

Select Board Meeting
Monday, October 2nd, 2023, 7:00 p.m.
Nowak Room, Town Offices
10 Front Street, Exeter NH 03833

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Use the "Raise Hand" button to alert the chair you wish to speak. On the phone, press *9.

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<https://www.exeternh.gov/townmanager/virtual-town-meetings>

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

AGENDA

1. Call Meeting to Order
2. Public Comment
3. Proclamations/Recognitions
4. Approval of Minutes
 - a. Regular Meeting: September 25th, 2023
5. Appointments
 - a. None
6. Resignations
 - a. Communications Advisory Committee
7. Discussion/Action Items
 - a. Principal William Rawson re: PEA Updates
 - b. Select Board Vote Regarding Voting Machines
 - c. Pickpocket Dam Removal Grant Application
 - d. Tennis Court Resurfacing Request
8. Regular Business
 - a. Tax Abatements, Veterans Credits & Exemptions
 - b. Permits & Approvals
 - c. Town Manager's Report
 - d. Select Board Committee Reports
 - e. Correspondence
9. Review Board Calendar
10. Non-Public Session
11. Adjournment

Niko Papakonstantis, Chair
Select Board

Posted: 9/29/23 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

Minutes

Select Board Meeting
Monday September 25, 2023
6:15 PM
Nowak Room, Town Offices
Draft Minutes

1. Call Meeting to Order

Members present: Chair Niko Papakonstantis, Vice-Chair Molly Cowan, Clerk Julie Gilman, Dan Chartrand, Nancy Belanger, Town Manager Russ Dean, and Assistant Town Manager Melissa Roy were present at this meeting.

The meeting was called to order by Mr. Papakonstantis at 6:15 PM. The Board went downstairs to the Wheelwright Room for an interview.

2. Board Interviews

a. Stephanie Marshall for the Energy Committee

The Board reconvened in the Nowak Room at 6:25 PM.

3. Approval of Minutes

a. Regular Meeting, September 11, 2023

MOTION: Ms. Belanger moved to approve the regular meeting minutes of September 11 2023 as presented. Ms. Cowan seconded. Ms. Gilman abstained, as she was not present at the September 11 meeting. The motion passed 4-0-1.

Ms. Gilman said regarding the discussion at the September 11 meeting on voting booths and voting machines, the Help America Vote Act could help us fund these things. At the State level, online voter registration lookup and voter checklists have been approved, so that money will get spent on security and IT at the State level first, then if any is left it will be distributed to the towns.

b. Special Meeting, September 18, 2023

MOTION: Ms. Belanger moved to approve the special meeting minutes of September 18, 2023 as presented. Mr. Chartrand seconded. Ms. Gilman and Ms. Cowan abstained, as they were not present at the September 18 meeting. The motion passed 3-0-2.

4. Appointments

a. Energy Committee

MOTION: Ms. Belanger moved to appoint Stephanie Marshall to the Energy Committee, with no term. Ms. Gilman seconded. The motion passed 5-0.

b. Housing Advisory Committee

MOTION: Ms. Belanger moved to appoint E. Carrington Heath to the Housing Advisory Committee, with a term to expire April 2026. Ms. Cowan seconded. The motion passed 5-0.

5. Public Hearing with the Conservation Commission

The Conservation Commission Chair Andrew Koff called the Conservation Commission meeting to order at 6:28 PM. Members present were Andrew Koff, Dave Short, Nick Campion, Michelle Crepeau, and Keith Whitehouse.

Mr. Koff called for a motion to open the public hearing for the consideration on the use of \$100,000 from the Exeter Conservation Fund for the acquisition of an executory interest deed on tax map 113 lot 3 and tax map 113 lot 5.

MOTION [Conservation Commission]: Mr. Short made a motion to open the public hearing. Mr. Campion seconded. Andrew Koff, Keith Whitehouse, Nick Campion, Michelle Crepeau, and Dave Short voted aye, and the motion passed 5-0. The public hearing began at 6:30 PM.

Jeremy Lougee of the Southeast Land Trust [SELT] gave a presentation on the proposal, which involves 156 acres, 21 of which are in Exeter. He said that the property drains into Great Brook which drains into the Exeter River. 113 of these acres are significant farmland soils. There are flood plains, an aquifer, a wellhead protection area, and pollutant attenuation on site. Portions of this property are a high priority area for the NH Coastal Plan. More than 100 acres score average or above average for the Nature Conservancy's climate resiliency plan. Nearly the entire property is considered in the top 3 tiers for NH Fish and Game's wildlife plan. The property abuts three major conservation areas. The property is a tree farm. It is an identified historic brickyard. This project has been a high priority for SELT, Kingston, and East Kingston since the early 2000s. The landowner has informally agreed to the terms of the agreement.

Ms. Belanger asked about the abutting conservation properties. Mr. Lougee said it's the Blunt property in East Kingston, the Asset Title Holding Company property in Kensington, and the Hanson property in Exeter.

Mr. Koff said the Conservation Commission is supportive of this activity. We did a sitewalk on the property recently, it's an excellent piece of land and this will preserve it for years to come.

Ms. Belanger said the easement is a protection of the watershed, but we won't have the ability to use the water sources? Mr. Lougee said that's correct, we're protecting the land from any further development to protect the water quality of the Exeter River.

Mr. Papakonstantis said there were no members of the public present.

Ms. Gilman said how will the private property be delineated? Mr. Lougee said that part is just excluded from the conservation easement. It's where the landowner's home and barns are. The Conservation Commission agreed that this will be a private property, it's different from a public property the town purchases. There won't be a parking area or trails for the public. Ms. Belanger said there are trails in Kensington and East Kingston, will those stay open? Mr. Lougee said yes, assuming the owner doesn't post that they are closed for public access, they will stay open as now.

MOTION [Conservation Commission]: Mr. Koff made a motion to close the public hearing. Mr. Short seconded. Andrew Koff, Keith Whitehouse, Nick Campion, Michelle Crepeau, and Dave Short voted aye, and the motion passed 5-0.

MOTION [Conservation Commission]: Mr. Koff made a motion to authorize the use of \$100,000 from the Conservation Fund for the acquisition of real property interests through the executory interest at tax map 113-3 and 113-5 in the name of the town by the Conservation Commission pursuant to RSA 36-A:4, contingent on Select Board authorization and raising the additional funds needed to complete the project, and to further authorize the Chair or designee to sign a letter of support for the application of a Drinking Water Trust Fund grant as part of this project. Ms. Crepeau seconded. In a roll call vote, Andrew Koff, Keith Whitehouse, Nick Campion, Michelle Crepeau, and Dave Short voted aye, and the motion passed 5-0.

MOTION [Conservation Commission]: Mr. Koff made a motion to adjourn. Mr. Campion seconded. Andrew Koff, Keith Whitehouse, Nick Campion, Michelle Crepeau, and Dave Short voted aye, and the motion passed 5-0.

