

Select Board Meeting
Monday, March 6, 2023 6:30 pm
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 EXTV 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/81016149232>

To access the meeting via telephone, call +1 646 558 8656 and enter Webinar ID 810 1614 9232

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.

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Contact us at extvg@exeternh.gov or 603-418-6425 with any technical issues.

AGENDA

1. Call Meeting to Order
2. Non-Public Session RSA 91-A:3,II(I)
3. RFP Bid Opening – 10 Hampton Road Renovations
4. Public Comment
5. Proclamations & Recognitions
6. Approval of Minutes
 - a. Regular Meeting: February 27, 2023
7. Appointments
8. Discussion/Action Items
 - a. OmniBallot Update
 - b. Squamscott River Siphons Project Update
 - c. Community Center Investment Grant
 - d. Swasey Parkway – Petition for Cy Pres, or Deviation of Relief Update
9. Regular Business
 - a. Tax Abatements, Veteran's Credits & Exemptions
 - b. Permits and Approvals
 - c. Town Manager's Report
 - d. Select Board Committee Reports
 - e. Correspondence
10. Review Select Board Calendar
11. Non-Public Session
12. Adjournment

Niko Papakonstantis, Chair
Select Board

Posted: 3/3/23 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

Non-Public Session

RFP Bid Opening

Proclamations & Recognitions

Approval of Minutes

**Select Board Meeting
Monday February 27, 2023
6:50 PM
Nowak Room, Town Offices
Draft Minutes**

1. Call Meeting to Order

Members present: Julie Gilman, Molly Cowan, Lovey Roundtree Oliff, Niko Papakonstantis, Nancy Belanger, and Assistant Town Manager Melissa Roy were present at this meeting. Ms. Cowan and Ms. Oliff were present remotely via Zoom; they stated that they were alone in the room and it was not practical for them to be physically present.

The meeting was called to order by Mr. Papakonstantis at 6:50 PM. Mr. Papakonstantis, Ms. Belanger, and Ms. Gilman went downstairs to the Wheelwright Room for an interview.

2. Board Interviews

- a. Timothy Gwynne for the Budget Recommendation Committee

The Board reconvened in the Nowak Room at 7 PM.

3. Public Comment

- a. There was no public comment at this time.

4. Police Department - Swearing In

Police Chief Stephan Poulin introduced Patrol Officer Sonya Robicheau to the Board, and Town Clerk Andie Kohler swore her in as Patrol Sergeant.

5. Proclamations/Recognitions

- a. Mr. Papakonstantis thanked the DPW for its efforts clearing the roads during winter weather.

6. Approval of Minutes

- a. Regular Meeting: February 13, 2023

MOTION: Ms. Belanger moved to approve the minutes of February 13, 2023 as presented. Ms. Gilman seconded. In a roll call vote, the motion passed 5-0.

7. Appointments

MOTION: Ms. Belanger moved to appoint Timothy Gwynne to the Budget Recommendations Committee with no term. Ms. Gilman seconded. In a roll call vote, the motion passed 5-0.

8. Discussion/Action Items

- a. OmniBallot update

Town Clerk Andie Kohler gave an update on the OmniBallot testing. She did two tests, one using a touch screen test and one through headphones, and

both were successful. She sent Democracy Live PDFs of the March ballots and they had it turned around within a day. She hasn't had a chance to upload and test it yet, but will test tomorrow, and she doesn't foresee any difficulties. She added that anyone can use this, not just those with disabilities.

Mr. Papakonstantis asked for an update on the Polling Pads. Ms. Kohler said they will be delivered on March 9th and we will have a ballot clerk training that night. There will be no line and no waiting at Town Meeting.

b. VHB - Roundabout Presentation

Town Engineer/Interim Public Works Director Paul Vlasich and Greg Bakos of VHB were present to discuss the roundabout proposal. Mr. Vlasich said this is on the warrant as Article 5 for \$798,000. It addresses two intersections, the first a roundabout at Pine/Linden/Front Street, and also some curb and sight line adjustments at Columbus and Railroad Ave.

Mr. Bakos said VHB evaluated traffic flow, crash data, and safety concerns, did field observations, and took town input. At Front Street and Pine, we were concerned about the geometry of the intersection. Front Street is the main roadway, but Linden and Pine Street converge as they are getting to Front Street. Pedestrians are left exposed there, so there are safety concerns. The proposed solution, after studying the alternatives, was a roundabout. This gives more fairness to each of the approaches and balances the traffic flow better. The roundabout would have an outside diameter of 102'; for comparison, the roundabout in Foy's Corner is 104' feet and processes a lot of cars. A pedestrian only has to cross one lane of traffic at a time and only look in one direction. Crashes at this intersection tend to be broadside crashes which are more serious. With a roundabout, any crashes are less severe. It will also slow Front Street traffic. This would not impact the park, but there are some minor property impacts. It's not possible to do a test because we need this property to achieve the dimensions.

