

Select Board Meeting
Tuesday, May 28, 2024
6:15 PM
Nowak Room, Town Offices
Final Minutes

1. Call Meeting to Order

Members present: Chair Niko Papakonstantis, Clerk Julie Gilman, Dan Chartrand, Nancy Belanger.

Absent: Vice-Chair Molly Cowan

Also present were Town Manager Russ Dean, and Assistant Town Manager Melissa Roy. The meeting was called to order by Mr. Papakonstantis at 6:15 PM.

2. Non-Meeting with Legal Counsel

The Board went downstairs to the Wheelwright Room for a non-meeting.

3. Board Interviews

- a. Suzanne Bokot Stone for the Pairpoint Park Committee

The Board reconvened in the Nowak Room at 7 PM.

4. Public Comment

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

5. Proclamations/Recognitions

- a. Mr. Papakonstantis recognized Florence Ruffner and the Memorial Day Parade Committee.
- b. Mr. Papakonstantis thanked Mark Damsell for maintaining the garden in front of Swasey Parkway.

6. Approval of Minutes

- a. Regular Meeting: May 13, 2024

MOTION: Ms. Belanger moved to approve the Select Board minutes of May 13, 2024 as presented. Ms. Gilman seconded. The motion passed 4-0.

7. Appointments and Resignations

MOTION: Ms. Belanger moved to accept the resignation of Danielle Capalbo from the Arts & Culture Advisory Commission, with thanks for her service. Ms. Gilman seconded. The motion passed 4-0.

8. Discussion/Action Items

- a. Peace Resolution: Continued Peace Resolution Discussion

Mr. Papakonstantis said this is a continuation of a discussion at the last meeting for the Board to consider a peace resolution. Following that meeting, the citizen's group asked for it to be treated as a proclamation, rather than a resolution.

Karishma Manzur of 6 Windemere Lane said we have revised the resolution as a proclamation. She read and discussed each clause of the proposed text.

Mr. Papakonstantis said the Board members agreed that what was submitted and the testimony were incredibly moving. The conversation was around whether this is in the purview of the Select Board. Typically this would be done as a citizen's petition for voters to take up.

Ivor Freeman of 6 Sandston Way said his letter discusses the actions of Hamas over the years. This affects him as a Jew because he fears people will use this proclamation as an excuse for anti-Semitism. He asked the Board not to pass the resolution.

Mr. Chartrand said he read through the revision and made some revisions himself related to what the Select Board can proclaim under our form of government. He's comfortable with the first three clauses but money is the voters' purview, and the Board can't make comments on that. The "we" of the proclamation should refer just to the Board, not to other public officials.

Ms. Gilman said this would be stronger if the whole community did an interjection into Federal politics, rather than just the Board. We are non-partisan. It's not in our purview how Federal dollars are spent. When we re-entered the Climate Accord, that was on the Board level. Indigenous Peoples' Day was important to the community, and we recognize that day, although the State doesn't.

Ms. Belanger said she appreciates Mr. Chartrand's edits. The special meeting for a citizen's petition did not seem like a viable option. This is in another country, not America. This doesn't seem like something the Select Board should be considering.

Mr. Papakonstantis said the statements were very touching and heartfelt, and as a human being he agrees with these words. As a member of the Select Board, he has to represent the community. The Board has conversations about things immediately affecting Exeter or our country. He has spoken in favor of living in a town and a society where we respect each other. The Board was asked to support Ukraine by flying their flag at Town Hall, but we explained that it would set a bad precedent. If that had been a warrant article, it might have passed.

Mr. Papakonstantis asked if the Board has the authority to revise what was submitted before making it a proclamation. Mr. Dean said he believes it's within the Board's purview. Mr. Papakonstantis said he would like Ms. Cowan to be present for a vote.

Mr. Papakonstantis asked for further public comment.

Ms. Manzur said her group is fine with the recommended edits.

Hayley Collins of 44 McKay Drive said the silence of elected officials is what allows violent acts to continue. This proclamation is a moral obligation.

