

**Town of Exeter
Swasey Parkway Trustees
Meeting with Select Board
November 15, 2021
Approved Minutes**

1. **Call Meeting to Order:** Chair Staples called the meeting to order at 7:16 PM.

2. **Introductions:**

Present were: Chair Dwane Staples, and Vice-Chair Darius Thompson.

Select Board members present at their meeting were: Swasey Trustees Liaison Lovey Roundtree Oliff, Molly Cowan, Julie Gilman, Daryl Brown, Chair Niko Papakonstantis

3. **Meeting with the Exeter Select Board**

- **Closure of Parkway**

Select Board Chair Papakonstantis detailed the events from the closure of the Parkway last April while the Emergency Order was in effect to its reopening as a one-way. He noted the Select Board lacked the legal authority to keep the Parkway closed so a closure would need to go before the voters in the form of a Warrant Article with the required 2-3 Public Hearings prior to the deadline for submission which is coming up soon. If the Warrant Article were to pass it would then need to be approved by the Charitable Trusts Unit and the Probate Court. He noted he has received comments through emails and public comment at Select Board meetings concerning the future of Parkway Road.

Chair Staples noted he has had site walks with contractors and others at the Parkway and observed the one-way was a good compromise which alleviated a lot of speeding concerns however there are still people walking, biking and skateboarding. He questioned the LWCF status of the Parkway under a closure. Assistant Town Manager and Human Resources Director Melissa Roy noted that the Land Water Conservation Fund is a federal program which makes funds available to communities for park land which must then stay as a park in perpetuity. In 1992 the Town submitted to the LWCF for a matching grant for renovation of the Brickyard Park which included a Kiosk to be built at Swasey Parkway. The projects cost was \$56,000 and the grant received was \$28,000 which put the Parkway in LCWF discretion. It is unlikely in her opinion that closing the roadway would jeopardize that requirement that Swasey Parkway remain a park as part of that funding.

Chair Staples noted he has met with the Water Department concerning the sewer project and the road is to be closed for a period while the siphon project is done and Greg

Bisson indicated he would need to alert the state because of LCWF. Ms. Roy explained the reason to notify LCWF is that a portion of the park is being shut down for a period of time.

Chair Staples asked if the Parkway could ever come out of LCWF designation and Ms. Roy noted it rarely happens but there is a way to petition the State to trade a property of equal value.

Mr. Thompson asked if funding was received for the Kiosk at Swasey Parkway. Ms. Roy noted most of the funds were to go to the renovation of Brickyard Park with a smaller amount for the Kiosk at Swasey Parkway in accordance with the agreement. Mr. Thompson asked what ever happened to that funding as there is no Kiosk at Swasey Parkway. Ms. Roy noted she would have to research that and noted if funds are unexpended, they typically would go back to the organization. Town Manager Russ Dean noted there is an audit each year however this history predates most everyone here. Ms. Roy recommended further grants for Parkway improvements could be written with the help of Mr. Bisson. Florence Ruffner indicated she is a former Trustee and believes the money ran out and was all used at Brickyard. Mr. Thompson requested to see how the funds were spent and asked if the Kiosk were not built would Swasey still be under LCWF designation. Ms. Roy indicated she would look into that with the State.

- **Public Comment concerning Closure of Parkway**

Select Board Chair Papakonstantis asked if there were any public comment at 7:43 PM.

Sally Ward of 72 Park Street proposed having the road not be open to through traffic but having parking at one end.

Susan Drinker asked how having parking with the road open at one end would be paid for. Chair Papakonstantis indicated he has had initial conversations with Town Manager Russ Dean concerning the cost which would need to be part of the Warrant Article. Mr. Dean noted there were discussions a couple of years back concerning a proposed turn-around at a cost of \$26,000. Chair Papakonstantis noted that estimate has likely increased since.

Bruce Jones advocated for shutting the Parkway down with parking at the end so that it would not be difficult for the elderly and handicapped. He is concerned people are not driving through slowly. Speed bumps were tried in the past and removed and were difficult with plowing.

Jackie B. of 8 Lincoln Street stated she was in favor of closing the Parkway which she related to being the Central Park of Exeter. A lot of use has been made of it. As a one-way drivers are going 50 mph which she has witnessed as early as 6 AM. Narrowing Lincoln Street made it safer and may help but she is in favor of closure of the roadway. Chair Staples noted the Parkway was narrowed when the road was redone which made two-way passage difficult and parking on one side. Select Board Member Gilman noted that contributed to traffic being faster.

Chair Staples asked that the Trustees stay involved.

Ann Surman of 14 Cullen Way spoke to the manner in which the Trust had been set up as a Parkway as a “roadway for pleasure vehicles” and the legality of changing that. She acknowledged the Charitable Trusts Division could overturn it after the voters passed the Warrant Article. She is concerned with the words of the Trust being ignored. Going through one-way was a compromise.

Bruce Jones asked how speeds would be monitored for safety and noted vehicles are using the Parkway as a cut through and safety has to be addressed as a part of this.

Mr. Dean noted in the original Trust the Select Board has the authority to terminate the Trust after 50 years. The Trust was created in 1929 so they have had the authority to do that since 1979.

