MINUTES

May 16, 2011

1. Call Meeting to Order

Chairman Robert Aldrich convened the Board at 6:20 pm in the Wheelwright Room of the Town Office Building to conduct four interviews for the Council on Aging and Cable TV Advisory Committees. He then reconvened the Board at 7:00 pm in the Nowak Room of the Town Office Building. Other members of the Board present were: Selectman Frank Ferraro, Selectman Matt Quandt, Selectwoman Julie Gilman, Selectman Don Clement and Town Manager Russ Dean.

2. Public Comment

Mr. Gerry Hamel inquired about property tax sales and whether or not it is still legal. He has called DRA and the county and no one is sure. Exeter used to do this years ago. Mr. Aldrich said that they asked this question of Town Counsel at a recent meeting. Town Counsel is not aware of a law that strictly prohibits it, but does not know of any community that does it. There used to be a law enabling towns to do this and that law no longer exists. It is Town Counsel's recommendation that Exeter not try to do this.

3. Minutes & Proclamations

a. Proclamation: American Independence Museum 20th Anniversary

Mr. Ferraro read the proclamation and presented it to Eric McDonald, former president and current vice president of the American Independence Museum. Mr. McDonald said that they are very proud of their 20th anniversary and thrilled to be serving the community.

b. Proclamation: National Public Works Week May 15-21, 2011

Mr. Ferraro read the proclamation and presented it to Mr. Jay Perkins of Public Works.

c. Regular Session Minutes of May 9, 2011

Mr. Ferraro suggested striking the last sentence from the first paragraph under section 6aii. Personnel Plan Presentation – Human Resources.

Mr. Quandt moved to approve the Regular Session Minutes of May 9, 2011 as amended. Mr. Clement seconded. Vote: Unanimous Ms. Gilman abstained from the vote.

b. Non Public Session Minutes of May 2, 2011

Mr. Clement moved to approve the Non Public Session Minutes of May 2, 2011 as presented. Mr. Ouandt seconded. Vote: Unanimous

4. Appointments - None

5. Departments Reports – Police, Parks and Recreation

Police Chief Kane said that he and Fire Chief Comeau recently did their first live radio show on a.m. station WXEX. They spent about 45 minutes explaining what the Police Department and Fire Department does and answering questions. It was a lot of fun and they have been invited back. Next time they are hoping to take live calls from the listening audience.

They continue to monitor the detour at Newfields Road. They are stopping very few cars now. There were a lot at first, but local commuters have gotten used to it. It is working out pretty well. Regarding the Thursday afternoon traffic pattern change for the Farmer's Market, the Chief has received 3 complaints in his office. The 3 complaints were from motorists frustrated that they could not get down

Newfields Road and/or get to Route 101 without going around. They will continue to monitor this on Thursday afternoons.

National Prescription Drug Take Back Day was extremely successful across the country. Last year Exeter collected 3 small boxes. This year they collected 4 large boxes full. Around New Hampshire there were 92 sites that collected a total of 4,020 lbs of prescription drugs. Locally it keeps those drugs out of the hands of those who might do something illegal with them. The drugs collected are disposed of properly instead of ending up in a landfill or in water systems. The program was so successful that there will be another one in October.

The Police Dept is still collecting and handing out their community surveys and will probably continue through June. They randomly sent 150 surveys out in the mail and copies have been placed at the Library, Town Office, Police Department, Riverwoods, Senior Citizens Center and Exeter River Landing. The survey is also available on the Town's website. The Police Department has a couple of major cases going on right now that people will hear about when they reach their conclusion.

Mr. Mike Favreau said that May is the busiest and most challenging month for Parks when everything comes together. Normally they are mowing sites about every 5 days right now, but they are not mowing much at the moment due to the weather so he's not sure what things will look like over the next couple of weeks. They have gotten about 85% of the mulching done. Flowers are in for the garden adopters. They are mostly perennials but they do have some annuals. By Memorial Day all of the gardens should be done and everything should be mulched. They could still use one or two adopters for the Town House Commons area if anyone is interested. They are pumping the pool down today and tomorrow to try to clean it.