Matt Himmel of 1 Drinkwater Road said as a Jewish descendent, he fully endorses the proclamation. He's not pro-Hamas or anti-Israel, he's pro-humanity. The Board should add into the proclamation that we condemn anti-Semitism.

Christine Jurick of 46 Franklin said her son left Tufts due to anti-Semitism. The history is long and painful. She likes how the proclamation has been changed but she doesn't think this is a decision for the Select Board to make.

Elias Kaufman of 6 Windemere Lane said supporting a peace proclamation says we want to create change for the better. Otherwise we are complicit. He can't vote yet so he doesn't have a say, but if we say that violence is okay, that's something that he will have to live with.

David Kovar of 38 Cross Street said we all have a right to speak. He thanked the Board for creating a space where residents can all speak up.

Mr. Papakonstantis said the Board will take this back up at the next meeting.

b. Squamscott River Siphons Update

DPW Director Steve Cronin gave an update on the Sewer Siphons project. The plan was to drill from the Mill side of the river through a known ledge outcropping, ream that hole, and pull the sewer siphon pipe through. On May 15, the contractor started that process. The 6" bore hole was completed May 21. The 12" ream was finished May 23 and the reamer was left to secure the hole over the weekend. There were some weather-related travel delays on getting the drill, but work will begin again tomorrow. We anticipate being done with drilling by the end of the week, depending on soil conditions and any unexpected obstructions. Then we will thread the pipe through.

Mr. Papakonstantis asked if the abutters have been notified. Mr. Cronin said we're waiting on a meeting with the Exter Mills.

c. Pickpocket Dam Feasibility Study Presentation

Town Engineer Paul Vlasich said this started in 2011 with the letter of deficiency and the upping of the classification. The study cost us \$373,000. We got a \$40,000 Coastal Resilience Grant and a \$100,000 ARPA fund grant, with the town paying for the rest. A grant opportunity came from NOAA to enhance fish passage, and we went in front of the River Advisory Committee and this Board to see if we should apply for that grant, and we did. We found out at the end of last week that we did not get that grant. The public information meeting was in February, and there were follow-up meetings with the River Advisory Committee. The feasibility study was finished on April 30. There will be something in the CIP for dam removal or dam modifications. Dam modification would be around \$2.4M, removal would be \$1.5M.

Jake San Antonio of VHB gave a presentation on the Pickpocket Dam feasibility study. Several alternatives were considered. Alternative 1 was raising

the top of the dam and building up the earthen embankments on the sides of the river. To pass that 2.5x 100-year flood, it would have to be raised from 66 feet to 72.7 feet. Alternative 2 was spillway replacement and the addition of a labyrinth weir with a zigzag pattern to increase the flow area. We would still have to raise the embankments with this option. Alternative 3 was adding an auxiliary spillway to allow the pass of the flood safely. Alternative 4 was dam removal and the removal of a sediment island, and he showed renderings of what that option would look like. Alternative 5 was to take no action and focus on hazard reduction, but that did not address the safety concerns and the overtopping of Kingston Road. Alternative 6 was to lower the normal pool elevation, but that had negative impacts to the environment and recreation. Alternatives 2, 5, and 6 were eliminated from the impact analysis, so alternatives 1, 3, and 4 were considered further.

Alternatives 1 and 3 are “dam in” options. Under Alternative 1, water level would reduce slightly, but it kept the 100-year flood the same. Under Alternative 4, there was a 9-foot water level reduction above the dam, which tapers to nothing around Haigh Road. With Alternative 4, dam removal, there would be a reduction of 7 feet tapering to no change about halfway up the impoundment.

He described the sediment sampling and sediment probing done. They looked at impacts to water supplies and found that the wells were into the deep aquifer system and would not be impacted by dam removal. There was no increase in landfill related contamination predicted. Regarding cultural resources, Pickpocket Dam is eligible for listing on the National Historic Register. There are two archaeologically sensitive areas that would be impacted by both dam modification and dam removal.

With dam removal, the river would see improved water quality. Regarding fish passage, dam modification would have no impact, while dam removal would improve fish passage. Herring are making it up the Pickpocket Dam fish ladder this year. Dam modification would have a minimal change to existing wetlands, while dam removal would result in a shift in wetland cover and potentially a loss of wetland at the periphery. We would need to implement measures to limit invasive species. Regarding recreation, with “dam in” options there would be no change. With “dam out,” there would be a change to more of a “moving water” recreation.