Don Clement of 5 Thelma Drive, who was present via Zoom, asked about losing some property. Is that private property? Mr. Bakos said yes. Mr. Clement asked whether the compensation for property owners is included in the cost. Mr. Bakos said yes. The amount of property is very small and the value should be small. Mr. Clement asked how many parking spaces will be lost, and Mr. Bakos said half a dozen or less, possibly not legal spaces. Mr. Vlasich said the parking on Front Street is in the town right-of-way. There would be a loss of 5 parking spots in that area. On Pine Street, we would lose 3 on each side for a total of 6. Mr. Clement asked how bicycles would interact with the rotary. Mr. Bakos said they would function the same way as a car: yield to vehicles in the rotary and proceed like a car would. There's no bike lane, it's intended to be shared. It's a slow speed operation. Mr. Clement asked how we would measure success on this project, for example, a reduction in accidents? Mr. Bakos said safety is the first priority, so there should be a reduction in serious crashes. Mr. Clement said there had been no crashes there. This intersection is 27th on the list. It only has

one accident a year. Mr. Bakos said secondly, there would be community recognition that there wasn't a long wait to get out of the side streets. Mr. Clement asked about the alternatives. Mr. Bakos said this intersection does not meet traffic signal requirements; each approach would have their own green time, which would take away Front Street time, and there is a driveway in the middle which complicates things.

Ms. Belanger said she would like to know who the parking spaces belong to. Where would we have "no parking" signs? Mr. Bakos showed it on the map.

Mr. Bakos said there was a suggestion to make Linden Street one-way and have those coming out on Front Street use Gill Street, but that would be funneling significant traffic through a residential neighborhood, and we didn't think that was a good diversion.

Mr. Bakos said Winter Street at Railroad and Columbus would have minor improvements for safety. Making a small geometric improvement allows cars to see around the corner a little better. We would also add stop lines.

Ms. Belanger asked why there's no crosswalk from Columbus across Winter Street towards Front Street. Mr. Bakos said there's no sidewalk to receive them. It would be recommended if there were sidewalks.

Mr. Bakos said we considered a roundabout here, but with a threeway intersection it wouldn't slow traffic down. We looked at a realignment of Winter Street, but it was expensive. We recommend doing the small improvements first and look at that again in the future if necessary.

Ms. Belanger asked about the cost for alternative 3 [realignment of Winter Street], and Mr. Papakonstantis said \$350,000.

Ms. Belanger asked Mr. Vlasich if sidewalks for that area are on the DPW's list. Mr. Vlasich said the list deals mostly with repairing existing sidewalks. We have an idea of where new sidewalks could go in, but we don't prioritize them. Ms. Belanger said it's a little dangerous walking in this neighborhood. Ms. Gilman asked if the Town Planner had a master plan for sidewalks. Mr. Vlasich said he's not aware of one.

c. Squamscott River Siphons Project

Town Engineer/Interim Public Works Director Paul Vlasich and Kevin Garvey of Wright Pierce were present to give an update on the sewer siphons project. Mr. Vlasich said the last time he spoke to the Board, we were on our 5th attempt at drilling a pilot hole from Swasey Parkway to the Mill side of the river. The subcontractor was doing 50 feet a day. After that meeting, the drilling progressed faster, at about 100 feet a day. Some fluid worked its way through the sediments to the bottom of the river; we notified DES, but it's not toxic or harmful to the environment. On Thursday Feb 16, they were able to get to the other side. On Monday Feb 20, we had the seismic graph effort: a boat came in with an instrument that looked at the ledge profile for an alignment that did not have the ledge problem, but because of the bubbles in the sediments, they were not able to get usable data. Then at the end of last week, the shaft broke on the

drill. The reamer head is now stuck in the middle of the river. The subcontractor said the numbers will be expensive. We thought the total cost would be \$3.2M, but now, if we started a new drill to get one successful barrel, that one barrel will cost \$3.5M. We asked the consultant to get a waiver from DES to have two barrels instead of the three required.

Mr. Papakonstantis asked what concerns we have for the area. Mr. Vlasich said if the two existing barrels stay active, the only concern is the noise and disruption of construction. If the barrels back up, there could be some flow into basements in the area. We would have to take a pipe from Jady Hill Ave above grade across String Bridge, which would have to be one-way, and tie into a manhole at Water Street. The contingency plan would be sustainable once the pump and forcemain are installed. Ms. Belanger asked when the pumps would be present on site in that case, and Mr. Garvey said within 24-48 hours and operational within four days. The contingency could be started right away with Vactor Trucks.

Mr. Papakonstantis asked if the subcontractor has insurance for the broken equipment. Mr. Vlasich said we're exploring that. Mr. Papakonstantis said he'd like to hear what responsibility the contractor and subcontractor bear.

9. Regular Business

a. Permits & Approvals

- i. Finance Director Corey Stevens said the town is authorized to utilize Water/Sewer impact fees to offset debt payments on Water/Sewer capital projects. The bank balances are \$56,000 in the Water account and \$96,000 in the Sewer fund. We could take one year's worth of fees from each and use it toward the debt service; we could use the 2021 collections to offset debt collections in 2022.

MOTION: Ms. Belanger moved to transfer \$13,716.56 from the 2021 Water Impact Fees and \$28,428.71 from the 2021 Sewer Impact Fees to the General Fund, for a total of \$42,145.27 to offset debt payments in Water and Sewer capital projects. Ms. Gilman seconded. In a roll call vote, the motion passed 5-0.

Mr. Stevens said there was a Snow and Ice deficit in 2022. The budget was \$313,201, but we used \$400,704, so there was an overage of \$87,500. The balance in the Snow and Ice Deficit Fund was \$153,630 as of 12/31/2022. There's an article in the warrant to add an additional \$50,000, for new total of \$116,630.

