

Board of Selectmen

Draft Minutes

8/28/17

1. Call to Order

Chairman Clement called the meeting to order at 7:00pm in the Nowak Room of the Exeter Town Offices. Present were Don Clement, Anne Surman, Julie Gilman, Kathy Corson, Dan Chartrand, and Town Manager Russ Dean.

2. Public Comment

There were no public comments

3. Minutes and Proclamations

There were none to report.

4. Approval of Minutes

a. August 21st, 2017

This was not covered during this meeting.

5. Appointments

There were none to report

6. Discussion/Action Items

a. Town Hall Public Restroom Follow Up

Mr. Dean began by stating that he got an estimate of the total cost from the public works director, Jennifer Perry, which was 64,107.18 dollars. Chairman Clement said that they had the maintenance project list as well as the detailed invoices. Mr. Dean said that one example was Riverbend Masonry, where you can see the hourly rates as well as the material costs. There are also details about the painting done by Finest Painting and other expenses for carpentry by James Streck. The bid piece is based on the job. Chairman Clement clarified that this is not the complete invoices or purchase orders but is just a sampling of them.

Selectwoman Surman said that there was no project timeline given to the board, and asked when the project expended the 22,980 dollars that was funded. She asked who authorized the overages, and if there is any policy that public works follows when it runs over. She also asked why the board was not made aware of the overages. Mr. Dean said there is an estimated cost for each project which is vetted during the budget season and becomes a line item in the town operating budget. The maintenance department handles the project list, and it is generally 100,000 dollars. Overages are not flagged in the system because it is one line item. The maintenance superintendent is the one authorized to spend the 100,000 dollars. The project went over in mid-April, and there is not necessarily a policy in place for individual line items.

Selectman Chartrand asked Mr. Dean if he would follow up. Mr. Dean responded that he would, but said that the public works director, Jennifer Perry, was in Florida at the time. Mr. Chartrand said that to him it looks like the maintenance supervisor made decisions that should have been vetted up at a higher level. Selectwoman Corson said that there were multiple purchases made that did not see necessary, and that perhaps the purchases should have been made all at once. Selectwoman Gilman had the same concern. She asked if there was a central purchasing person at public works.

Chairman Clement said that the project is over by 44,000 dollars, and expressed that there needs to be a better way of communicating about the status of projects. He would like the board to get monthly department reports. He also looked back in the policy, which says that monthly financial reports will be produced by the finance department and given to departments and the governing body. It may not apply to this case but could help in the future. Selectwoman Surman asked if the department heads manage the budgets and get reports. Mr. Dean said that it was all in the system and was aggregated based on project costs. He acknowledged that it was not efficient as it could be.

Selectman Chartrand said that department heads often identify when they are overspending, and said that this case was atypical. Mr. Dean said that generally, potential issues are flagged early on. Selectwoman Gilman asked to go over the list of maintenance projects for 2017. Mr. Dean clarified the list of projects, and showed the running total. He said he would look at the projects again to recommend priorities. Selectwoman Corson asked if the historical society was completed in the budget, Mr. Dean said it was.

Chairman Clement said that the board is responsible for the budget and that they should have gotten this information beforehand. He said that he sees this project as a capital project and not a maintenance one. Selectman Chartrand was concerned that the estimates were faulty, and said that better estimates may have kicked it out of the maintenance budget. Chairman Clement mentioned the historical society building and wanted to make sure that did not go over budget as well. Mr. Dean said he would report back in a few meetings.

Bob Eastman, an Exeter resident, said he would want the maintenance director to show the job description, the design, and the materials needed and compare that to what had been ordered. He agreed with Chairman Clement that monthly reports should be provided. He also suggested using a software program to estimate projects. Chairman Clement asked if the accounting package the town currently has could do that. Mr. Dean said he did not think so.

b. Washington Street Water Line Design Contract

Chairman Clement mentioned that a letter was received from the assistant town engineer, Jen Bates, and asked Mr. Dean to go over it. Mr. Dean said there was a warrant article for 68,000 dollars to replace the Washington Street water line. He recommended that the board move ahead with Weston and Samson in the amount of 47,490 dollars. This has been reviewed by the legal counsel.

Jen Bates came to the microphone and said that it was a straightforward project of about 1,600 feet of water main. The water line had a significant break history, and this project would not preclude the future need for sewer and drainage. Selectman Chartrand pointed out that the estimate was higher, and Selectwoman Surman asked why. Ms. Bates said that Weston and Samson had talked with the town about scaling back a few items for the project. Mr. Dean said that the money did not come from the

taxpayers. Chairman Clement asked if this was a locked in price, Ms. Bates said that the price was not to exceed.

Chairman Clement said there was a list of tasks for Weston and Samson to proceed through, and one of these was a bid opening before a town meeting. He asked how there could be a bid opening then a town meeting. Ms. Bates said they had a probable cost estimate, and that a bid opening before the meeting allows for time in the process to get the number changed. Chairman Clement asked if before the town has appropriate money, if they would be putting out a bid. Ms. Bates said that they wouldn't sign the contract until the money aspect is completed. Chairman Clement wanted to make sure that the bidders understood that this is subject to the town appropriating the money. Ms. Bates said it would be written into the contract, and that the bidding would be done in January and February.