Regarding costs, Alternative 1, raising the dam, would cost about \$3.2M. Alternative 3 would cost about \$3.5M. Alternative 4, Dam, dam removal, would be about \$1.5M. Once the town makes a decision, there are a number of permits required, both for “dam in” and “dam out” options, including NHDES Wetlands permit, approval from the US Army Corps, Water Quality Certification, Shoreland Water Quality Protection, Alteration of Terrain, DES Dam Bureau, and FEMA No Rise Certification, as well as section 106 Coordination due to its historical significance. We received many verbal and written comments from the public, which we’ve responded to in writing. Regarding the schedule, with the NOAA grant unsuccessful, we’ll be looking for funding in Spring 2025 then move into the

design and permitting phase, with construction to begin Summer 2027 and complete in Fall/Winter 2027.

Mr. Papakonstantis asked Mr. Dean when the Board would need to take action on this for it to be a CIP. Mr. Dean said preferably by June 10. Mr. Papakonstantis asked if June 24 is too late, and Mr. Dean said no, that would work. Mr. Papakonstantis said we have been in communication with Brentwood, and should let them know that our grant wasn't approved. He would like to meet with their Town Administrator before this Board takes any action.

Mr. Papakonstantis said the letter from the grant board states that they received 90 applications with a total request of more than 4x the amount of funding they have available. They suggested applying again next year. They also offered to speak in detail with town staff about why the grant was not approved. Mr. Dean said that is already in progress. Mr. San Antonio said NOAA is expecting this grant to be back out in July/August and they will reach out then to give us feedback.

Ms. Gilman said regarding Section 106, how far from the dam does an archaeological study go? Mr. San Antonio said the project area is the parcel that includes the dam site and the impact of impoundment. It's mostly upstream.

Mr. Vlasich said in September of last year, when the NOAA grant possibility came out, he asked for a preferred alternative statement, and it was dam removal at that time. Since then, the full Feasibility Study has been done. We presented it to the River Advisory Board over the past few months, and the River Advisory Board still recommends the dam removal option.

Mr. Papakonstantis opened for public comment. He asked if the Board would hear non-Exeter residents on this issue, and the Board agreed.

Bob Collier of Connie Road in Exeter said the feasibility study is concerned about the overflowing of Route 111, but the dam should be able to control the flow of water. It's like a faucet in your house that you can turn on and off. The only reason the Alewife can't go up the ladder now is because the gate is closed. Dam removal will steepen hydraulic pressure on the gradient in the river - in other words, wash it away. There will be evaporation and the banks will erode. When they did the Great Dam removal, it was 10 years before habitat and wildlife came back to the area. Is it possible to reclassify the dam through the State? It's been 11 years and it's still functioning. Do costs include foundation estimates and property purchases?

Mr. San Antonio said Alternative 1 would require crossing two properties, including a driveway, and we included easement cost in that estimate. The other alternatives, including dam removal, don't include any foundations or property acquisition. Alternative 5, reducing the hazard classifications, would have included purchasing the impacted property and adding foundations to the manufactured homes, but even then the dam would still need to be raised.

Michael Edison of 6 Stony Water Road said he uses the river and knows how beautiful and valuable it is. You can launch a kayak or a canoe and paddle for miles. There are thousands of fish, as well as turtles, beavers, and eagles that

rely on that reservoir of water. They said the standards changed from historical water flows to 100-year storm to 100 years x 2.5 and now they're thinking about a 1,000 year storm, when did those change? Mr. San Antonio said the State is in the process of changing them. The 100-year storm x 2.5 is for a high hazard dam, it's not the standard. As a low hazard dam, it would have been required to pass a 50-year storm. Mr. Edison asked whether the dam was there or not, you would still get the same 100-year x 2.5 flow with the same impacts downstream. Mr. San Antonio said this is a "run of the river" dam; the flow in the river is the same with this dam in place. The risk is, with the dam in place, the embankments are likely to erode during a storm and cause a dam failure. If the dam isn't compliant, it's more likely to breach and cause a failure, which is more dangerous to life downstream. Mr. Edison said there is likely to be sediment movement upstream of the dam. If there is a flood that is 100-year x 2.5, he could see his embankment upstream being washed away. Mr. San Antonio said they would be stable with vegetated banks. We would have to get vegetation established early in the process, like we did with the Great Dam.