MOTION [Select Board]: Ms. Belanger moved to authorize the acquisition of real property interests through the executory interest at tax map 113-3 and 113-5 in the name of the town by the Conservation Commission pursuant to RSA 36-A:4, contingent on Southeast Land Trust signing a binding Purchase & Sales Agreement with the landowner and raising the additional funds needed to complete the project, and to further authorize the Chair to sign a letter of support for the application of a Drinking Water Trust Fund grant as part of this project. Ms. Gilman seconded. The motion passed 5-0.

The Conservation Commission members left at this time.

6. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to accept an intent to cut for 54/5/5, 54/5/6, and 54/5/7 for one year. Ms. Cowan seconded. The motion passed 5-0.

MOTION: Ms. Gilman moved to accept an intent to cut for 63/205 for one year. Ms. Cowan seconded. The motion passed 5-0.

7. Select Board Committee Reports

- a. Ms. Belanger attended a Conservation Commission meeting. They heard an application for a conditional use permit for an electric vehicle storage facility. It was approved, but still has to go before the Planning Board. There was another case of Conservation Land coming up on the Exeter/Newfields line, but it will be in the \$1M range. Housing Advisory had a field trip planned, but the weather was terrible so it was postponed. She attended a Hazards Mitigation meeting. The Public Traffic and Pedestrian Study group met, and will meet again tomorrow. There is a survey up on the town website and there will be a public input session on Wed October 4 from 6:30 - 7 PM. She attended a Planning Board meeting

where a Planet Playground lot line adjustment was approved. This Thursday at the Planning Board Mr. Sharples will be presenting.

- b. Ms. Gilman had a Historic District Commission meeting. They heard three projects but it was a short meeting. They approved changes to 53 and 55 Water Street, the Exeter Jewelers building, which will be restored and have the existing addition removed and get a new addition with residential and retail. Another project was replacement windows and the third was a ramp removal on High Street.
 - c. Ms. Cowan had a Water/Sewer Advisory meeting where they heard abatements and discussed the rate study. It was helpful to look through what Underwood Engineers said. Their recommendations were based on changing the rates in 2023, which wasn't done, so there would be a big jump in 2024. The committee thought we should not do this. The town was in a drought for a lot of the time of the study, but now there is not constant pressure to conserve; what does that do to our water rates?
 - d. Mr. Chartrand had no meetings, but he attended the Exeter Area Chamber of Congress event "Memories and Milestones." There were displays of archival town material. He added that Chamber is an important part of the town's history.
 - e. Mr. Papakonstantis attended a Swasey Park Trustee meeting. They're working on the final stages of increasing the "no dogs allowed" signage.
 - f. Mr. Papakonstantis mentioned that he had discussions with Ms. Gilman and the Assistant Town Manager on Town Hall. Ms. Gilman said that there was a 23 person meeting on Wednesday, not an official group, just a group for information gathering. There may be some opportunities to get grant funding. Mr. Papakonstantis offered to take the Arts and Culture Commission rep position from Ms. Gilman while she's working on this.
8. Police Department - Swearing In
- a. Police Chief Stephan Poulin introduced Caleb McClure, and Town Clerk Andie Kohler swore him in as a Police Officer.
9. Discussion/Action Items
- a. Tree Committee Update

Sustainability Coordinator Kristen Murphy and Tree Committee member Eileen Flockhart were present to give a Tree Committee update. Ms. Murphy said she helped the Committee put together a budget that involves Parks and Rec and Public Works, as well as the Tree Committee volunteers. Currently, there is no defined funding for tree planting. Public Works has a Tree Maintenance fund, and they and Parks and Rec seek funding where they can for plantings. The current budget is \$20,000. There are two pieces of equipment Jay Perkins has identified as needed. The budget proposes that in year 1, we bump tree maintenance to \$70,000; allocate \$5,000 for tree planting, which would fund 8 trees a year; implement contract services at \$10,000, and add an outreach budget of \$100 for things like pencils to give away at events. There would also be

a \$300 training budget for Public Works staff to learn to identify tree diseases and proper tree trimming techniques, as well as \$135 in membership dues for the ISA [International Society of Arboriculture]. The proposed budget is \$85,535. Some of the expenses would only be for one year.

Currently, Public Works is chipping trees and putting the chips on a tarp in the back of a truck, which is messy and inefficient. For watering, they have a 4x4x4 tote for the back of the pickup, but no pump, just a hose. They would like to purchase a water body and box truck addition for the back of the hook truck.

Also, an Intern updated the street tree plan several years ago, but the information is outdated. We'd like to pay for contract services to update the survey.

Ms. Flockhart said since 2019, the Tree Committee has planted 19 trees, and this week 13 more trees are coming. These are cultivated disease-resistant elms to be planted in five different locations, including two trees for the Library.

Ms. Flockhart said the Tree Committee doesn't need to be a standalone committee, but the members still want to work cooperatively. This is the beginning of a greater investment. We've had donations of trees and mulch from all over. If we have 32 trees, we want to make sure they're maintained, pruned, and watered.

Mr. Papakonstantis said however they choose to continue the work, he applauds what they've done in the past few years. Regarding the \$10,000 for contract services, will there be charges to maintain the information going forward that we should be considering? Ms. Murphy said there's an app that can be used for updates once it's set up.

Mr. Dean said this budget would go into the Highway Department Tree Maintenance Line Item.

Mr. Chartrand said these are items that will play out for many years. He would like to see more trees planted each year going forward. The year 2 tree planting budget should be bigger. Ms. Belanger said the number of trees cut down by Unutil and maintenance each year goes far beyond 32 trees.

MOTION: Ms. Belanger moved to authorize the Town Manager to increase the Public Works Tree Maintenance Line Item by \$85,535 by way of funding the Tree Committee to continue their work. Ms. Cowan seconded. The motion passed 5-0.

b. 2024 Budget

Mr. Dean said the first draft of the budget was a 12.5% increase, but we made several reductions and have taken \$820,000 off the top for the preliminary budget. Wages had a 6.28% increase due to the FY 23 reclassification for non-union personnel, as per the MRI study and implementation. There was an increase in Police and Fire Contractual wages and SEIU adjustment of 2 steps. Non-union wages will increase in July 2024. There will be Police and SEIU step increases and COLA increases in July 2024, as well as a \$2,000 retention bonus for Police and Fire. Regarding Benefits, there will be a Health Insurance increase of 10%, where last year there was a reduction of 1.5%. This is driven by claims.

The Health Trust is deficient in their premium reserves. Retirement and payroll taxes are up. In expenses, Debt Service and Vehicle replacements have \$551,000 in debt service on four projects. The General Fund has a new part-time (30 hours a week) position in Welfare and Human Services to relieve the Town Manager's Assistant of Welfare duties. There's a new part-time Emergency Management Director position, related to the Fire Chief retiring. The Police Prosecutor position is moving from full time to part time, and we'll be contracting with a Prosecutor who is a former Police Officer.

Mr. Dean said the overall budget is \$23,09,693, a 7.94% increase. FY24 will see a significant rise in property values. The assessment ratio is at about 60%, so there will be a revaluation next year.