MOTION: Ms. Gilman moved to authorize the withdrawal of \$87,000 from the snow and ice deficit fund to cover spending in excess of budget during FY 2022. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

- ii. FD Deputy Chief Jason Fritz, also of the E911 committee, said that we're looking for the Board to accept a new address, 31 High Street. This is a

new building which is part of the PEA faculty project. Ms. Belanger asked why they're looking for an address on High Street when Gilman Lane was redirected. Deputy Chief Fritz said the front door of their house is on High Street. The driveway will be on Gilman Lane. The Technical Review Committee talked about having a secondary means of egress, another road that could only be used for emergency vehicles, but thought that that would be confusing. To put the access between 25 and 31 would be too tight.

MOTION: Ms. Gilman moved to accept the new address of 31 High Street as described. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

Deputy Chief Fritz said that on Gilman Lane, there were existing structures that needed to be renumbered.

MOTION: Ms. Belanger moved that 7 Gilman Lane be renumbered to 15 Gilman Lane, 8 Gilman Lane to 13 Gilman Lane, 10 Gilman Lane to 12 Gilman Lane Unit A and B, and add 11 Gilman Lane which is a new building. Ms. Gilman seconded. In a roll call vote, the motion passed 5-0.

Deputy Chief Fritz said that Tan Lane was one of the streets identified by the State as not conforming to numbering regulations. We propose that it be renumbered starting from Main Street towards Front Street. Ms. Gilman asked if the new dormitory near Fisher Theater has a Front Street address, and Deputy Chief Fritz said yes.

MOTION: Ms. Belanger moved to change 9 Tan Lane to 16 Tan Lane, 14 Tan Lane to 29 Tan Lane, 12 Tan Lane to 19 Tan Lane, 16 Tan Lane to 5 Tan Lane, 18 Tan Lane to 1 Tan Lane, 34 Main Street to 3 Tan Lane, 8 Tan Lane to 5 Lamont Place, 10 Tan Lane to 7 Lamont Place, and 12R Tan Lane to 8 Lamont Place. Ms. Gilman seconded. In a roll call vote, the motion passed 5-0.

Deputy Chief Fritz described a Drinkwater Road property which was subdivided into 2 parcels.

MOTION: Ms. Belanger moved to renumber 106/1 to 52 Drinkwater Road and 106/2 to 54 Drinkwater Road. Ms. Gilman seconded. In a roll call vote, the motion passed 5-0.

b. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve Disability Exemptions for 60/9 and 95/64/226 in the amount of \$125,000 for tax year 2023. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

MOTION: Ms. Gilman moved to approve an Elderly Exemption for 104/79/118, 104/79/905, 103/13/20, 54/4/125, 104/79/320, 95/64/160, 65/75, 73/246, 54/4/6, 52/43, 81/31, 71/2, in the amount of \$236,251 for tax year 2023. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

MOTION: Ms. Gilman moved to approve an Elderly Exemption for 64/105/93, 95/64/321, 104/79/309, 104/79/121, 104/79/420, and 55/24 in the amount of \$183,751 for tax year 2023. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

MOTION: Ms. Gilman moved to approve an Elderly Exemption for 95/64/224, 104/79/705, 73/280, 95/64/101, 28/4, 87/8/C-13 in the amount of \$152,251 for tax year 2023. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

MOTION: Ms. Gilman moved to deny an Elderly Exemption for 104/79/325 and 74/39. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

c. Town Manager's Report

- i. Ms. Roy gave the update on behalf of Russ Dean, who was not present. She said Corey Stevens and Steve Bailey will lead the upgrade of the MUNIS financial system starting Thursday and Friday. The goal is to be back up and running on Monday March 6. The downtime is not expected to cause major issues due to the billing cycles.
- ii. We're working with Exeter Housing Authority to explore using the 149 Kingston Road property as an affordable housing unit.
- iii. Town staff will be meeting to discuss the Swasey Parkway flooding. We need to talk about what stakeholders should be involved.
- iv. The Rec Dept is planning to apply for a State Community Center Investment Grant. We will bring this to the next Board meeting March 6. We're proposing using town ARPA funds as a match.
- v. We reached out to Attorney Mitchell for an update on the Swasey Parkway petition. He said that the judge rendered a decision this past Friday, and we're expecting it via mail this week.
- vi. Kristin Murphy reported that the town did not receive the T Mobile grant for Raynes Barn.
- vii. A complete version of Darren Winham's Economic Development newsletter is in the packet.
- viii. Ms. Gilman asked how the summer camp scholarship will be handled. Ms. Roy said the funds would go into the Rec Revolving account. We partner with the "R U In" program to determine need-based eligibility.

d. Select Board Committee Reports

- i. Ms. Belanger said the Conservation Commission approved the Wakefield Thermal application, which will bring 150 jobs. They will be refurbishing a building subdivided from Osram and adding a 3,000 sq foot addition. There were four small wetland areas on the site that were not significant. They voted to send a letter to the Planning Board regarding invasive species and stormwater drainage concerns with the site. Raynes Barn repairs are underway. A four-part training is underway from NH Fish and Game on monitoring butterfly populations. In the trail report, there are still

a few blocked-off sections; people are obeying the signs. We are updating trail signs, and a lost hiker was able to be rescued because they remembered information from one of the new signs. There were some downed trees from the high wind event, and they are looking into tree options. They discussed a possible snowshoe event or nature walk. They talked about whether to have an Alewife Festival this year; they were a little disappointed with the turnout last year. The Planning Board meeting Feb 23 was canceled.