Nick Drinker of 26 Franklin Street asked about the flow of sediment under normal conditions with dam removal. Mr. San Antonio said the majority of the soft sediments in the immediate impoundment would be removed. Rivers move water and sediment. When a dam is in place, it stops the normal bedload of moving sediment. Post-removal, it would return to the natural processes of moving the bedload with the water. Mr. Drinker asked how long it would take for the sediment to return to normal. Mr. San Antonio said 5 - 10 years. It's healthy for the river; sediment-starved rivers are not as healthy, which is why that lower reach is impaired. The Great Dam was removed 8 years ago, and the river has recovered and the wetland areas are more diverse and lush than prior to dam removal.

Jaye Garnett of 2 Stony Water Road said 257 people signed her Change.org petition to save the dam. She read comments from the petition. She said countless animals will die if the town removes the dam. Her house will shift when the riverbank is compromised. It's all about the money. This many people being upset should have some bearing. Mr. Papakonstantis asked for a copy of the petition.

David Kovar of 38 Cross Road said Exeter residents will bear the cost of the dam modification. Unless Brentwood is willing to bear the extra cost of preserving the dam, it's hard to do more than give them the opportunity to speak. He lives along the river and doesn't want to have a view of a 7-foot concrete abutment blocking his view of the river. He asked about the period of maintenance cost for "dam in" alternatives. Mr. San Antonio said 30 years. Mr. Kovar asked about the historical permit process. Mr. San Antonio said it depends on the option chosen, but there will need to be additional impact studies and a memorandum of agreement on mitigation. Mr. Kovar asked if someone could register the dam and prevent its removal. Ms. Gilman said for the Great Dam, the Heritage Commission gave five suggestions on mitigation, including a blue

information sign and an etched glass window in the library so you could see what used to be there, as well as photographic documentation, and all five were approved. The National Register designation is really an honorarium, so adding to it or removing from it doesn't affect its status.

Jim Breeling of 7 Nelson Drive said he wanted to make sure the river has a voice. This is part of the Exeter Squamscott Great Bay Estuary Watershed. Restoring the river would improve the oxygen concentration all the way to the Great Bay. Great Dam was removed and ecologically, it was a great success. There are a couple of other dams in Exeter, such as at the Reservoir that is part of the water supply, that will also need repair. Mr. Vlasich said regarding the Exeter Waterworks Dam, we're looking at a feasibility study for that one as well. We got a 100% grant from State ARPA funds for that. We know it's a high hazard dam. That won't be a removal, we will have to do modifications.

Robert Span of Brentwood said his property will be dramatically affected by dam removal. The town voluntarily acquired the dam in 1969 and submitted a proposal for a hydroelectric facility there, which never happened. He said Mr. San Antonio said there were 10 public meetings, but there has been only one public meeting specifically about the dam. The rest of the meetings he mentioned were River Advisory and Select Board meetings. He doesn't understand the impact on wildlife in Brentwood. 60 out of 80 acres of impoundment will disappear, which will affect a lot of wildlife. In 2010, when the Great Dam was being considered, a study group composed of many different stakeholders was established, and there were four years of public input and meetings before the feasibility study was completed. In this process, there was no task force, no working group, and no input from Brentwood until after the feasibility study had been completed. The process was driven by the October decision to apply for the NOAA grant. When the grant was finished and Exeter was not approved, he read on their website that the awarded projects included dam removal, but also fish ladders and other fish passage. We were told in October that only dam removal would be approved for a grant, but that was not the case. NOAA looked at community involvement in every stage of the process and whether the applicants reached out to stakeholders. The Board should not make any recommendation on the dam in June but instead put together a process where all stakeholders are heard. This would require an independent feasibility study. Then we could apply to NOAA again for a grant and we'd have a better chance. There's no way that VHB will come out with a feasibility study that will favor an alternative that is not dam removal.