The General Government budget is \$1,476,712, an increase of 11.79%. The Select Board budget increased by \$1,500. The Town Manager budget increased by 13.06%, representing the Assistant being allocated full-time to the Town Manager's office with no Welfare allocation. The Human Resources budget is \$2,500,103, a 10.04% increase, due to wage and benefit adjustments. Transportation is a \$1 placeholder. The Legal budget is \$100,000; it increased last year from \$80,000 to \$100,000. The IT budget is \$342,653, a 1.04% increase. The IT Coordinator is about to retire so we will need to rework the Department. The IT Tech, Bob Glowacky, used to be 50/50 between the General Fund and CATV, now he's the Media Communications Coordinator at \$64,366. The Town Moderator budget is up \$597 due to more elections in 2024. The Town Clerk budget is \$412,982, an increase of 5.89%, due to wages and general expenses. There's inflationary impact throughout the budget. Every agreement and contract has escalators. Elections/Registration is up 59% as there are four elections in 2024 vs one in 2023.

Finance has a total budget of \$760,116, an increase of 7.04%. Finance saw wage increases, an audit fee increase, an increase in contracted services for GASB reporting, a dues increase, and an increase in the Munis software agreement. The Treasurer budget had no changes; this is a small stipend for the Treasurer. The Treasurer will become appointed, rather than elected, before the next election. Tax collection had a wage increase but a benefits decrease. In Assessing, the MRI contract is going up \$2,200 or 2.2%. There's an increase in the revaluation contract for a Riverwoods appraisal.

The Planning budget is \$744,699, a decrease of 0.87%. Most changes are due to wages and benefits. The Economic Developer is completing courses so those costs won't be in the 2024 budget. We removed the part time Electrical Inspector position which we've been unable to fill. That's a reduction of \$25,790. The current Code Enforcement Officer is being paid a stipend for this work.

Ms. Belanger said she's not comfortable with that. We haven't filled the position because we're offering such a low rate.

Mr. Dean said the Land Use Boards budgets had some changes due to dues and recording secretary costs. Renewable energy is at \$1.

The Police budget is \$3,872,453, up 4.38% over FY23. Wage increases are \$54,885, and there's an increase in shift differential, a personal leave replacement increase, and overtime. The Prosecutor budget has an increase of \$45,022 due to new contract Prosecutor services. General Expenses are down \$35,000 from the contracted services budget. The comfort dog Maple no longer has a budget of \$6,000; she's paid for, so there's no more need for funds.

The Fire/EMS/Emergency Management budget is \$4,290,984, up 4.88%. There are FY 24 wage increases of \$83,343 for FT and \$9,939 for the EMD PT position. The total wage increases are \$99,045 or 4.1%. There are increases in command supplies, the IT contract, fuel, protective equipment, and travel reimbursement. There's a Hydrant Maintenance fee recommended by the study just done, a \$30,000 increase, for a new overall budget of \$50,000. There has been some discussion about making it \$100,000 at the Water/Sewer committee. The overall increase is \$54,290, with \$30,000 for hydrant maintenance.

In Dispatch/Health, the Dispatch budget is \$448,400, up 2.54%, and the Health budget is \$157,431, an increase of 2.06%. There's a Dispatch wage decrease due to a decrease in overtime. The Health budget has a full time wages increase and payroll increase due to the Health Officer being reclassified. The Health budget expenses decreased by \$4,000 due to a favorable mosquito control contract.

The Public Works budget is \$4,736,806, an increase of 3.49%. The Administration/Engineering budget is \$569,012, an increase of 24.04%, due to the full year funding of the GIS Technician and wage reclassifications. Expenses are level funded at \$23,503. The Highway budget is \$2,103,384, a decrease of \$37,281 or -1.74%. General Expenses are \$217,701, a decrease of 1.4%. The Capital Outlay budget decreased by \$5,000 in culvert maintenance. We recommend level-funding paving. The Snow Removal budget is \$314,696, an increase of 0.54%. The Solid Waste budget is \$1,488,354, with an increase in contract services and wage reclassification.

The Street Lights budget is level at \$169,000. This is the last year of our buyout, so we should see savings next year.

Ms. Belanger asked if we have a plan for putting streetlights in another section of town, and Mr. Dean said he thinks we're finished, so let us know if you see something missing.

Mr. Dean continued with the budget. The Stormwater budget is \$92,360, level-funded. The Maintenance and Garage budget is \$1,230,729, a decrease of 4.94%. There's a General Maintenance decrease of 12.07%. We propose defunding the HVAC/Plumber Technician and using contract services, which is what we're doing now. There's a Town Buildings budget increase of \$4. Maintenance Projects is level funded at \$100,000. There's a plan to use Bureau Veritas condition assessment report to guide the Facilities budgets going forward.

The Welfare and Human Services budget is \$249,199, an increase of 35.74%. We're looking to add a part-time Welfare Administrator at 30 hours per

week. Nine months of this position would be \$39,541. The total Wage increase would be 251.3% with the allocation of the Senior Executive Assistant to the Town Manager budget. There's an increase in Direct Relief expenses of \$34,650, we raised that budget.

Ms. Belanger asked if this represents decreased Welfare funding from other sources or increased need, and Mr. Dean said he thinks increased need.

Mr. Dean said Human Services funding is up 6.6%, subject to review by the Human Services Committee.

The Parks and Rec budget is \$682,230, an increase of 11.02%. The Rec budget is \$431,667, an increase of 10.29%. There are wage increases due to reclassifications. Expenses are level funded at \$7,450. The Parks budget is \$250,563, an increase of 12.3%, partly due to wage increases and health plan changes. Expenses were increased by \$11,340 to support a greater level of maintenance by contract services.

The Culture and Recreation budget is \$34,500, an increase of \$500 or 1.47%. This increase is in the Veterans Activities line for the Memorial Day parade.

Ms. Belanger asked how long the brass band has been at \$4,000. Mr. Dean said it increased from \$3,500 a few years back. We built this budget around the traditional events. Ms. Belanger asked for a breakdown of the Brass Band funding.

Mr. Dean said the Public Library budget is \$1,244,151, an increase of 6.13%. This is a budget passed by the Trustees. According to NHMA, the town should be holding onto the Library's fund balance and not returning it, so we should consider that for this budget cycle. The Library has added some full-time positions and reduced part-time positions. They can reorganize and implement a structure without the Board's authorization. It's a bottom line budget.

Mr. Papakonstantis asked if there could be a meeting for himself and Mr. Dean with the Library before it goes before the BRC.

Mr. Dean continued with the budget. The Debt Service budget is \$2,324,260, an increase of 31.14%. There were increases for Westside Drive Design/Engineering and construction, the Solar Array, and the Pine/Front/Linden Street roundabout. The Vehicles/Leases budget decreased by \$19,771.

The Benefits and Taxes budget is \$767,021, up 52.50%. This represents our Health Insurance Reserve; now that we know the increase, we will reallocate it to the Departments. This includes our Health Buyout program, which gives 30% of the savings from not using the town's health benefits to the employee and 70% to the town.

For Bond Articles, there is the Police Station with Fire Substation at \$17,522,500; this is in the CIP and endorsed by the Planning Board, so we're going to move it forward for another round. There's the School Street Area Reconstruction project, which is eligible for 35% principal forgiveness for the sewer portion of the project, or \$800,000 from the sewer portion of \$2.37M.