- ii. Ms. Gilman had a one-minute Heritage Commission meeting, because they had no quorum. We were not awarded the grant for a historical survey on Town Hall. She also discussed State legislative issues.
- iii. Ms. Oliff had no update
- iv. Ms. Cowan had no update.
- v. Mr. Papakonstantis had no update.

e. Correspondence

- i. A legislative bulletin from NHMA

10. Review Board Calendar

- a. The next meetings are March 6 and March 20. The town election is March 14.

11. Non-Public Session

MOTION: Ms. Belanger moved to enter into non-public session under RSA 91-A3II(b). Ms. Gilman seconded. In a roll call vote, the motion passed 5-0.

The meeting entered non-public session at 8:57 PM.

12. Adjournment. Motion by Selectwoman Belanger to adjourn, seconded by Selectwoman Gilman. The Board stood adjourned at 9:04 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary

Appointments

Discussion/Action Items

OmniBallot Update



OFFICE OF THE TOWN CLERK

10 FRONT STREET • EXETER, NH • 03833-3792

MEMO

TO: Russ Dean, Select Board
FROM: Andie Kohler, Town Clerk
SUBJECT: OMNI Ballot Update
DATE: March 2, 2023

I am happy to announce that the OMNI ballot testing is done and was a great success. There were a few mistakes and I worked closely with Nick from the Democracy Live. We were able to correct the mistakes in record breaking time. We are ready to go.

I will remind the Board again that this system is not just for the disabled, every voter can use the system. Its quicker than coloring in the ovals. I urge all of you to give it try at the polls on March 14.

Respectfully Submitted,

Andie Kohler, CMC, CTC
Town Clerk

Squamscott River Siphons Project Update

Community Center Investment Grant



EXETER PARKS & RECREATION

32 COURT STREET • EXETER, NH • 03833 • (603) 773-6151 • www.exeternh.gov



MEMORANDUM

TO: Russ Dean, Town Manager
CC: Melissa Roy, Assistant Town Manager/HR Director
FROM: Greg Bisson, Director of Parks and Recreation
RE: Community Center Investment Program
DATE: 03/06/2023

Exeter Parks and Recreation is looking to apply for the Community Center Investment Program to assist in renovations of 10 Hampton Road. The State of New Hampshire worked with New Hampshire Community Development Finance Authority to establish the Community Center Investment Program to help communities renovate and construct community centers. New Hampshire Community Development Finance Authority's Community Center Investment Program will provide resources to nonprofits and municipalities to support infrastructure improvements to community spaces across the state. This investment of \$20 million in Federal American Rescue Plan Act funds, administered by the Governor's Office for Emergency Relief & Recovery (GOFERR), will deploy significant resources into our communities.

Program Objective:

The Community Center Investment Program is a competitive program that awards funds to rehabilitate, expand or build community centers, and provides technical assistance to prospective applicants and awardees to help facilitate successful application and project completion.

Eligibility and Guidelines:

Eligible applicants include New Hampshire nonprofits and municipalities. In addition to meeting all eligibility requirements, all applicants will be subject to programmatic and financial review. Awards will be made to community center projects that demonstrate the following:

- Space is open to the public and owned and operated by a municipality or a nonprofit community organization.
- The facility's primary purpose must be recreation, social welfare, community improvement, and public assembly. This may include facilities that provide services for: seniors and/or youth; persons with disabilities; health, mental health, or substance abuse services; homeless services; and family resource centers.
- The facility must provide significant public benefit purposes and demonstrate financial need for the funding.
- The project must have the capacity to comply with all applicable Federal requirements.

The Community Center Investment Program Application and Program Guide will define the final program and eligibility criteria, which will be presented during the Application Workshop.

David Tovey and I both attended the Community Center Program Workshop Webinar on February 23rd to gain more knowledge on this program. We will also participate in the Community Center Application workshop on March 23rd to gather additional criteria for the program.

Timeline:

The CDFA has a very aggressive timeline for this program. After approval by the State in 2022, CDFA created a program that will get resources into those communities selected in this process. As you can see from the table below, CDFA launched the program in January. With your approval, we would like to take the next step and sign up for the pre-application meeting with CDFA. Applications are due April 23rd, 2023, with an evaluation and decision to come in May and contracts finalized in June. All projects awarded the grant must start within six months of award.



Available Resources:

The Community Center Investment program will fund projects up to \$1 million and as low as \$100,000. The grant requires a minimum of a 15% match on the project. All matching funds must be secured and readily available when the application is submitted.

Preparing the Project:

The CDFA awards the grant to projects focused on the following types of activities:

- Developing a new center
- Rehabilitating a physical or outdoor programming space in the center
- Expanding a center
- Improving systems that impact:
 - Heating and cooling, air quality, and/or ventilation
 - The energy efficiency of the building or space
 - Health, safety, and comfort

Projects meeting eligibility criteria must also meet the following conditions:

- CDFA's Community Development Advisory Committee believes the project falls within the program scope.
- Demonstrates:
 - Public purpose and a public benefit
 - Financial need for program funds
 - Capacity and readiness
 -

Evaluation of Project:

Applicants are subject to a substantial programmatic and financial review. A project is considered on its own merits and as it compares to other applicants in the same funding round. There are specific threshold requirements that need to be met:

- Satisfactory completion of the application threshold criteria, capacity, and financial assessments
- Secured matching funds
- Compiles with CDFA's energy policy
- Readiness for implementation

Priorities for funding are the following:

- Investment in their physical infrastructure to be viable and impactful
- Build partnerships
- Meet the needs of target populations
- Leverage other resources
- Public benefit and public purpose
 - How meaningful is the project to the community/target population?
 - What is the degree of public accessibility of the project?
 - How is the project economically beneficial to the locality?