Bob Collier of Connie Road read a letter on behalf of Donald Latennier of Split Rock Road. Mr. Latennier's letter said he is a neighbor of the river and his family loves to play at the park at Pickpocket Dam. There is archaeological, aesthetic, and recreational value to the dam. The haste to approve a major change is deplorable. There may be one basement flooded in 1,000 years. Fish are above the dam already. Career dam busters are presenting the fallacy that others will pay for it. Money should not be wasted on unnecessary destruction.

This would be a death sentence for our lovely river. How many people even know that this issue exists? He conducted a poll which showed minimal awareness. Please vote no on removing the dam.

Mr. Kovar said he is being lumped in with a lot of disparaging words because he supports dam removal. He asks that anyone with disparaging comments attend a meeting in person which would result in a better conversation. He described the process of a dam failure, which wipes out the entire ecosystem both downstream and upstream. In this case, the Cross Road bridge would be impacted as well. Is there a timeframe in which the town must act, based on that hazard classification? Mr. Vlasich said he has to give the Dam Safety Bureau periodic updates that the town is working towards a solution. December 2027 is when we have to finish construction according to our decision. We can ask for extensions if we're moving towards a solution. There were extensions on the Great Dam.

Robert Span said the breach analysis that VHB did showed that with dam breach in the 100-year flood, the additional water levels at the mobile home park was 8 inches, up to the foundations of those mobile homes. It's not a tidal wave.

Mr. Papakonstantis said Mr. Dean will reach out to Brentwood and the Board will discuss this again on June 24.

d. Reclassification: GIS Coordinator

Assistant Town Manager Melissa Roy said the GIS Coordinator position was part of the 2023 budget. Once Mr. Cronin was brought on board, we reevaluated, and it was deemed a very important position in the town. The grade in which we originally planned to have it won't yield us an employee that will meet our needs. We would have to hire at the upper end of the grade, leaving them without room to grow and making retention difficult. We are asking the board to reclassify the position from a Grade 9 to a Grade 11.

Mr. Chartrand said he's in favor. Ms. Belanger said this has been open for quite a while and it seems necessary. Mr. Papakonstantis said the Budget Recommendations Committee thought this was an important position.

MOTION: Mr. Chartrand moved to reclassify the GIS Coordinator position to a Grade 11 to allow growth and retention for this position. Ms. Gilman seconded. The motion passed 4-0.

9. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

There were no tax abatements considered at this meeting.

b. Permits & Approvals

i. Climate Resilience Grant

Mr. Dean said the NH DES Coastal program is accepting applications for a climate resilience grant. We are applying for \$25,000

with a \$25,000 match which would come from the budget. Kristin Murphy has done a great job working on this.

MOTION: Mr. Chartrand moved to authorize the Select Board to sign a letter of support for the 2024 NHDES Climate Resilience grant application. Ms. Gilman seconded. The motion passed 4-0.

ii. Biosolids Contract

Water and Sewer Superintendent Steve Dalton said our contract with Waste Management for biosolids for the Wastewater Treatment Facility is coming to an end. We met with Waste Management, and they told us that if we put an RFP out, it could be more difficult to renew with them and may also increase costs. They offered to extend the contract another 3 years with a 5% increase each year. He called other communities and they are having similar issues. If we go with what Waste Management is proposing, our July 1 2024 cost is \$155.59 per ton, which is less than what other communities are paying and less than our original quotes from 2019. We think it's in the town's best interest to extend the contract. Mr. Cronin said there's a lot of volatility in the market right now. Maine banned the beneficial use of biosolids, so their only option is to landfill it or send it out of State or to Canada. The other unknown is PFAS regulations. The biosolids vendors and landfills are waiting to see how the regulation will impact them, and don't want to commit to a long-term contract. We're looking to bridge the gap while we come up with a long-term strategy.