There's a water portion as well which is not eligible for forgiveness. This project involves reconstruction of the streets and drainage.

The CIP includes a ADA Capital reserve fund allocation of \$25,000; the Great Bay total nitrogen permit at \$75,000; a Parks Improvement Fund allocation of \$50,000, down from \$100,000; and a Water Street Planning Grant at \$100,000 but which comes with SRF 100% principal forgiveness, so it's a no-cost project.

Mr. Papakonstantis said last year the budget cut the Parks Improvement Fund but the BRC put it back in. They might do that again this year. Regarding ADA, there's a lot of work we need to do. He wonders if it's prudent to cut those allocations in half.

Mr. Dean said a Planet Playground redevelopment at \$297,500 is recommended if the town receives a LWCF grant for 50% of total project cost of \$595,000. The Sidewalk program will get \$200,000 from fund balance if the grant is unsuccessful. The Snow & Ice budget is \$50,000. The Sick Leave Trust Fund is \$100,000.

The General Fund FY24 budget is up 7.15% from FY23. The estimated tax impact is 69 cents per \$1,000 assessed valuation.

The Water Fund is \$5,020,522, an increase of 10.36%. The Sewer Fund is \$7,567,340 or 4.3%. We are contemplating an additional Wastewater Operator in the Sewer Fund and Water Operator in the Water Fund. We're anticipating personnel changes in Water Operations and want to prepare for next steps with the veteran Water Plant Supervisor. The Sewer Fund recommendation from NH DES said we need a sixth Operator.

Regarding Bond Issues, the Surface Water Treatment Plant design is \$2.5M; this is a needed project. School Street reconstruction is \$6,150,000. The Sewer Capacity Rehabilitation project is \$3,420,000. The Webster Ave Pump Station additional funding is \$884,000.

Regarding the revolving funds, CATV has \$212,000 in proposed funding. There was an amendment to the CATV fund that allows more cable revenue to be shifted to the fund instead of to the General Fund. We're proposing moving a part-time position to full-time. These are non-appropriated budgets so they don't go to Town Meeting. The EMS Fund has \$813,499 in revenue due to fee adjustments. The Rec Revolving Fund revenue is projected at \$624,613.

Mr. Papakonstantis said Mr. Dean will be presenting this to the BRC Wednesday night. The town has had to do work to recruit and retain. The reclassification hadn't been done in years and was vital to do.

Mr. Chartrand said regarding the 7.15% increase, what percentage of that is wages? Mr. Dean said wages are 45.18% of that number. Mr. Papakonstantis suggested reminding BRC that we have positions that have not been filled, including two positions approved last year; the Assistant in HR and the GIS position. This work is to provide the services that our town deserves. Mr. Chartrand said typically 2.5 - 3.5% increase; without that wage pressure, that's roughly where we'd be. This is not just our town but surrounding municipalities are struggling as well. Mr. Dean said we're no longer sharing wage data with

other municipalities. Mr. Papakonstantis said the private sector is more enticing for younger employees.

10. Regular Business

a. Town Manager's Report

- i. He's working on Department budget meetings.
- ii. There was a Leadership Group meeting on September 19th, which is a strategic planning group of Department Heads. They discussed the CIP priorities.
- iii. He attended a Hazard Mitigation meeting. Once the plan is done, the Select Board will need to adopt it.
- iv. Town staff are meeting with a party interested in locating at 3-5 Continental Drive.
- v. There was an Executive Team meeting on the budget Sept 15
- vi. He attended the Exeter Area Chamber event "Memories and Milestones."
- vii. Parking meetings continue.
- viii. He attended the Health Trust Finance and Personnel Committee meeting last Thursday. That was where we set the rates.
- ix. Regarding Pickpocket Dam, the River Committee voted to support a grant application for removal of Pickpocket Dam. It will come back to the Board for discussion..
- x. He attended a Town Hall Stakeholders Meeting.
- xi. He mentioned an obituary for Bob Wentworth, who previously served on the BRC.
- xii. Public Works staked Swasey Parkway for the turnaround. This was done just for an estimate on the cost of the project.
- xiii. The chair dollies for Town Hall have arrived, and we're getting them put together.
- xiv. He worked with the Trustees of Trust Funds on the definition of Capital Improvements and hammered out a compromise
- xv. We received a groundwater letter of intent from the Academy, it's being reviewed.
- xvi. He signed the JSA contract for the Rec project.

b. Correspondence

- i. A third quarter update from COAST

11. Public Comment

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

12. Review Board Calendar

Mr. Papakonstantis said on Friday September 29 there will be two sessions of a special town meeting for the procedural defect. The hearing will be 9 - 9:30 AM in the Nowak Room, and from 9:30-10:30 AM will be the voting.

The next Select Board meetings are October 2, October 16, October 30, November 6, November 20, December 4, and December 18. The Board may need to meet the week between Christmas and New Years for encumbrances.

October 11 is the All Boards meeting at the Library. October 18 is the Right to Know Training at the Library. Both are at 6:30 PM. There are also upcoming Budget Recommendations Committee meetings.

Mr. Papakonstantis said he'd like to plan the day before Thanksgiving as an early dismissal for employees. Christmas is on a Monday; we should consider closing December 26, as well as providing an early release on the Friday before Christmas. When it comes to employee retention, we've talked about wages and we can't do much with remote/hybrid work, but we can recognize our employees and their families with holidays. Ms. Belanger said she agrees and she likes that we're talking about it now. Mr. Chartrand asked to see the proposal in writing at the next meeting to approve it.

13. Other business

- a. Ms. Gilman said someone left two bicycles in her yard. She recommends calling the Police Station about lost property.

14. Non-Public Session

MOTION: Ms. Belanger moved to enter into non-public under RSA 91-A:3 II(a). Mr. Chartrand seconded. In a roll call vote, the motion passed 5-0. The meeting entered non-public session at 8:27 PM. The Board emerged from non public session. Mr. Chartrand moved to seal the minutes indefinitely, seconded by Ms. Belanger. The motion carried unanimously and the minutes were sealed.

15. Adjournment. Ms. Gilman moved to adjourn, seconded by Ms. Belanger. The Board stood adjourned at 8:45 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary

Resignations



Pam McElroy <pmcelroy@exeternh.gov>

Fwd: Stepping down from my post

1 message

Russ Dean <rdean@exeternh.gov>
To: Pam McElroy <pmcelroy@exeternh.gov>

Wed, Sep 27, 2023 at 3:15 PM

Chris' resignation email from Communications Advisory Committee

----- Forwarded message -----

From: **Niko Papakonstantis** <npapakonstantis@exeternh.gov>
Date: Mon, Sep 25, 2023 at 6:53 AM
Subject: Fwd: Stepping down from my post
To: Melissa Roy <mroy@exeternh.gov>, Molly Cowan <mcowan@exeternh.gov>, Russ Dean <rdean@exeternh.gov>

----- Forwarded message -----

From: **Christopher Zigmont** <czigmont@gmail.com>
Date: Sun, Sep 24, 2023 at 8:32 PM
Subject: Stepping down from my post
To: Martha McEntee <memcentee2@gmail.com>
CC: Niko Papakonstantis <NPapakonstantis@exeternh.gov>

Good evening Martha. I do hope you are keeping well.