We can meet these requirements and show that the Town supported this project when we acquired the property in 2022. To ensure we meet the energy policy, we have already begun applying for the CDFA's Community Facilities Energy Assessment program, which covers 75% of an energy audit up to \$6,000. Funded studies and assessments will identify and support implementation projects that reduce future operating and maintenance costs and improve building comfort and health, allowing organizations and communities to better support their core missions.

What we are looking to use the funds to accomplish:

10 Hampton Road does have some hurdles to overcome to become a resource to the Town of Exeter. The 2nd floor is not accessible. Renovations are needed to create programming space upstairs. The heating and cooling systems are older and inefficient. We still plan to move forward with minor renovations and ADA improvements to move the administrative staff to 10 Hampton Road's first floor. If the Town wants to utilize the building entirely, we will need to do the following renovations:

- Heating/AC replacement with an energy-efficient unit with a modern filtration system.
- ADA accessibility to the 2nd floor
- ADA upgrades to the upstairs bathrooms
- Flooring throughout the entire building
- Program space renovation
- Entrance enhancements
- Create a second means of egress from the 2nd floor
- Drainage and earthwork around the perimeter of the building.
- Electrical upgrades
- Architectural and Engineering of the renovations

Matching Funds:

We ask the Select Board to consider allocating ARPA funds, some Recreation Revolving Fund, and possible Impact Fees to contribute towards the match for the grant. This grant to create a great public space with no additional taxpayer funds is a one-time opportunity. We would like to return to you later in March with firm numbers.

Sincerely,

Greg Bisson
Director
Exeter Parks and Recreation

Swasey Parkway

Petition for Cy Pres, or Deviation of Relief Update

Town Manager's Office

MAR 1 2023

Received

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

10th Circuit - Probate Division - Brentwood
PO Box 789
Kingston NH 03848-0789

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

NOTICE OF DECISION

**WALTER L. MITCHELL, ESQ
MITCHELL MUNICIPAL GROUP PA
25 BEACON ST E STE 2
LACONIA NH 03246**

Case Name: **The Town of Exeter, New Hampshire v. New Hampshire Attorney General
Director of Charitable Trusts**
Case Number: **318-2022-EQ-02246**

On February 24, 2023, Judge Mark F. Weaver issued orders relative to:

Assented-to Motion for Entry of Final Decree is granted.

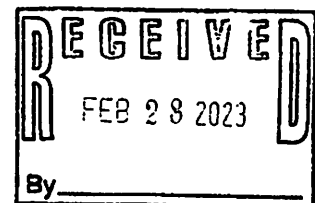
Proposed Decree - Approved and So Ordered. A copy is enclosed.

Any Motion for Reconsideration must be filed with this court within 10 days of receiving this notice.
Any appeals to the Supreme Court must be filed within 30 days of receiving this notice.

February 27, 2023

Kathleen E. Tripp
Clerk of Court

C: Town of Exeter, New Hampshire; Charitable Trusts Unit; Diane M. Quinlan, ESQ



RECEIVED
FEB 03 2023
10th Circuit at Brentwood

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, S.S.

10th CIRCUIT-PROBATE
DIVISION - BRENTWOOD

The Town of Exeter, New Hampshire

v.

New Hampshire Attorney General
Director of Charitable Trusts

Docket No. 318-2022-EQ-02246

PROPOSED DECREE

The Town of Exeter filed its Petition for Cy Pres, or for Deviation Relief (hereinafter "Petition"), requesting a deviation from and/or modification to the Trust Agreement created by Mr. Ambrose Swasey. Pursuant to the Trust Agreement "a parkway along the riverfront at Exeter, New Hampshire, to be used solely for park purposes, and the roadway therein open only to pleasure vehicles[.]" was to be constructed and in deed has been constructed and is a class V public highway in Exeter, that passes completely through the park land purchased and constructed pursuant to the Trust Agreement. The Town, through its 2022 Annual Town Meeting vote, seeks to "close and discontinue as a public highway the southerly portion of the roadway 'from Water Street to the Pavilion[.]'" while allowing the closed portion "to be retained for the use of pedestrians, non-motorized and maintenance/emergency vehicles[.]" Petition, ¶14, 15. In effectuating this proposed road change, the Town

ATTORNEY
CLERK

commits that in this process it will address the needs of those with mobility issues, to assure that they will have continued access to the park.

For the reasons cited in the Petition, the Court finds good and sufficient cause for the Town of Exeter, to the extent necessary to execute the 2022 Annual Town Meeting vote, to deviate from the terms of the Trust Agreement, by closing and discontinuing the southerly portion of the parkway at issue.

Therefore, it is hereby ordered, and decreed:

- A. The Town's Petition for Cy Pres. or for Deviation Relief is granted.
- B. The Court fully adopts the language of the approved Article 33 of the 2022 Annual Meeting (see Petition, Attachment 1) herein, and therefore Swasey Parkway shall now have its southerly portion from Water Street to the Pavilion discontinued and closed to allow for the remaining paved portion to be utilized by pedestrians, non-motorized and maintenance/emergency vehicles.