MOTION: Ms. Belanger moved to extend the current contract with Waste Management for the biosolids disposal from the Wastewater Treatment Facility for a contract duration of up to 3 years at an annual 5% increase. Ms. Gilman seconded. The motion passed 4-0.

c. Town Manager's Report

- i. Parks and Rec are getting the pool ready for the season.
- ii. The Town Hall Stakeholders meeting was last week, a presentation by a consultant on what to do with Town Hall.
- iii. The Senior BBQ is happening this Friday, at Town Hall 11:30 - 2.
- iv. The deadline to change party affiliation is June 6.
- v. The new Assistant Fire Chief Don Mattheson has just started. He is a long-time member of the Department.
- vi. The Town Clerk's office hours have been modified due to staffing issues, but we have some candidates in the pipeline.
- vii. The Winter Street/Columbus Avenue project is half done with the paving.
- viii. The Kingston Road sidewalk project is on track for an August completion.
- ix. The Finance Department is working on a bond anticipation note for the Police Station and Fire Substation, and we should have our initial proceeds in August.

- x. ARPA funds need to be committed by year end. The Fire Department will come forward with a potential proposal soon.
 - xi. Our new fire truck should arrive in June.
 - xii. The All-Boards meeting will be June 25, 6:30 at the Library. Mr. Papakonstantis asked that the Chairs of each Board and Committee be told to share the invitation with all of the members.
 - xiii. He thanked those who volunteered and attended the Memorial Day Parade, especially Florence Ruffner who organized it.
 - xiv. Mr. Papakonstantis asked if Mr. Cronin could come to a future meeting and give an update on projects approved by the voters in the past few years.
- d. Select Board Committee Reports
- i. Ms. Belanger attended a Planning Board meeting. The application for 127 Portsmouth Ave ended up being tabled pending a sitewalk. There are some wetlands and Shoreland Conditional Use permits involved. The Conservation Commission went on a sitewalk and had some issues. We have a tentative sitewalk planned and will invite the Conservation Commission to join.
 - ii. Ms. Gilman attended the Historic District Commission meeting. There was an amended application for a house at 81 Front Street. The Town Hall meeting was made possible by a grant that the Arts & Culture Commission received. We have a consultant looking at Town Hall for safety, ADA compliance, and HVAC. The consultant presented a proposal to a small group of stakeholders. There would be basic changes for safety and usability, as well as better bathrooms. We will present that to the Select Board. There's a big number attached so there likely wouldn't be a CIP for a couple of years.
 - iii. Mr. Chartrand attended a Conservation Commission meeting where they took up a case for a development near the town's surface water supply, at Foss Motors. They're waiting for the engineering report. He also attended a tour of Durham and Dover train stations. He had a Facilities Committee meeting but he deferred a detailed report in the interest of time.
 - iv. Mr. Papakonstantis had a Swasey Parkway Trustees meeting and heard an update on the siphons project. He also heard about Kenneth Damsell's contributions to maintaining the property. There was an Arts and Culture Commission meeting that he was unable to attend.
- e. Correspondence
- i. A letter from NOAA previously referenced.
 - ii. A letter of appreciation from CASA [Court Appointed Special Advocates.]
 - iii. A save the date from the Daughters of the American Revolution for a dedication at the Independence Museum in honor of black soldiers of the Revolutionary War.
 - iv. A legislative bulletin from NHMA.

10. Review Board Calendar

- a. The All-Boards meeting is June 25 at 6:30. The next Select Board meetings are June 10, June 24, July 8, July 22, August 5, August 19, Tuesday September 3, September 16, and September 30.

11. Non-Public Session

MOTION: Ms. Belanger moved to enter into non-public session under RSA 91-A:3II(a) and (b). Ms. Gilman seconded. In a roll call vote, the motion passed 4-0 and the meeting entered non-public session at 9:55 PM.

MOTION: Ms. Belanger moved to exit non-public session. Ms. Gilman seconded. In a roll call vote, the motion passed 4-0.

12. Adjournment

MOTION: Ms. Belanger moved to adjourn the meeting. Ms. Gilman seconded. In a roll call vote, the motion passed 4-0. The Board stood adjourned at 10:40 pm.

Respectfully Submitted,
Joanna Bartell
Recording Secretary