Regrettably, I am submitting this resignation from the Communications Advisory Committee, effective immediately. I'd hoped to find a balance, but it's one committee too many. I was concerned at the outset of biting off more than I could chew. I am simply overcommitted.

I am sorry for any strain this may cause you and the others. I'll do what I can to help with recruitment of another. Please reach out with your questions.

Respectfully,

Chris

Christopher Zigmont

Activation | Communication | Strategy

e: czigmont@gmail.com m: +1.978.239.2370

christopherzigmont.com

Principal William Rawson re: PEA Updates

Select Board Vote Regarding Voting Machines



OFFICE OF THE TOWN CLERK

10 FRONT STREET • EXETER, NH • 03833-3792

MEMO

TO: Town Manager & Select Board

FROM: Andie Kohler, Town Clerk

SUBJECT: Vote to establish use of new ballot counting devises

DATE: September 28, 2023

I am requesting a vote from the Select Board to approve the use of the Image Cast Precinct Tabulators made by Dominion. This is a requirement from the Secretary of State. The vote needs to be recorded in the minutes and forwarded to the Secretary of State to fulfill a requirement.

Andrea Kohler, CTC, CMC, MMC
Exeter Town Clerk

Pickpocket Dam Removal Grant Application



EXETER PUBLIC WORKS DEPARTMENT

13 NEWFIELDS ROAD • EXETER, NH • 03833-4540 • (603) 773-6157 • FAX (603) 772-1355
www.exeternh.gov

MEMO

DATE: September 28, 2023
TO: Russell Dean, Town Manager
FROM: Paul Vlasich, P.E., Interim Public Works Director
RE: Pickpocket Dam – NOAA Restoring Fish Passage through Barrier Removal Grant

NOAA is accepting grant applications for their “Restoring Fish Passage through Barrier Removal” grant. The application deadline is October 16, 2023. This grant would supply 100% funds for design, permitting and construction. There is not a match requirement.

The Pickpocket Dam Feasibility Study is underway and the draft final report is not anticipated until January 2024. For this potential grant application to be taken seriously, the town would need to be committed to a dam removal project.

At the September 21, 2023 River Advisory Committee meeting a presentation was given showing information discovered to date through the feasibility study. The committee voted to recommend dam removal and to pursue the grant.

Our consultants will be on hand for the October 12, 2023 Select Board meeting to provide a similar presentation. At the end of that meeting, the department would need to know if the town wants to pursue this grant.

Tennis Court Resurfacing Request



EXETER PARKS & RECREATION

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



TOWN OF EXETER MEMORANDUM

TO: Russ Dean, Town Manager
CC: Corey Stevens, Director of Finance
FROM: Greg Bisson, Director of Parks and Recreation
RE: Funding Requests-Park Improvement Fund
DATE: 10/02/2023

Tennis Court Repair Update/Request

The crack repair necessary on the tennis courts is more significant than anticipated. The project was delayed due to weather and this change in conditions. Cracks found during the milling process were more profound and broader than previously believed. The base layer has cracks at least 2" wide and a few inches deep. The last time the courts were repaved was in 2003.

The resurfacing process has become too extensive for our in-house staff. In order to keep the project moving forward we have reached out to companies for quotes. New England Courts LLC, Candia, NH, is available to apply a leveling base and two coats of acrylic paint which are necessary to complete the repairs. New England Courts will apply three layers to cover the new pavement/patches and connect all the lines. Unfortunately, we can only afford to resurface/repaint the patched areas because it would cost \$80,000 to repaint all five courts. We expect this project to be completed by early November.

We request authority to use funds from the Recreation Revolving Fund for this project. Presently, the Recreation Revolving Fund has a balance of \$151,000.

Motion, if supported: To allow the Parks and Recreation Department to expend \$28,000 from the Recreation Revolving Fund to contract with New England Courts LLC to resurface the courts.

Respectfully yours,

Greg Bisson, Director

Exeter Parks and Recreation

Select Board Committee Reports

Correspondence



TOWN OF EXETER

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

Exeter Planning Board

Langdon Plumer, Chair

Aaron Brown, Vice-Chair

Pete Cameron, Clerk

Gwen English

John Grueter

Jennifer Martel

Nancy Belanger, Select Board Rep

Dan Chartrand, Select Board Rep Alternate

Robin Tyner, Alternate

August 24, 2023

Re: Capital Improvement Program 2024-2029

Honorable members of the Select Board:

On August 10, 2023 and August 24, 2023, the Planning Board held public hearings on the Capital Improvement Program 2024-2029. At the hearings, department heads presented their requests followed by an open discussion and dialogue between the board and the various Town departments submitting requests. After review, the Planning Board endorses the proposed plan with the following recommendations.

The Town should consider the availability of federal funding to help determine the timing of Capital Improvement projects. They should actively pursue any applicable funding and be open to the possibility of moving projects forward in a timely manner should funding be secured.

The Planning Board fully supports the new Police Station/Fire Substation and recommends this project should be a priority to protect the health, safety and well-being of our community.

Respectfully submitted,

A handwritten signature in blue ink that reads "Langdon Plumer".

Langdon Plumer

Planning Board Chair

enc (1)



Final Legislative Bulletin Now Available!

1 message

NH Municipal Association <governmentaffairs@nhmunicipal.org>
Reply-To: NH Municipal Association <governmentaffairs@nhmunicipal.org>
To: NHMA Member <pmcelroy@exeternh.gov>

Wed, Sep 13, 2023 at 12:59 PM

New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

LEGISLATIVE BULLETIN

Final Legislative Bulletin

2023 Session

September 13, 2023

Quick Links

Government Affairs Contact Information

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Executive Director

Natch Greyes
Government Affairs Counsel

Katherine Heck
Government Finance Advisor

Jonathan Cowal
Municipal Services Counsel

Timothy W. Fortier
Communications Coordinator

Pam Valley
Administrative Assistant

25 Triangle Park Drive
Concord NH 03301
Tel: 603.224.7447

Final Legislative Bulletin Now Available!

Greetings:

The 2023 NHMA *Final Legislative Bulletin* is now available!

By clicking [here](#) you can access the *Bulletin* directly on our website. The Final Bulletin will also be available for attendees at the NHMA Annual Conference in November. The next *Legislative Bulletin* will be published in late December, and weekly *Bulletins* will resume in January 2024, when the next legislative session begins.

As always, thank you for your support, and please don't hesitate to contact us if you have any questions or if one of the items in this *Bulletin* is of special interest to you.