Laura of 35 Blackford Drive advocated for people who need to drive down there but noted it was nice having no traffic.

Florence Ruffner of 5 Pine Street noted she has problems with the one-way traffic not being compatible with kids who got so used to it being closed and having the freedom to move about without concern for their safety. It is not compatible with kids on bikes, with strollers and skateboards and vehicles not slowing down for them. She advocated for closing off an end for handicapped and elderly users and recommended the end where the Maintenance Garage is which has a lot of green space; and closing it to that point to come up with a solution that serves both purposes.

Select Board Member Lovey Roundtree asked Mr. Dean to again clarify dissolving the Trust after 50 years. Mr. Dean noted the funds would then come back to the Town from the Trustees at KeyBank and there is a process to put that on file with the Charitable Trusts unit. Select Board Member Gilman noted there are two sets of Trustees, Swasey – those elected and those at the KeyBank who are in charge of the money and the Board is not talking about breaking up the Trustees the Town has who are voted for each year. Chair Staples noted he would be disappointed if the elected Trustees were done away with because they have the history and insight.

Select Board Member Molly Cowan noted she is in favor of closing to all traffic and has been for years but does not want to eliminate access to those who need it. A lot of vehicles speed and the road is not needed as access for vehicles. There is a road that goes around it. Trust language can change and should be adopted as a living breathing document like the Constitution. She agreed the Parkway is a jewel in the Town and it should be accessible to all of our residents and closed to through traffic.

Select Board Member Julie Gilman agreed with Select Board Member Cowan and would like access for those who are physically disabled and/or elderly but not a drive through. She would like to see a design for one end to be open with a turnaround. Parking on Water Street is too difficult. She noted the turnaround would be more extensive with parking. She noted the visually impaired and those with walkers need to feel the curb to

see where the grass ends, and the asphalt begins. Pleasure vehicles should be in a defined area.

Selectman Brown agreed lawsuits could eclipse the improvements if the Trust language is not followed.

Chair Staples asked why the turnaround didn't happen when the sewer project was done, and Select Board Member Gilman noted it was too expensive and the design was not good. It was never voted on and just went away. The design was just for a turnaround not for parking.

Adele Robertson (remotely) of 106 High Steet would like to see the Parkway being utilized as a through way for pedestrians. She proposed painting such as a center line in the road so vehicles could unload a wheelchair for example and parking on the left side.

Chair Staples asked how it would be determined which end of the Parkway should be closed and Select Board Member Gilman noted by design and engineering. Public Works and the Town Planner should look at it first since they know how roads and intersections work and then come back to the Select Board. Chair Papakonstantis agreed there should be 2-3 options for a safer design plus costs for each end of the Parkway to be considered. Chair Staples noted concerns with trees and that one side has the sewer pipeline going through it and can have no trees there.

- **Closure of Parkway - Conclusion**

Select Board Chair Papakonstantis concluded that the pandemic has accelerated the inevitable and he has heard use of the word compromise repeated. People loved having it closed but everyone wasn't enjoying it and he would like to see the result inclusive of all Exeter's citizens. He found the roundabout intriguing and would like the DPW to come up with a couple of designs and cost estimates and have a Warrant Article prepared in time for public hearings. He agreed the Trust is a living breathing document to build upon and he noted dissolving the Trust was not the right thing to do. The voters should decide the next steps and he is in favor of keeping the elected Trustees who do a good job. Plowing and public safety are considerations, and the Police & Fire Chiefs should also weigh in with DPW.

Select Board Chair Papakonstantis asked the Board if they would support Mr. Dean contacting legal counsel concerning ending the roadway on one end with no through traffic and potentially painting lines as well as the terms and mechanics of the Trust if this were to go on the Warrant Article. He reminded there would need to be 2-3 public hearings to have the article done on time. Mr. Dean noted he will begin conversations tomorrow. Mr. Thompson asked if there would be three separate articles or one together keeping in mind what would be less confusing to the voters and Select Board Chair Papakonstantis noted he would be able to answer that once counsel provides options.

- **Use of the Parkway**

i. Fees & Kiosk

Chair Staples noted the Trustees voted two years ago to spend up to \$2,500 for a Kiosk and asked if they could move forward with that. Chair Papakonstantis noted utilizing funds from the Trust the Trustees would have to come to the Select Board for authorization as the Select Board now oversees that. Chair Staples noted there are two funds, the Trust and the fees and asked if the fees were used would the Trustees have to come back. Mr. Dean noted the Select Board controls the Trust decisions with the bank Trustees at Key Bank, but the Trustees control the fees without coming to the Select Board for permission to expend them. There are three buckets, those two and the third being the interest payments turned over to the Town which the Select Board controls.

Mr. Thompson noted he would like to see the record of expenditures concerning Brickyard Park and how the LCWF grant and matching funds were spent and to see how funding for the Kiosk elapsed and its current LCWF status as a result of not being funded.

Ms. Ruffner noted it would be nice to see where the Kiosk were planned to be located and what the design would look like when it is going to be done.

4. Adjourn

Chair Staples motioned to adjourn the meeting at 8:50 PM. Mr. Thompson seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Respectfully submitted,

Daniel Hoijer
Recording Secretary
(via *ExeterTv.com*)

C: Swasey 11-15-21