This coming Saturday, May 21st, they have a special first time event called Exeter's Got Talent. It is a combination event with the Exeter Arts Committee, Chamber of Commerce and Recreation Department. It is happening right after the Get Fit in May road race. There will be a chicken barbecue downtown and 3 different concerts. They will also be selling ice cream. There will be a number of events going on.

Baseball season is underway. This year they tried offering a pre-K and a kindergarten spring soccer and got a great response of over a hundred kids. Lacrosse and track are also going on. As far as swim lesson registration goes they are pretty much set with the first session and second session is starting to fill up. There was a nice bright sunny day for the annual egg hunt in April. Pool renovations are almost complete. They are just finishing up some small plumbing details and need to install security grating on the windows. If the weather is good this weekend, they are going to open up ice cream sales at the park this weekend and will continue it during good weather weekend days until the pool opens. The playground has been very busy on nice days. They have lined up some partnerships this year with local businesses. Riverwoods will be sponsoring the summer concert during the Independence Festival. The entertainment company they work with cut them some good deals this year on the bands. The Meat House wants to do some advertising on barrels and is going to sponsor a soccer team. Parks and Recreation is actively working to foster these relationships.

Mr. Aldrich asked when the pool would be open. Mr. Favreau said that it is scheduled to open on June 18th, subject to weather. They are not sure how they are going to handle the first Monday and Tuesday of that week because schools will still be open due to the amount of snow days this past winter.

6. Discussion/Action Items a. New Business

i. E-Channel, Public Access MOU

Mr. Dean said that this is the next step in the EXTV process of going from the current configuration to the new configuration which will involve the government channel and the access channel on the Comcast system. In order to get Channel 98, which is scheduled to be the access channel, up and running there needed to be an agreement put together with SAU16 for the use of the high school studio as the Town of Exeter's public access studio. There was a group that worked on that Memorandum of Understanding. The Cable Committee has reviewed the MOU and is recommending it. The School Board has authorized Superintendent Morgan to sign it and it has now come back to the Board of Selectmen. If that MOU is approved by the Board tonight, the Co-op will issue purchase orders for the equipment necessary to get the high school studio up and running, make arrangements to get the equipment installed and start to get the word out in conjunction with the Cable Committee about the availability of public access in Exeter. Total cost of all equipment needed is \$ 86,000. This is a one time expense to get Channel 13 and Channel 98 on the air and it is proposed to be split 50/50 between the Town and the school. Proposed operating budget for the P Channel for 2012 is \$ 48,100 and for the G Channel for 2012 is \$ 43,516. E Channel expenses are borne by the SAU.

Mr. Ferraro emphasized that the policies and procedure for the P Channel need to be finalized before a lot of these things in the implementation phase take place. Mr. Dean said that they do have interim policies and procedures in place for interim public access.

The Board had a discussion about the budgets for the channels and how the costs would be split between the Town and the SAU. It was determined that they need to know if the Co-op will be hiring any new employees for this or utilizing existing personnel.

Mr. Quandt moved that the Board of Selectmen authorize the Town Manager to sign the Memorandum of Understanding between SAU16 and the Town of Exeter regarding the use of the High School studio as the Town's public access facility. Ms. Gilman seconded. Vote: Unanimous

Chairman Aldrich announced that the Board would take a short break at 7:48 pm. The meeting resumed at 7:54 pm.

ii. Recreation Revolving Fund Review

Mr. Favreau gave a power point presentation on the Recreation Revolving Fund. This revolving fund was established by vote in March of 2005. They have been progressively taking expenses out of the appropriated budget every year and putting them in the Recreation Revolving Fund as their revenues stabilized and they had growth. They have done a number of projects with this in addition to funding all of their programming budget.

The first project done in 2006 was the Littlefield Skateboard Park on Court Street. It was really in tough shape. Between a grant, some donations from the Littlefield family and the Revolving Fund they were able to rehab it. The renovations should last for decades. The next project done in 2007 was the spray pad at the pool area. This was the first construction like project. There was a 40% jump in pool attendance the year following the construction of the spray pad. Other projects done include improvements to the playgrounds, deck expansion and shade structure construction at the pool, tennis court resealing, pool painting and major bath house improvements.