Elections

Candidate Sign Retrieval Broadened. [Chapter 41 \(HB 286\)](#) allows members of a candidate's campaign or local political committee to retrieve campaign items removed by the state, city, or town. **Statutes amended: RSA 664:17. E.D. July 18, 2023.**

Ballot Language Altered. [Chapter 43](#) (HB 336) changes the language on election ballots relative to the number of candidates from “vote for not more than” to “vote for not more than 1” (if only one position) or “vote for up to [number of positions]” (if multiple positions). **Statute amended: RSA 656:6. E.D. July 18, 2023.**

Absentee Ballot Request Deadline Changed. [Chapter 184](#) (HB 244) bill changes the latest time that an absentee ballot may be requested to noon, if mailed, the day before the election or 5:00 p.m. if requested in person at the town clerk’s office. **Statute amended: RSA 657:15. E.D. October 3, 2023.**

Energy

Electric Vehicle Charging Infrastructure Statutes Updated. [Chapter 66](#) (SB 52) modernizes the electric vehicle charging station statutes for electric vehicle infrastructure construction projects and establishes a committee to study electric vehicle charging infrastructure funding. **Statutes amended: RSA 236:132; 236:133. E.D. August 6, 2023.**

Community Electric Aggregation Plan Complaint Process Clarified. [Chapter 85](#) (HB 385) clarifies the procedure for complaints pertaining to actions undertaken or omitted by any municipal or county aggregator or electric distribution utility or applicable rules or orders of the commission shall be made to the department of energy. **Statute amended: RSA 53-E:2; 53-E:7. E.D. June 20, 2023.**

C-PACE Clarified. [Chapter 91](#) (HB 576) clarifies the use of a commercial property assessed clean energy (C-PACE) model in a clean energy efficiency and clean energy district under RSA 53-F. Further, the law clarifies that the C-PACE lien priority is the same as other property tax liens and may be collected in the same manner. **Statute amended: RSA 53-F:3; 53-F:8. E.D. August 19, 2023.**

Utility Pole Stakeholder Group Created. [Chapter 138](#) (SB 16) establishes a stakeholder’s group to address utility poles and attachments in the state, under the direction of the director of the division of enforcement in the department of energy. **Statute created: RSA 374:34-b. E.D. August 29, 2023.**

Small-Hydro Participation in Net Metering. [Chapter 141](#) (SB 40) allows a small hydroelectric generator that first became operational before July 1, 2021 and shares equipment or facilities with other generators, energy storage facilities, or electric utility customers for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators and energy storage facilities sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements. **Statutes amended: RSA 362-A:9, XX. E.D. June 30, 2023.**

Small-Hydro Participation in Net Metering. [Chapter 141](#)

(SB 40) allows a small hydroelectric generator that first became operational before July 1, 2021 and shares equipment or facilities with other generators, energy storage facilities, or electric utility customers for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators and energy storage facilities sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements. **Statutes amended: RSA 362-A:9, XX. E.D. June 30, 2023.**

Municipal Energy Host Location Requirements Changed. [Chapter 233](#) (HB 281) among other provisions, removes the requirement that a municipal host under the limited electrical energy producers act be located in the same municipality as all group members. **Statute amended: RSA 362-A:1-a. E.D. October 7, 2023.**

Electric Grid Modernization Statutes Amended. [Chapter 243](#) (SB 166) allows the department of energy and the public utilities commission to implement the use of distributed energy resources, transactive energy, enhanced demand response, and distributed generation and storage for grid modernization for New Hampshire and creates a Grid Modernization Advisory Group with a representative of a municipal aggregation supplier. **Statutes amended: RSA 12-P:16; 374-F:2; 362-A:1-a; 362-A:2-b; 374-H:2. E.D. October 7, 2023.**

Environment

Ambient Groundwater Quality Standards Adoption Clarified. [Chapter 70](#) (SB 123) alters the language of the ambient groundwater quality standards statute to clarify that the Department of Environmental Services may adopt standards that are equivalent to the federal maximum contaminant level promulgated under the Federal Safe Drinking Water Act or stricter standards, including standards that are stricter than the state established maximum contaminant levels. **Statute amended: RSA 485-C:6, I. E.D. June 7, 2023.**

Landfill Study Committee Created. [Chapter 100](#) (SB 159) establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire. **Statute amended: None. E.D. June 20, 2023.**

Merrimack River Complete Capacity Authorization Removed. [Chapter 121](#) (SB 159) removes the language relative to authorization for complete capacity utilization of the Merrimack River by Pennichuck Water Works in line with the remainder of the statute. **Statute amended: RSA 483:15. E.D. August 29, 2023.**

Extended Producer Responsibility Committee Created. [Chapter 124](#) (HB 253) establishes a committee to study extended producer responsibility as a mechanism for meeting the waste reduction goals established in RSA 149-M and reducing the tax burden that solid waste disposal places on municipalities. **Statute**

amended: None. E.D. June 30, 2023.

Wetland Permits Administration Altered. [Chapter 147 \(SB 229\)](#) clarifies the fee for an alteration of terrain permit; creates an additional, optional 120-day period for applicants to supply additional information for an alteration of terrain permit; clarifies that the application for an excavating and dredging permit should come from the municipality which is impacted; clarifies several provisions relative to repair or replacement in-kind of a sewage effluent disposal area. **Statutes amended: RSA 485-A:17; 482-A:3; 485-A:33.** E.D. July 1, 2023.

Finance

Equalization Manual Incorporated. [Chapter 33 \(HB 285\)](#) allows the department of revenue administration to incorporate by reference the New Hampshire equalization manual into the administrative rules of the department and to develop such forms or returns as may be necessary. **Statute amended: RSA 541-A:21, V.** E.D. July 16, 2023.

PDIP Oversight Changed to State Treasurer. [Chapter 36 \(HB 595\)](#) changes the oversight of the public deposit investment pool from the banking department to the state treasurer. **Statutes created: RSA 6:45 – :47. Statutes repealed: RSA 383:22 – :24.** E.D. July 16, 2023.

Asset Evaluation Date Established. [Chapter 39 \(HB 237\)](#) establishes an asset evaluation date of December 31 for purposes of determining eligibility for the property tax exemption for the disabled, for the deaf or severely hearing impaired, and for the elderly. **Statutes amended: RSA 72:37-b; 72:38-b; 72:39-a.** E.D. July 18, 2023.

Notice of Tax Lien Time Extended. [Chapter 42 \(HB 335\)](#) extends the time period for notifying the commissioner of health and human services of the execution of a municipal or state tax lien on real estate subject to a lien for certain public assistance to 60 days from 45 days. **Statute amended: RSA 80:68.** E.D. July 18, 2023.

State Budget and Trailer Bill. [Chapter 79 \(HB 2\)](#) and [Chapter 106 \(HB 1\)](#) increase state aid to municipalities by an estimated \$145 million over the biennium as compared to last biennium. Numerous changes were made to individual funding programs and new programs were created to study retirement benefits, fund water and wastewater infrastructure, local roads and bridges, PFAS remediation, cyanobacteria mitigation, and housing, among other provisions. (Please see [New Hampshire State Budget Summary](#) for further information.) **Statute amended: Many.** E.D. July 1, 2023 (Majority of Provisions).