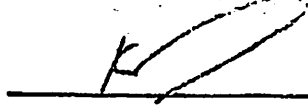
So Ordered:

Dated: 2/24/23



Presiding Judge Mark F. Weaver

A True Copy of the:



Clerk

Tax Abatements, Veteran's Credits, Exemptions

List for Select Board meeting March 6, 2023

Veterans Credit

Map/Lot/Unit	Location	Amount	Tax Year
47/8/103	7 Willey Creek Rd #103	500.00	2023
101/8/5	9 John West Rd	500.00	2023

Disability Exemption

Map/Lot/Unit	Location	Amount	Tax Year
95/64/326	62 Hilton Ave	125,000	2023

Elderly Exemption

Map/Lot/Unit	Location	Amount	Tax Year	
62/2	105-107 Washington St	137,950	2023	MultiFamily
104/79/226	226 Robinhood Dr	denial		
52/68	6 Stevens Ct	236,251	2023	
95/64/258	8 Peach St	236,251	2023	
104/79/220	220 Robinhood Dr	183,751	2023	
64/21	6 Dewey St	236,251	2023	
104/79/214	214 Robinhood Dr	152,251	2023	
63/237	64 Park St	236,251	2023	
68/6/814	8 Sterling Hill Ln #814	236,251	2023	
87/14/7A	7 First St Pinecrest Pk	152,251	2023	

Solar Exemption

Map/Lot/Unit	Location	Amount	Tax Year
27/3	40 Beech Hill Rd	19,000	2023
62/190	10 Wadleigh St	5,500	2023
65/81	38 Clover St	12,500	2023

Abatement

Map/Lot/Unit	Location	Amount	Tax Year
68/6/538	5 Sterling Hill Ln #538	673.20	2022

Permits & Approvals

Exeter River MHP Cooperative, Inc.

10 Vincent Street Exeter, NH. 03833

Office (603) 778-0865

Fax (603)778-0833

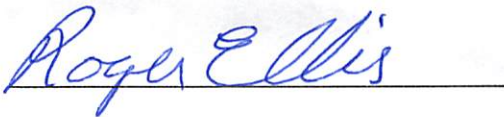
Exeterriveroffice@Yahoo.com

Date: February 27,2023

We are asking the town of Exeter to waive the taxes owed totaling 18,273.42
On 23 Juniper Street.
The Co-op has received the writ of possession on February 2,2023

The Exeter River Co-op would like to demolish the existing home due to it being a health hazard
And replace it with a 2023 home

Sincerely,
Board of Directors



Roger Ellis Director 1



Eric Maynard Operations

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT

10th Circuit - District Division - Brentwood
PO Box 1149
Kingston NH 03848-1149

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
https://www.courts.nh.gov

WRIT OF POSSESSION

Exeter River Cooperative
201 Loudon Road
Concord NH 03301

V.

Russell Rowe

Case Name: Exeter River Cooperative v. Russell Rowe and All Other Unknown Occupants
Case Number: 435-2023-LT-00003

To the Sheriff of any County or to his Deputy or to any Law Enforcement Officer:

WHEREAS the plaintiff on the February 02, 2023, by order of the court, has recovered judgment against the defendant(s) for possession of the premises described as:

23 Juniper Street
Exeter, NH 03833
and court costs of \$ 126.00.

WE COMMAND YOU, THEREFORE, that without delay you cause the said plaintiff to have possession of said premises.

Make return of this Writ to the court within ninety days from the date thereon.

February 02, 2023 A TRUE COPY: ATTEST

[Signature]
DEPUTY SHERIFF
ROCKINGHAM COUNTY

Witness, David D King, Administrative Judge
New Hampshire Circuit Court

[Signature]
Kathleen E. Tripp, Clerk of Court

RETURN OF SERVICE

_____ COUNTY

Date: _____

I have caused the above named plaintiff to be put into possession of the within described premises.

FEES: Service: \$ _____

Deputy Sheriff

Travel: _____

Signature

Other: _____

Title

TOTAL: \$ _____

Agency



EXETER HEALTH DEPARTMENT
20 COURT STREET, EXETER, NH 03833-2716
Phone: (603)773-6132
FAX: (603)773-6128
www.exeternh.gov

NOTICE TO VACATE

DANGER. THIS BUILDING IS UNSAFE BECAUSE OF THE FOLLOWING DANGEROUS CONDITION: POOR SANITARY CONDITIONS AND STRUCTURAL DAMAGE AS OF FEBRUARY 16, 2023. OCCUPANCY IS PROHIBITED BY ORDER OF THE HEALTH OFFICER OF THE TOWN OF EXETER, UNDER AUTHORITY OF RSA 147:16-a. DETAILS OF THIS VIOLATION ARE ON FILE AT EXETER HEALTH DEPARTMENT. ANYONE ENTERING THIS BUILDING WITHOUT PERMISSION OF THE HEALTH OFFICER, OR ANYONE REMOVING THIS NOTICE SHALL BE GUILTY OF A MISDEMEANOR. PERSONS AGGRIEVED BY THIS ORDER MAY REQUEST A HEARING IN THE ROCKINGHAM DISTRICT COURT, AND MAY ASK THE COURT TO DIRECT THE RESPONSIBLE PARTY TO REMOVE OR ABATE THE DANGEROUS CONDITION.

In accordance with RSA Title X Public Health Chapter 147, James Murray, Health Officer, Town of Exeter Board of Health, on Thursday, February 16, 2023 conducted an inspection of a dwelling located at **23 Juniper Street, Exeter, New Hampshire 03833**. Based on reasonable information and belief, the condition of such premises constitutes a clear and imminent danger to the life or health of occupants or other persons and that protection of life or health requires vacating the premises.