Programs funded by the Recreation Revolving Fund include: special events, sports, camp, salaries for summer camp staff & instructors, gym supervisors and flag football referee salaries, other expenses such as printing and food supplies and various other programs run throughout the year. They are hoping to

add lifeguard salaries if the concession stand generates the additional revenue expected this year. Moving the lifeguard salaries to the Revolving Fund would reduce their operating budget by \$ 21,000. This year the concession stand will be selling Gifford's ice cream and making snow cones. They have gotten a larger freezer so they don't have to make as frequent trips to the store to stock up on snack items.

Chairman Aldrich commended Mr. Favreau for his good forecasting and wise management of resources. They are using recreation money to fund recreation projects, many of which would not have gotten done without the Revolving Fund. Mr. Favreau said that there is about \$ 44,800 in carryover money in the fund right now. He would like to create a capital reserve budget line that the money can sit in to be used for future projects when they arise. It has taken them since 2006 to really catch up on some of the projects but everything is in pretty good shape right now.

iii. Great Bay Coalition MOU

Mr. Dean said that DES and the Great Bay Municipal Coalition communities (Newmarket, Durham, Dover, Exeter, Rochester and Portsmouth) have banded together to work toward making an agreement with DES to do a review of some of the issues associated with Great Bay in terms of nitrogen loading. The outcome of recent meetings was that the Coalition would agree to a process of modeling for water quality in accordance with some of the agreed upon approaches to the issue. In return the idea is that by signing this, the DES is prepared to support this as well. This will help Exeter possibly delay the recent wastewater permit that was issued by the EPA. The thought process is that with the support of DES and also working in conjunction with the Southeast Watershed Alliance (SWA) and the Piscataqua Estuary Partnership they can work to address some of the uncertainties as a group.

Mr. Clement said that there was an article in yesterday's paper about this which said that this study could cost several hundred thousand dollars. He is very reluctant to contemplate supporting something that he does not have a price tag for. Mr. Dean said that the cost is an unknown at this point. Mr. Clement questioned what we expect to learn from this study that we haven't already learned from all of the previous studies that have been done in the past 10-20 years. He has read a lot of the studies and attended the Symposium held last week on the Great Bay. The consensus coming out of the meeting is that the Great Bay has issues and nitrogen is the biggest contributor to the problem. He questioned the figure of 8 mg/L being used in the MOU when the draft permit from the EPA has a figure of 3 mg/L. There is a huge difference between the two figures. Mr. Clement said that wastewater treatment plants contribute to about 30% of the nitrogen load problem. The other 70% comes from storm water, septic systems, agriculture, fertilizers and other non point sources. Non point sources are much harder to identify and control. Mr. Ted Diers of the N.H. Coastal Program advised him that this study would do a hydrodynamic model specific to the river in the estuary and they would collect data for about two months. The data would be used to calibrate a model that would then be used later on to determine what these issues are. Mr. Clement was concerned that this study would be spending money to just delay the inevitable and it is foolish to think that we are going to learn anything new from it. He cited the example of studies done 6-7 years ago that indicated that the Norris Brook culverts were deteriorating. These studies were ignored and the Town is now looking at an emergency situation with an estimated cost of \$575,000. The cost was around \$400,000 six or seven years ago.

Mr. Dean said that this process is geared toward working with DES to jointly approach the issue and generate some site specific nitrogen criteria. The towns involved in the MOU have agreed to work together on this. They are trying to create a process to study all of the issues and come up with mutually acceptable criteria. Mr. Aldrich said that Exeter is first in line and these other towns are behind in terms of getting future permits. Exeter's draft permit has a nitrogen limit of 3 mg/L and so it is reasonable to

assume that the other towns will receive the same limit when they receive their permits. Currently Exeter's average is about 14 mg / L. The MOU is an attempt to stall receipt of the final permit and gain some more time to come up with some response and alternatives. Everyone recognizes that the EPA could say no.

Mr. Ferraro said that it is an attempt to determine whether it might be possible to get a number higher than 3 mg/L so there is value to a time delay if there is a chance for this to happen. Having dealt with EPA for 40 years, his concern is that EPA only deals with point sources. Because of this, they make them go to limits of technology to try to rectify situations that are primarily caused by non point sources. The numbers he has seen are around 73% non point and 27% point source. These communities are going to spend hundreds of millions of dollars in aggregate to reduce the point source contribution while the non point sources are still going to be out there discharging everything they currently are.