Intent to Cut Process Changed. [Chapter 117 \(HB 174\)](#) grants assessing officials 5 business days to forward a signed intent to cut to the Department of Revenue instead of

“immediately”; allows an owner to begin a cut after 15 days if no communication is received from the municipality; prohibits an owner from continuing to cut after notice received of that the conditions of approval have not been met if cutting has commenced. **Statute amended: RSA 79:10; 227-J:5. E.D. August 29, 2023.**

Proration of Property Tax Exemptions. [Chapter 119](#) (HB 197) provides that if an individual is eligible for a property tax exemption for the blind, disabled, deaf or severely hearing impaired, or elderly and owns a fractional interest in the property, the exemption amount shall be prorated based on the amount of their fractional interest in the property. No re-adoption of any local exemption is necessary. **Statute amended: RSA 72:41. E.D. April 1, 2024.**

Municipal Bonding for Broadband Expanded. [Chapter 173](#) (SB 222) expands the definition of “revenue producing facility” for municipal bonding purposes to include “or any location within a communications district formed under RSA 53-G” and defines the term “broadband” by rate of download and upload. **Statutes amended: RSA 33-B:1; 38:38. E.D. September 26, 2023.**

Land Use

Building & Fire Code Updates Adopted. [Chapter 46](#) (HB 564) ratifies amendments to the state building code approved by the state building code review board, ratifies amendments to the state fire code approved by the fire marshal and state board of fire control, and adds a fire protection engineer to the state board of fire control. **Statutes amended: RSA 155-A:1, IV; 153:2. E.D. May 19, 2023.**

Electric Vehicle Charging for Renters Study Committee Established. [Chapter 81](#) (HB 111) establishes a committee to study electrical vehicle charging for residential renters. **Statute amended: None. E.D. June 20, 2023.**

Landowner Liability Under Hazardous Waste Cleanup Fund Clarified. [Chapter 96](#) (SB 62) clarifies landowner liability provisions relative to the hazardous waste cleanup fund by updating the language to clearly state “owner or former owner” and updates references to the term “hazardous substances” by replacing that term with “hazardous wastes or hazardous materials.” **Statute amended: RSA 147-B:10-a. E.D. June 20, 2023.**

Land Use Board Authority Expanded Over Homeowners Associations. [Chapter 114](#) (HB 42) requires, among other things, that no homeowner’s association in a municipality whose land use board approved the existence of the homeowner’s association may take action to dissolve without a hearing before the approving land use board. (Please see [joint BEA-NHMA guidance](#) for further information.) **Statute created: RSA 292:8-m. E.D. January 1, 2024.**

Protective Well Radii Standards Changed. [Chapter 123 \(HB 247\)](#) removes encroachment waivers, requires the use of a setback reduction form instead of a recorded release, redefines what is a protective well radius, and removes certain requirements for amended septic system plans. **Statutes amended:** RSA 485-A:30-b; 485-A:2; 485-A:30-a; 485-A:41. E.D. August 29, 2023.

Residential Driveway Authority Altered. [Chapter 187 \(HB 296\)](#) alters the authority for local land use boards to regulate driveway access for residential properties. (Please see [joint BEA-NHMA guidance](#) for further information.) **Statute amended:** RSA 153:5. E.D. October 3, 2023.

Public Playground Accessibility Clarified. [Chapter 196 \(HB 467\)](#) clarifies that the accessible pathways for public playgrounds required by the Americans with Disabilities Act constructed after January 1, 2024, must be made from resilient solid surface material that is not a loose fill or aggregate, beginning at the entrance of the playground, continuing to each piece of playground equipment, and extending to the playground exit. **Statute created:** RSA 155:83. E.D. October 3, 2023.

Historical African-American Burial Site Excavation Process Enacted. [Chapter 200 \(SB 11\)](#) requires that ultimate disposition of remains and other archaeological materials such as markers, gates, mortuary materials or other archaeological materials found in an African American burial ground shall be in consultation with the descendants or descendant community through a new statutory process involving the Department of Natural & Cultural Resources, with the Department serving in an advisory capacity to municipalities. **Statutes amended:** RSA 227-C:8-a; 227-C:8-d; 227-C:8-g; 227-C:8-e; 289:14-a. E.D. October 3, 2023.

Surety Bonding Statutes Changed. [Chapter 208 \(SB 78\)](#) changes a number of practices surrounding surety bonding, including altering when during construction bonds may be required, establishing timelines for action, and providing requirements for when bonds may be 'called.' (Please see [joint BEA-NHMA guidance](#) and [August 30, 2023 webinar](#) for further information.) **Statute amended:** RSA 674:36. E.D. October 3, 2023.

Local Authority

Police Matron Statute Repealed. [Chapter 52 \(SB 29\)](#) repeals the authority for select boards to appoint "police matrons." **Statute amended:** RSA 105:1. E.D. July 31, 2023.

Tenure of Public Librarians Clarified. [Chapter 80 \(HB 72\)](#) inserts the phrase "may serve" into the librarian tenure statute. It now reads: "[t]he librarian shall be appointed by the board of library trustees for a term of office agreed to at the time of employment and may serve until a successor is appointed and

qualified.” **Statute amended: RSA 202-A:15. E.D. August 19, 2023.**

Agricultural Exemption from Municipal Noise Ordinances Process Altered. [Chapter 83 \(HB 252\)](#) exempts farming and agricultural operations, excluding agritourism activities, from municipal noise ordinances under RSA 31:39. Pursuant to RSA 674:32-c, II, new, re-established, or expanded agricultural operations were already exempt from municipal noise ordinances under certain circumstances, as determined by the local zoning board of adjustment, on a case-by-case basis. (Please see [joint BEA-NHMA guidance](#) for further information.) **Statute amended: RSA 31:39, I(n). E.D. August 19, 2023.**

Marriage License Accommodate Statute Modified. [Chapter 159 \(SB 89\)](#) alters the statute requiring city and town clerks to accommodate persons with medical conditions applying for marriage licenses by meeting in person with the parties at such other location within the city or town as may be convenient to make the accommodation optional. **Statute amended: RSA 5-C:42. E.D. September 26, 2023.**

Welfare Recipients Residency Clarified. [Chapter 161 \(SB 110\)](#) clarifies that a person does not change his or her residency status while in a hospital, a correctional facility, a treatment program center, or a hotel or motel paid for by a municipality or other service provider, except in certain circumstances, for the purpose of determining responsibility for local assistance. **Statute amended: RSA 165:1-c. E.D. September 26, 2023.**

Sealed Meeting Minute Procedure Change. [Chapter 189 \(HB 321\)](#) requires public bodies and agencies to either (1) adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply or (2) follow a new statutory scheme. (Please see [Sealed Nonpublic Meeting Minutes Review Procedure](#) for further information.) **Statute created: RSA 91-A:3, IV. E.D. October 3, 2023.**

Charter Statute Reference Error Fixed. [Chapter 213 \(SB 111\)](#) corrects RSA 49-D:2 to correctly reference the powers given to towns under the charter options available under RSA 49-D:3, and clarifies that the position of town clerk remains an elected position in town charter forms of government. **Statute amended: RSA 41:16; 49-D:2. E.D. October 3, 2023.**

Firefighter Cancer Presumption. [Chapter 206 \(SB 71\)](#) removes the requirement that the type of cancer for which the firefighter is being treated must be a type which may be caused by exposure to heat, radiation, or a known carcinogen, as defined by the International Agency for Research on Cancer. **Statute amended: RSA 281-A:17. E.D. August 4, 2023.**