Based upon these findings, the Exeter Health Department is issuing this notice so that there will be no entry into the structure without permission and approval from the Health Department. This notice is being issued due to the potential health risks inside the structure.

Please direct any other questions, concerns, or requests to enter the structure to the Exeter Health Department, contact info listed above.

James Murray
Health Officer

ATTACHMENT: Inspection Report

Account Information
 Parcel: 95-01-382
 Location: 23 JUNIPER ST
 Name: ROWE RUSSELL R JR

Effective Date
 Due 02-27-2023

Special Conditions/Notes
 Special conditions exist for one or more account bills

Year	Type	BR	NSC	Reference	Due Date	Interest Date	Billed	Adj/Adj	Paid	Refunds	Pmt/Crd	Unpaid	Interest Paid	Interest Due	Total Due	Net
2011	TL-R	30175	1	23 JUNIPER ST	07/28/2012	07/28/2012	898.18	35.23	0.00	0.00	0.00	931.41	363.45	1,309.94	2,241.35	
2012	TL-R	43874	1	23 JUNIPER ST	05/18/2013	05/18/2013	898.99	17.25	0.00	0.00	0.00	916.24	0.00	1,584.93	2,501.17	
2013	TL-R	53764	1	23 JUNIPER ST	05/02/2014	05/02/2014	478.14	25.70	0.00	0.00	0.00	503.84	0.00	760.20	1,264.04	
2014	TL-R	70501	1	23 JUNIPER ST	08/20/2015	08/20/2015	870.55	17.48	0.00	0.00	0.00	888.03	0.00	1,177.60	2,065.63	
2015	TL-R	83012	1	23 JUNIPER ST	05/02/2016	05/02/2016	735.04	17.89	0.00	0.00	0.00	752.93	0.00	903.68	1,650.61	
2016	TL-R	102148	1	23 JUNIPER ST	09/29/2017	09/29/2017	782.86	31.05	0.00	0.00	0.00	813.91	0.00	784.80	1,578.71	
2017	TL-R	108576	1	23 JUNIPER ST	07/12/2018	07/12/2018	778.85	12.19	0.00	0.00	0.00	791.04	0.00	649.88	1,440.92	
2018	TL-R	171	1	23 JUNIPER ST	06/18/2019	06/18/2019	795.25	0.00	0.00	0.00	0.00	795.25	0.00	411.79	1,207.04	
2019	TL-R	188	1	23 JUNIPER ST	08/02/2020	08/02/2020	879.13	36.50	0.00	0.00	0.00	915.63	0.00	337.54	1,253.17	
2020	TL-R	153	1	23 JUNIPER ST	05/01/2021	05/01/2021	921.15	20.00	0.00	0.00	0.00	941.15	0.00	224.71	1,165.86	
2021	TL-R	130	1	23 JUNIPER ST	06/01/2022	06/01/2022	998.38	20.00	0.00	0.00	0.00	928.38	0.00	94.42	1,022.78	
2022	RE-R	5338	1	23 JUNIPER ST	07/01/2022	07/01/2022	848.93	0.00	0.00	0.00	0.00	848.93	0.00	27.21	878.14	
Totals							9,793.43	233.28	0.00	0.00	0.00	10,026.72	363.45	8,246.70	18,273.42	

\$18,273.42

Town Manager's Report

Correspondence

Important Bills Scheduled for March 9 House Session

HB 51, the anti-lobbying bill that we wrote about extensively in *Bulletin #3*, has been scheduled for a vote in the House on March 9. The committee recommendation was Inexpedient to Legislate on a 15-5 vote. **HB 51** is on the regular calendar, meaning that there will be debate on the bill. **We are urging our members to contact their representatives and ask them to follow the committee recommendation to kill this bill.**

HB 647, the immunity bill that we wrote about extensively in *Bulletin #6*, has been scheduled for a vote in the House on March 9. The committee recommendation was Inexpedient to Legislate on a 16-3 vote. **HB 647** is also on the regular calendar, meaning that there will be debate on the bill. **We are urging our members to contact their representatives and ask them to follow the committee recommendation to kill this bill.**

HB 154, requiring that public health ordinances be adopted by the legislative body rather than governing body of a municipality, has been scheduled for a vote in the House on March 9. The committee recommendation was Ought to Pass on a party-line vote. As pointed out by the Department of Health and Human Services (DHHS) during the hearing, the bill would reduce the speed at which local health officers can enact local ordinances to respond to local emergencies and concerns. The **New Hampshire Health Officers Association** has provided several examples of when rapid responses are needed: hazardous waste releases (as recently occurred in Ohio), septic breaches, flooding or other natural disasters, plumes of chemicals causing ground water contamination. This is another bill that we are hopeful will be killed by the House on March 9, although it will be more difficult given the committee's recommendation. **We are urging local officials to contact their representative and ask them to reject the committee's recommendation of Ought to Pass.**

The Budget Process Begins

HB 1, the governor's proposed biennial operating budget for the period July 1, 2024 – June 30, 2025, and **HB 2**, the so-called "trailer bill" which contains the statutory changes necessary to implement the budget, have arrived and are publicly available. The House Finance Committee has been meeting with state agencies to obtain a better understanding of what is—and what is not—included in the proposed budget. It is too early in the budget process to predict what levels of municipal funding will be approved by the legislature and signed into law by the governor. Over the next several weeks, House committees will be using early revenue projections to propose amendments to **HB 1** and **HB 2**, reflecting House spending priorities.