Mr. Aldrich said that they are somewhat at the mercy of the Federal Government who has said this must be done and also wonders if the study might just be delaying the inevitable. Mr. Ferraro said that it is possible to challenge permitting it if you have valid scientific information to dispute it. Mr. Clement thought that the money for the study could be better spent on addressing non point sources. He disagreed with Mr. Ferraro's comment that the EPA always goes to the limit of technology, saying that the permits are specific to the particular estuary. Mr. Ferraro supports a more holistic approach that could achieve a reduction in total nitrogen into the Bay that is a combination of some reduction in point sources and limits / restrictions on non point sources. As an example, some Massachusetts communities require nitrogen reduction septic systems.

Chairman Aldrich believes that there are essentially 3 options for the Board with respect to this agreement before them. They can undertake the study with the understanding that there will be a financial impact in 2012 and beyond and take the view that Exeter and the other towns are all in this together. They can choose to not sign it and take on the permit and issues on their own. They can bring in someone to talk more about this. Mr. Dean advised that there is a public hearing on the permit scheduled for June 9th.

After some further discussion, the Board decided to put this back on the agenda for June 13th and asked Mr. Dean to bring in some experts to speak about the costs for the study and the science behind it.

Mike Lambert thanked the Board for not voting quickly to join with other communities on this study in what he believes is a stall action. He provided some details that he got from the Exeter Historical Society on earlier issues with pollution in the river. Historically taxpayers have to be forced to confront problems. Mr. Lambert wants to see Exeter do something about the problems in Great Bay. He would like to see Exeter step up to the plate as a lead community and set an example. He urged the Board to say no to the coalition and be strong as a community instead of cowering. He would like to know how many people in Exeter and other contiguous communities are ready to step up to the plate and find the funding to deal with this problem.

b. Old Business

i. Bid Awards: Town Hall Brickwork

Two bids for the Town Hall exterior brickwork were received and opened at last week's meeting. The first was from Riverbend Masonry for a total of \$ 94,928.00 with options for a couple of add-ons. The second was from Dagnault & Sons for \$ 172,200. It is being recommended that the Town accept the bid from Riverbend Masonry to include the add-ons for a total of \$ 129,428 which is well within the \$ 147,000 warrant article that passed this year.

Mr. Quandt moved that the Board of Selectmen accept the bid from Riverbend Masonry for \$ 129,428. Ms. Gilman seconded. Vote: Unanimous

ii. Final Reading: Sewer Ordinance

This item will be rescheduled to a future meeting. DPW is still making some final amendments to the new Sewer Ordinances based on feedback that they received. They would like an opportunity to present it to the newly formed Water & Sewer Advisory Committee first.

iii. Swasey Parkway Closures (Concerts, Memorial Day Parade)

Chairman Aldrich said that there are two issues that they need to discuss tonight with regard to Swasey Parkway. There is a request to shut down the parkway for the lineup for the Memorial Day Parade. Mr. Favreau of Parks and Recreation is present for an answer regarding the summer concert series.

Mr. Dean has spoken to Sue Williams who coordinates the Memorial Day Parade, as well as Police Chief Kane and DPW. The feeling was that for that particular day for a very short period of time the best alternative was to allow this closure of the parkway. Mr. Aldrich pointed out that it is also a holiday and there will be other road closures in Town that day for the parade as well. The parade will be on Monday, May 30th. After a short discussion, the Board had no objections to this.