Selectman Chartrand wanted it to be clear that this is done to the town's advantage and that no presumptions were made about the vote. Mr. Dean said that the design would be 90% completed by January 3rd, and that when the public hearing comes they would have a good idea of where the project stands.

MOTION: Selectman Chartrand moved to authorize the town manager to sign the design contract for this project. Selectwoman Gilman seconded the motion, and it passed unanimously.

c. Health Ordinance Updates: Health Officer

James Murray, Exeter's health officer, spoke about changes to the health ordinances of the town. Most of these changes were small and for clarification purposes. In chapter 11, there was the addition of a removal notice and an offensive matter section. In chapter 12, the ordinance about protective fences around pools should be removed because this rule is in the building codes. Section 12-03 was deleted entirely because massage practices do not need to be licensed, just the massage therapists themselves. There were some additions of definitions to the ordinances. There was the replacement of the 2009 FDA code with a more current version for clarification for restaurant inspections.

For license inspection time, it was changed from 45 days to 90 days. For change of ownership or name, it was changed from 45 days to 30 days and there was an addition of a digital form. For inspection codes, the color yellow means there are 1 to 3 priority items. The color red means there are 4 or more priority items. The corrective action plan for inspections was extended to 6 months to accommodate large renovations. For any fire disaster, the time of notice was changed from 24 hours to 8 hours. For a license suspension, the prohibition period was changed from 3 years to up to 3 years. There was the addition of a written recall procedure. There is also clarification of labeling requirements. And finally, there was the removal of section 12-10 because the penalties are listed under section 12-04.

d. Exeter Sportsmen's Club RAP Update

Mr. Dean said that this is under the remedial action plan, and that they are planning to submit the scope of the work to the New Hampshire DES for review. They are looking to raise funds to do work in 2018. Testing activities need to be done then a report will be submitted to the state. Chief Comeau from the fire department said that a lot of progress had been made and that they are taking a cautious approach which will take time.

Selectman Chartrand said that he would not vote to approve money for this project because he believes the sportsmen's club should pay for it. Selectwoman Surman said that she had a lot of concerns, primarily with how the town's role works with the North County Trust. She said it was a slippery slope and a complicated process and agreed with Selectman Chartrand that it should not be a complete burden on the taxpayers. Selectwoman Corson agreed as well. Selectwoman Gilman agreed, and asked what happens if the board does not go through with it as far as DES is concerned. Mr. Dean said there could be an administrative order issues by DES under environmental rules to force compliance.

Chairman Clement said he would like to know how much money has already been spent on the project. He pointed out the possibility of DES coming back and saying that more testing needs to be done. There are more costs as well to implement the results of testing. So, the 30,000 dollars is a portion of the total cost. He also asked about the last page, where it says, "at this time", and asked if that meant after the report, or right now. Mr. Dean said that they had talked about the potential lowest costs of the project. Chief Comeau said that area 1 had been remediated and excavated and filled, and that there was no runoff into the water supply and that has been tested. Area 2 is the next phase. The most cost-effective option is to fence off the area so no one can use it. He said that he thinks that "at this time" means at the end of the report.

Selectman Chartrand said he would only advocate for the board spending money on this if the sportsmen's club was to vacate their lease because there would be no further degradation to the land. Glen Benjamin, an Exeter resident, said that he wants to hold the club accountable for its actions. He said that even if the state looks to the town to remediate, that the club should still be responsible. Mr. Dean said that the report is due at the end of the month. Chairman Clement said that when DES responds, they should get another update.

7. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

MOTION: Selectwoman Corson moved to approve the exemption of map 71, lot 199, unit 1 for 475.21 dollars. Selectwoman Gilman seconded the motion, and it passed 3-2-0, with Chairman Clement and Selectwoman Surman voting nay.

Chairman Clement said that they had received a letter of materials from Great Bay Kids about their tax exemption. Selectman Chartrand wanted the board to rely on their legal counsel and assessing office regarding the issue, and wanted to approve the recommendations tonight. Selectwoman Corson agreed. Selectwoman Surman asked if there was any new information to the case.

Katelyn Dennis, the executive director of Great Bay Kids, said that is was not new information. She said that the board of selectmen were the ultimate assessors for the town of Exeter, and felt that this was a burden on the agency and the community.

Alex Talcott, a board member of Great Bay Kids, said that the possibility of the 20% exemption was due to the younger classes characterized as being non-educational in nature. He emphasized the importance of early childhood education, and said that Great Bay Kids uses evidence-based practices and has a curriculum for their pre-K programs.

Ms. Dennis spoke about the importance of pre-K early childhood education. She said that Great Bay Kids often gets compared to a public school although the RSA is not the same. The 4 requirements of the exemption are: if they have a facility, if they have a curriculum, if they have trainings for teachers, and if they are a non-profit. She said that Great Bay Kids meets all of these. She used examples of her own children to show that early childhood education is important. She also said that the Department of Education acknowledges that ages birth to 5 years old is early childhood education.