Here is a summary of the governor's operating budget for the fiscal years ending June 30, 2024, and 2025, as it relates to towns and cities:

- Estimates meals and rooms tax distribution to cities and towns to remain level at \$121.1 million in FY 24 and a potential increase to \$123.5 million in FY 25.
- Funds highway block grants based on *estimated* highway fund revenues and appropriate \$32.0 million in FY 24 (down \$2.7 million from FY 22) and \$32.1 million in FY 25 (down \$3.2 million from FY 23). (Note **SB 401** increased highway block grants by \$30 million in FY 23 using surplus funds outside the budget process.) (Additional funding is proposed in **SB 270**—see article below.)
- Funds for the municipal bridge aid are estimated at \$6.8 million as determined funding, **SB 367**, 2014 Session, Chapter 17). (Additional funding proposed in **SB 270**—see article below.)
- Provides no funding for the state's 20% share of the costs for wastewater projects beyond those that were approved in FY 23. However, the governor's executive summary calls for \$27.9 million in state surplus to be used to fund wastewater state aid grants to municipalities. (This proposal aligns with the amounts proposed in **SB 230** and **HB 311** as we wrote about in *Bulletin #6*.)
- Funds reimbursements to municipalities involved in flood control compacts at \$830,000 each year.
- Funds \$5 million each year for the Land and Community Heritage Investment Program (LCHIP) (Maintaining the current funding level.)
- Creates a one-time appropriation of \$30 million to InvestNH for housing and \$25 million to the Affordable Housing Fund using state surplus. (A portion of this proposal aligns with **SB 231**.)

2023 NHMA Legislative Bulletin 10

March 3, 2023

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Bridge & Road Money

Submitting Testimony

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NHMA Events

GOVERNMENT AFFAIRS CONTACT INFORMATION

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Katherine Heck
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Jonathan Cowal
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Communications Coordinator

Pam Valley
Administrative Assistant



25 Triangle Park Drive
Concord NH 03301
603.224.7447
governmentaffairs@nhmunicipal.org

- Provides no state funding toward the retirement costs for teachers, police, and firefighters. (SB 114, which would restore a 7.5% state share of employer costs was tabled, which preserves the bill for later consideration in the state budget trailer bill, HB 2).
- Contains no provision for municipal aid.
- Continues to suspend revenue sharing, which provided \$25.2 million per year to municipalities before its suspension in 2010. (It has been suspended every year thereafter.)

Late Bill Proposes Bridge & Highway Funds

On Tuesday, March 7, at 1:00 p.m. in State House Room 103, the Senate Finance Committee will hear testimony on SB 270, which would make a non-lapsing appropriation of \$40 million to the Department of Transportation. The bill would use the same distribution formula and provisions as SB 401 from last session, proposing to appropriate \$20 million for the repair and maintenance of municipally-owned bridges and \$20 million in municipal highway grants. This bill would appropriate a substantial dollar amount to assist in funding local infrastructure upgrades and repair and maintenance projects, while decreasing the impact on local property taxes.

The additional appropriations contained in SB 270, while less than the amount of SB 401, still represent a significant state investment in local infrastructure. Assuming all variables remain the same, your municipality would receive approximately two-thirds of the one-time funding contained in SB 401 for Class IV and V roads and forty-five percent of the one-time bridge payment. (Last session's distribution amounts can be found [here](#).)

Please contact the Senate Finance Committee to express your support for this funding and share with your legislators how the state's partnership with its political subdivisions can lower local property taxes, move infrastructure projects forward, and promote economic growth.

An Update on Submitting Testimony

As we mentioned in *Bulletin #3*, the House has continued to provide the opportunity for online testimony submission. In the weeks since the publication of that edition of the *Bulletin*, we have heard from many legislators that they *do* prefer hard copies of testimony, and that committees have varying practices with respect to viewing the online portal. Many legislators receive quite a large volume of emails on a variety of topics, and it is easier for them to sort, file, and evaluate testimony if it is provided as part of the record for the public hearing.

NHMA is happy to print and provide any committees with any written testimony from our members. We do ask, however, that you send it to us via email (governmentaffairs@nhmunicipal.org) at least 24 hours in advance of the hearing where you want it delivered. If you email it the morning of the hearing, we cannot promise that we will have staff available to print and deliver the hard copies to the state house as we will likely be at the state house already for that or another hearing.

Hearing Schedule

Please click [here](#) to find a list of hearings next week on bills that NHMA is tracking. Please note that the linked PDF only covers hearings scheduled for the next week. For the most up-to-date information on when bills are scheduled for a hearing, please use our [live bill tracker](#).

Upcoming Member Events

2023 NHMA UPCOMING MEMBER EVENTS	
Mar. 15	Webinar: Cybersecurity for Government Leaders – 12:00 – 1:00
Mar. 29	Webinar: Transportation Safety – 12:00 – 1:00
Apr. 5	Webinar: Succeeding at Tax Deeding – 12:00 – 1:00
Apr. 6	Local Officials Workshop (hybrid) – 9:00 – 4:00
Please visit www.nhmunicipal.org for the most up-to-date information regarding our upcoming events. Click on the Events& Training tab to view the calendar.	
For more information, please call NHMA's Workshop registration line: (603) 230-3350.	