Mr. Favreau said that it seems that the Farmer's Market has been reasonably well received down there and the traffic problems have been minimal. There are 6 summer concerts that are 2 hours each. They would be done and out of there by 8:00 pm. It has been a summer tradition for decades to have the concerts in the park. Mr. Aldrich asked what plan B is. Mr. Favreau said that they would have to consider Town House Commons which is a smaller area. They would have to build a stage and run electrical cords. Mr. Ferraro asked if he had come up with any suggested parking alternatives. Mr. Favreau said that people are just going to have to park further away and walk in. Most of the downtown traffic and commuters are gone by 6 pm. Mr. Clement suggested to publicize the fact that parking is very restricted in that area and that people need to pursue other venues and plan accordingly. Mr. Aldrich said that the Police can be out on Water Street the first night. Mr. Ferraro suggested asking the Police to look at the side streets as well to see if they should be posted no parking for the night. Mr. Clement was concerned about people meandering out of the parkway when it is dark after the concerts are over, especially when the road is reopened. Mr. Favreau said that there is still quite a bit of daylight left in the summer at 8 pm and people usually clear out very quickly after the concert is over.

Mr. Clement moved that the Board of Selectmen allow Parks and Recreation to hold their 6 concerts on Thursday evenings at the Parkway and keep the Parkway closed an additional 2 to 2 ½ hours on those Thursdays. Mr. Quandt seconded. Vote: Unanimous

Mr. Favreau commented that they can move the concerts up to 6 pm to 8 pm instead of 6:15 pm to 8:15 pm if that helps. Mr. Aldrich said that they would like the Parkway reopened as close to 8 pm as possible.

Mr. Peter Datillo of Ian's Franks said that he has continued to pursue other options as requested, but both other options are not possible. The Academy said that they did not want any vending behind the DTC and he cannot be in the lot by the American Independence Museum. His business is down significantly and he asked the Board to reconsider allowing him to be in the parking area by the boat launch.

There was discussion about possible spots for his vending vehicle in the general area of the boat launch. Several different possibilities were suggested. Many complaints have been received by Board members about the loss of any boat ramp spots. Concerns were discussed about safety, interference with boat launching and the impact on local businesses from the loss of any parking spaces in that area. Mr. Clement expressed concern that since this was not a specific agenda item for the evening local businesses did not have the opportunity to comment on this.

Mr. Ferraro moved that the Board of Selectmen mark off two spots in the area to the right of the boat ramp near the dock for Mr. Datillo's operations. Mr. Quandt seconded. Vote: 3-1 Mr. Clement opposed. Motion carries.

iv. Update on Tri-Town Meeting with State Delegation

Mr. Dean advised that North Hampton has suggested a date of Tuesday, June 14th at 5:00 pm for the next Tri-Town meeting. The meeting would be held at the North Hampton Town Hall. He hasn't heard Stratham's response yet.

- 7. Regular Business
 - a. Bid Openings None
 - b. A/P and Payroll Manifests
 - a. Accounts Payable and Payroll Manifests

Mr. Ferraro moved to accept a weekly payroll warrant in the amount of \$ 155,983.13. Mr. Ouandt seconded. Vote: Unanimous

Mr. Ferraro moved to accept an accounts payable warrant in the amount of \$437,578.67. Mr. Quandt seconded. Big Ticket Items: \$50,000 payment to the Exeter Library, \$5,410 for meter upgrades and maintenance for the water & sewer department, \$219,792 to LCG Healthtrust for insurance and \$105,798 to NH Retirement. Vote: Unanimous

- c. Budget Updates None
- d. Tax Abatements & Exemptions

Mr. Aldrich said that they have an intent to cut for Map 88, Lot 5 for a combination of white pine, hemlock and oak along with 150 tons of tree chips.

Mr. Quandt moved to accept the Intent to Cut as presented. Ms. Gilman seconded. Vote: Unanimous

- e. Water/Sewer Abatements None
- f. Permits None
- g. Town Manager's report

Mr. Dean advised that the bond letter has arrived from the New Hampshire Municipal Bond Bank approving the borrowing that the Board authorized at the last meeting. Property tax bills will be mailed out sometime this week. This year's Household Hazardous Waste Application went in through the Rockingham Planning Commission as it always does. There are fewer applicants this year so perhaps

there will be more grant money available.

h. Legislative Update – Refer to Item # 2 under Correspondence

i. Selectmen's Committee Reports

Selectman Ferraro attended a Planning Board meeting this past Thursday. They approved 2 conditional use permits. They have a Zoning Ordinance Regulatory Committee meeting this coming Thursday morning and one of the primary topics will be signs. He met briefly with the Director of the Exeter Area Chamber of Commerce to ask him to gather some business representatives to meet with Mr. Eastman and himself to talk about the Town's ordinances on signs.