She pointed out that New Hampshire has a rapidly aging population, and asked how we can attract young families without early childhood programs. She said that this exemption would cause the tuition to spike for Great Bay Kids and their taxpayer's families. She said that of the 50 other early childhood programs in the state, none pay taxes in their towns.

Another Exeter resident came up and asked how many times Exeter Day School has had to pay taxes. She said that the Great Bay Kids programs are educational in nature, and asked the board to think about whether anything had changed regarding this. Noah Maynard spoke and used personal examples of his sons learning to show that early childhood education is educational. Tom Cronin, a Great Bay Kids board member, said that this exemption was setting an unfortunate precedent on the town's view of the non-profit community.

Selectman Chartrand said that the board's duty was to the entire town, not just the non-profit community, and said that they needed to conform to the RSAs as interpreted by the town assessor and legal counsel. He said that he thought that childhood education was very important. Selectwoman Surman said that the RSAs are nuanced, and that the concern in the past has been accreditation. She agreed that early childhood education is valuable, but said that Great Bay Kids was not accredited. Ms. Dennis said that they were licensed, and that it costs too much to become accredited. Selectwoman Gilman said that they need to represent the whole town, while recognizing the positives of educational programs. Chairman Clement said that the board must vote by September 1st, so that Great Bay Kids can appeal the decision.

MOTION: Selectwoman Corson moved to approve the 2017 exemption for map 62, lot 112 for 4,390.48 dollars. Selectman Chartrand seconded the motion. The motion passed 3-2-0, with Chairman Clement and Selectwoman Surman voting nay.

MOTION: Selectwoman Corson moved to approve the exemption for map 72, lot 218 for 4,480.48 dollars. Selectwoman Gilman seconded the motion, and it passed 3-2-0 with Chairman Clement and Selectwoman Surman voting nay.

MOTION: Selectwoman Corson moved to approve the abatement for map 62, lot 112 for 8,759.44 dollars. Selectwoman Gilman seconded the motion, and it passed 3-2-0 with Chairman Clement and Selectwoman Surman voting nay.

MOTION: Selectwoman Corson moved to approve the abatement for map 72, lot 218 for 8,960.98 dollars. Selectman Chartrand seconded the motion, and it passed 3-2-0 with Chairman Clement and Selectwoman Surman voting nay.

b. Permits & Approvals

MOTION: Selectwoman Gilman moved to approve the application of One Sky Community Services to use the town hall facility on February 17th, 2018. Selectwoman Corson seconded the motion, and it passed unanimously.

MOTION: Selectman Chartrand moved to approve the pole license to Unitel and Verizon pole number 159-29-1 on Portsmouth Avenue. Selectwoman Corson seconded, and the motion passed unanimously.

c. Town manager's Report

Mr. Dean reported that because of the Monday holiday there would be a one-day delay in trash pickup. He said that a resident came in last week and was interested in the tax deeded property off of Kingston Road, and that he would forward the information to the board. On Thursday, September 14th there would be a library meeting to discuss their proposed renovations. He also mentioned an arts committee open house on Thursday. He said they had received delivery on the GO based vehicle tracking, and had implemented that, and will have a demo of that. On September 11th, he mentioned that Tory Brooks had been interning with them over the summer and that the board will hear a presentation from her. He said that they continue to work on the Lincoln Street project. And finally, the master plan steering committee would meet on August 29th.

d. Selectboard Committee Reports

Selectman Chartrand said that there would be a master plan steering committee meeting on August 29th. Selectwoman Surman said there would be an open house for the arts committee on August 31st in the gallery. She said that during the last meeting, she saw the presentation for EXTV by Bob Glowacky. She mentioned the shows coming up in September and that lottery day is September 2nd. Selectwoman Corson reported that the planning board met last week, and tabled the varsity wireless tower. She said they did have a site walk there, however. She reported that Exeter Lumber came back because they wanted to pave a large amount of area. She said that Mr. Carlisle came back to apply for a lot line adjustment and to subdivide the property. They also discussed the CIP projects. Selectman Chartrand asked if the lot line adjustment was approved, she answered that it was.

Selectwoman Gilman said that the announcements about the Winter Street Cemetery would be online soon. She also mentioned the UFO festival. Chairman Clement said that the economic development commission had had a guest speaker last week who talked about a UNH cooperative extension program called The Business Retention and Expansion Program. The commission wanted to pursue this program. They are also planning on a work session to set goals.

e. Correspondence

Chairman Clement said there was a technical information release from the Hampton Department of Revenue Administration about capital reserve fund appropriations. Selectwoman Gilman said it was supposed to make it clearer to voters about how the capital reserve funds are being used. Mr. Dean said there had been confusion in the past about warrant articles, and this would clear it up.

8. Review Board Calendar

The next meeting will be on September 11th, 2017.

9. Non-public Session

There was no non-public session.

10. Adjournment

The meeting was adjourned at 9:15pm.

MOTION: Selectwoman Gilman moved to adjourn, Selectwoman Surman seconded the motion and it passed unanimously.