Public Safety

Law Enforcement-School Official Communications Statute Clarified. [Chapter 68 \(SB 109\)](#) clarifies the ability of law enforcement to disclose information about juvenile or criminal proceedings involving a juvenile to school officials where there exists a “serious threat to school safety” pursuant to RSA 169-B:2, XIV, or, in other circumstances, in accordance with court order for use by school officials. **Statute amended: RSA 193-D:7. E.D. August 6, 2023.**

Definition of “Way” Applied to Additional Statutes. [Chapter 76 \(SB 182\)](#) expands the definition of “way” under RSA 259:125, II to apply to the implied consent statutes (RSA 265-A:4 and :25) and the Administrative License Suspension statute (RSA 265-A:31). **Statute amended: RSA 259:125, II. E.D. January 1, 2024.**

Committee to Study Emergency Dispatcher Training. [Chapter 84 \(HB 376\)](#) establishes a committee to study the current education, training, and requirements for personnel employed as emergency dispatchers and 911 telecommunicators for police, fire, and emergency medical organizations. **Statute amended: None. E.D. June 20, 2023.**

OHRV Trail Use Altered. [Chapter 217 \(SB 160\)](#) prohibits OHRVs registered in this state or any other jurisdiction for use on a way in this state, except OHRVs registered for purposes under RSA 261:41-a, from being used recreationally on designated OHRV trails. **Statutes amended: RSA 215-A:6; 215-A:21. E.D. October 3, 2023.**

Catalytic Converters Records Required to Be Kept. [Chapter 221 \(SB 188\)](#) places a variety of record keeping requirements on catalytic converter and scrap metal dealers and requires their provision of certain information to the local police department upon request and requires their cooperation with enforcement in the event of a theft. **Statute created: RSA 322:16. Statutes Amended: 263:12. E.D. August 4, 2023.**

Arrest Without a Warrant Statute Modified. [Chapter 227 \(SB 58\)](#) authorizes a law enforcement officer to arrest a person without a warrant for interfering with the provision of medically-necessary health care services while in the care of a medical professional on the premises of a residential care or health care facility. **Statute amended: RSA 594:10. E.D. August 4, 2023.**

Retirement System

Changes to Retirement System Administration. [Chapter 19 \(HB 193\)](#) clarifies the definition of “job sharing” for teachers, the definition of “special duty” for details and other work activities provided to third-parties, procedures for military service credit, and alters some terminology. **Statute amended: RSA 100-A:1; 100-A:3; 100-A:4; 100-A:5. E.D. July 3, 2023.**

Employer Compensation Report Requirement Ratified.

[Chapter 63](#) (HB 278) ratifies the requirement in RSA 100-A:16, VII for the retirement system to receive employer compensation reports and assess a penalty for noncompliance. **Statute amended: None. E.D. June 1, 2023.**

Roads and Transportation

Pedestrian Control Signals Now Match MUTCD. [Chapter 28](#) (HB 153) aligns the definition of pedestrian control signals with the Manual on Uniform Traffic Control Devices and allows crossing during “Don’t Walk” signals if such crossing does not interfere with vehicular traffic. **Statute amended: RSA 265:11. E.D. July 16, 2023.**

Recodification of Transportation Network Companies Chapter. [Chapter 30](#) (HB 219) repeals or moves several RSA chapters no longer administered by the Public Utilities Commission resulting in a recodification of the chapter on transportation network companies and creates a legislative committee to study statutory provisions no longer associated with administration by the department of energy or the public utilities commission. **Statute repealed: RSA chapter 376-A. Statute created: RSA chapter 359-U. E.D. July 1, 2023.**

Reestablishing Road Toll Alternative Commission. [Chapter 87](#) (HB 412) reestablishes a commission to study revenue alternatives to the road toll for the funding of improvements to the state’s highways and bridges and their resulting improvements. **Statute repealed and reenacted: RSA chapter 21-J:49. E.D. June 20, 2023.**

State Regulations

Lucky 7 Sales Hours Expanded. [Chapter 77](#) (SB 192) allows lucky 7 tickets sold in conjunction with bingo games to be sold starting at 8:00 a.m., instead of noon. **Statute amended: RSA 287-E:21, II(c). E.D. June 7, 2023.**

Office of Professional Licensure Statutes Consolidated. [Chapter 112](#) (HB 655) consolidates administrative authority for the office of professional licensure and certification (OPLC) in a new chapter of law listing, among other boards, the following as falling under OPLC’s jurisdiction: board of land surveyors under RSA 310-A:55; board of landscape architects under RSA 310-A:142; board of licensing for foresters under RSA 310-A:100; board of natural scientists under RSA 310-A:81; board of septic system evaluators under RSA 310-A:206; and the assessing standards board under RSA 21-J:14-a. **Statute amended: RSA chapter 310. E.D. July 1, 2023.**

Bingo and Lucky 7 Game Number Increased. [Chapter 139](#) (SB 19) increases the permitted number of game dates of bingo per month from 10 to 16, and up to 192 games per year, with members of charitable organizations eligible for reimbursement of up to \$50 per date; increases the permitted number of game dates of lucky 7 per month from 10 to 16 and allows them to be sold in

conjunction with Bingo games. **Statute amended: RSA 287-E:6; 287-E:7; 287-E:21. E.D. June 30, 2023.**

Homestead Food Operations Licensure Removed.
Chapter 180 (HB 119) among other provisions, eliminates the sales amount cap for homestead food operations, allowing all homestead food operations to operate without a food service license. **Statute amended: RSA 143-A:5. E.D. October 3, 2023.**

[2022 Final Legislative Bulletin](#)

Website: www.nhmunicipal.org

Email: governmentaffairs@nhmunicipal.org

Our mailing address is:

NH Municipal Association
25 Triangle Park Drive
Concord, NH 03301

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**ABUTTER NOTICE
TOWN OF HAMPTON, NEW HAMPSHIRE**

The Planning Board will hold a Public Hearing on Wednesday, October 4, 2023 at 7:00 p.m., in the Selectmen's Meeting Room, to consider the proposal listed below:

17 & 17R Barbour Road, Map: 111 & 111 Lots: 1-1 & 1-2. Applicant: Vertex Towers LLC. Owner of Record: Eileen Goodwin (Lot 1-1) & John Goodwin (Lot 1-2). Site Plan & Conditional Use Permit: Construction of 150' tall monopole style tower (156' to top of lightning rod) inside a 60' x 60' fenced-in compound. Conditional Use Permit for telecommunications facility in the Groundwater Protection District. Waiver Request: Section V.E.8 Stormwater Management Plan; Section V.E.11 Landscaping Plan; Section VI.A. Traffic Impact Analysis; Section IX.E.2. evaluation satisfying requirements of the National Environmental Policy Act.

THE HAMPTON PLANNING BOARD

Ann Carnaby

Chair

NOTE: ALL WETLANDS PERMIT APPLICATIONS MEET WITH THE CONSERVATION COMMISSION, 4th TUESDAY/7:00 P.M./ ONE MONTH PRIOR TO ABOVE PLANNING BOARD MEETING DATE.

Town Manager's Office

SEP 18 2023

Received