Selectman Quandt had nothing to report. There will be a Cable Committee meeting soon.

Selectman Aldrich had a Conservation Commission meeting this past Tuesday. They approved a trail race in the Town forest. Exeter Conservation Commission will be participating in National Trail Day on June 4th. They talked a lot about boundary marking and maintenance of conservation lands and they have moved forward with a plan to more effectively monitor the boundaries of the land that Exeter has. The Tree program in the fifth grade was a success this year. All of the fifth graders in Town have their trees to take home and plant. The Arts Committee is co-sponsoring Exeter's Got Talent this coming Saturday, May 21st. There will be events at many places in the downtown area.

Selectwoman Gilman met with the Energy Committee. They had a special guest from the Rockingham Planning Commission & Conservation Law Foundation Ventures, a group which has funding to offer towns reviews of their energy policies and master plans. They can also assist with grant writing. The Heritage Commission is meeting with the Historic District Commission this week. The HDC is also considering changes to the Moses Kent house on Front Street and getting an update on work at the Amos Tucker house at 89 Front Street. The Economic Development Commission is meeting tomorrow. Last week they had a speaker from the New Hampshire Department of Historical Resources who explained the value of preserving commercial spaces through tax incentives.

Selectman Clement attended the initial Water & Sewer Advisory Committee meeting last week. They elected a Vice Chair but held off on electing a Chairman until the next meeting. They got a summary review of projects from DPW. The next meeting is on June 8th at 6:30 pm.

National Bike to Work Day is this coming Friday, May 20th. There is free breakfast at the Bandstand for anyone who bikes or walks. There will be a public hearing at the Town Offices on Friday, May 20th at 9:00 am.

j. Correspondence

- 1. Printout from the Exeter Newsletter on the posting for the Public Hearing to be held this coming Friday, May 20th at 9:00 am in the Nowak Room of the Town Office Building for the purpose of discussing the warrant article for the Norris Brook culverts
- 2. Communication from the Local Government Center regarding the trust funds that they have. This is a letter they sent regarding the status of their risk pool operations. Mr. Quandt met with the Secretary of State regarding this last Friday and had a nice long discussion. It has turned into a hot issue in Concord. This is far from over.
- 3. Invitation to attend the annual meeting of the Rockingham Planning Commission on Wednesday, June 8th at 6:00 pm at the Exeter Inn. It requires an R.S.V.P.
- 4. Email from Jason Claffey, the editor of a new website called the Exeter Patch which is slated to be up and running sometime in June

- 5. Email from Mr. Hamel regarding his feelings on the water and sewer corrective billings
- 6. Email from Brandon Stauber regarding reconsideration of parking on Swasey Parkway and Mr. Datillo's hot dog business
- 7. Copy of the paperwork that was submitted to the Court by Mitchell Municipal Group, the Town's Counsel, for the special town meeting.
- 8. Email from Town Planner Ms. Von Aulock regarding a plan reading and analysis class that she is putting together for new land use board members

Chairman Aldrich said that they have two court appearances next week. On May 23^{rd} , they have the HB77 hearing. This is the lawsuit arising out of the Deliberative Session earlier this year and the amendments made to citizen's petitions. The plaintiffs are continuing to pursue this and it is scheduled for trial on Monday, May 23^{rd} . The town meeting and culvert issue is scheduled for May 27^{th} . Both are at Superior Court in Brentwood.

8. Review Board Calendar

There is no regular Board of Selectmen meeting again until June 13th at 7:00 pm. This coming Friday, May 20th at 9:00 am they will have a special meeting along with a public hearing on the culvert project. On Tuesday, May 31st at 8:30 am they will hold a short meeting in order to conduct regular business. On June 6th, they will meet at 6:00 pm in the Nowak Room to conduct regular business and then at 7:30 pm they will move to the High School for the Deliberative Session.

9. Adjournment

Selectman Quandt moved to adjourn, seconded by Selectwoman Gilman. Vote: Unanimous

The Board stood adjourned at 9:37 pm.

Respectfully submitted,

Jennifer Mancinelli Recording Secretary