz	<i>Euonymus fortunei</i> var. <i>radicans</i> (Sieb. ex Miq.) Rehd.; <i>Euonymus fortunei</i> var. <i>vegetus</i> (Rehd.) Rehd.; <i>Euonymus radicans</i> Sieb. ex Miq.; <i>Euonymus radicans</i> Sieb. ex Miq. var. <i>vegetus</i> Rehd.	Climbing spindle-tree
<i>Kalopanax septemlobus</i> (Thunb.) Koidz.	<i>Acanthopanax ricinifolius</i> (Sieb. & Zucc.) Seem.; <i>Kalopanax pictus</i> (Thunb.) Nakai	Castor-aralia
<i>Lespedeza bicolor</i> Turcz.		Two-colored bush-clover
<i>Lonicera xylosteum</i> L.		Fly honeysuckle
<i>Phellodendron amurense</i> Rupr.	<i>Phellodendron amurense</i> var. <i>sachalinense</i> F. Schmidt; <i>Phellodendron japonicum</i> Maxim.; <i>Phellodendron sachalinense</i> (F. Schmidt) Sarg.	Amur corktree
<i>Pinus sylvestris</i> L.		Scotch pine
<i>Populus alba</i> L.	<i>Populus alba</i> L. var. <i>bolleana</i> Lauche	White poplar
<i>Pyrus calleryana</i> ,		Callery/Bradford Pear
<i>Robinia pseudoacacia</i> L.		Black locust
<i>Rosa rugosa</i> Thunb.		Beach rose
<i>Ulmus pumila</i> L.		Siberian elm

**Tax Abatements, Credits & Exemptions**

## Permits and Approvals

## Correspondence