

Exeter Board of Selectmen Meeting
Monday, September 11th, 2017, 6:50 p.m.
Nowak Room, Town Office Building
10 Front Street, Exeter NH

1. Call Meeting to Order
2. Board Interviews: Conservation Commission
3. Public Comment
4. Minutes & Proclamations
 - a. Proclamations/Recognitions – 9/11 Remembrance
5. Approval of Minutes
 - a. August 21st, 2017
 - b. August 28th, 2017
6. Appointments
7. Discussion/Action Items
 - a. Wastewater Facility Project Update – Change Order Request
 - b. Tree Inventory Presentation: DPW Highway
 - c. Health Ordinance Updates: Second Reading
8. Regular Business
 - a. Tax, Water/Sewer Abatements & Exemptions
 - b. Permits & Approvals
 - c. Town Manager's Report
 - d. Selectboard Committee Reports
 - e. Correspondence
9. Review Board Calendar
10. Non-Public Session
11. Adjournment

Don Clement, Chairman
Exeter Selectboard

Posted: 9/8/17 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. If you do not make such a request, you may do so with the Town Manager prior to the start of the meeting. No requests will be considered once the meeting has begun.

AGENDA SUBJECT TO CHANGE

9-11-17
6:50pm



Town of Exeter
Town Manager's Office
10 Front Street, Exeter, NH 03833

Statement of Interest Boards and Committee Membership

Committee Selection: Conservation Commission

New Re-Appointment Regular Alternate

Name: Sally Ward Email: ward31@comcast.net

Address: 54 Park St Phone: 7720838

Registered Voter: Yes No

Statement of Interest/experience/background/qualification, etc. (resume can be attached).
attached

If this is re-appointment to a position, please list all training sessions you have attended relative to your appointed position.
—

I understand that: 1. this application will be presented to the Exeter Selectboard only for the position specified above and not for subsequent vacancies on the same board; 2. The Town Manager and Selectboard may nominate someone who has not filed a similar application; 3. this application will be available for public inspection.

- After submitting this application for appointment to the Town Manager:
- The application will be reviewed and you will be scheduled for an interview with the Selectmen
 - Following the interview the Board will vote on your potential appointment at the next regular meeting
 - If appointed, you will receive a letter from the Town Manager and will be required to complete paperwork with the Town Clerk prior to the start of your service on the committee or board.

I certify that I am 18 years of age or older:
Signature: Sally Ward Date: 7/27/2017

Statement of Interest, Conservation Commission Alternate
Town of Exeter
July 27, 2017

I have lived in Exeter since 1991, have raised 2 children in town, and have benefitted from the beautiful natural environment the town offers. I walk every morning along the river, hike often in the town forests and Academy woods, and appreciate the blend of town amenities and natural resources. Exeter is a great town with potential for even greater development. We are at a point where there are opportunities for economic development along the river, near the train station, out Epping Road, and more. Balancing economic development and the natural environment is a critical challenge. Serving on the Conservation Commission would give me the opportunity to serve the town I have made my home for over two decades and to contribute to the need to balance development and conservation of the natural environment. I do not have ideologically driven fixed positions on these issues – I value both development and conservation. I would welcome the opportunity to contribute to the future of Exeter through service on this Commission.

My somewhat abbreviated resume is attached.

Respectfully,

Sally K. Ward
54 Park Street
Exeter

Sally K. Ward
Curriculum Vita

Professor Emeritus of Sociology
Director Emeritus, Master of Public Policy Program
Carsey School of Public Policy
University of New Hampshire
Durham, NH 03824
e-mail: sally.ward@unh.edu

Home:
54 Park St
Exeter, NH 03833
(603) 772-0838

Education

B.A. 1970, University of Maryland
M.A., 1974, Ph.D., 1977, Brown University

Academic Areas of Interest: Urban Sociology, Communities, Social Policy, Evaluation Research, Methodology and Statistics, Poverty and Inequality, Applied Sociology

Academic Employment Experience

2013- Professor Emerita of Sociology, UNH
2015- Director, Master of Public Policy Program, UNH Carsey School
2010 - 2012 Interim Dean, UNH Manchester
2006- Carsey Institute Senior Faculty Advisor, University of New Hampshire
2006-2010: Carsey Institute Director of Evaluation Program
1995-2013 Professor, Department of Sociology, University of New Hampshire. Durham, N.H.; Chair, 1990-1996, 2003-2006
1999-2001: Associate Dean, College of Liberal Arts, University of New Hampshire
1985-1995: Associate Professor, Department of Sociology, University of New Hampshire, Durham, N.H.
1980-1985: Assistant Professor, Department of Sociology, University of New Hampshire, Durham, N.H.
1976-1980: Assistant Professor, Department of Sociology and Anthropology, Rutgers University, Newark, N.J.

Selected Honors and Awards

Phi Beta Kappa; Phi Kappa Phi; Alpha Kappa Delta
University of New Hampshire Teaching Excellence Award, 1995
Lindberg Award for Outstanding Scholar-Teacher in the College of Liberal Arts, 2003

Publications and Reports (2000 to present; full list available on request)

Program Evaluation and Family Violence Research, (editor, with David Finkelhor). New York: Haworth Press, 2000.

“The Gendering of Adolescents’ Childbearing and Educational Plans: Reciprocal Effects and the Influence of Social Context.” (with Kimberly Mahaffy). *Sex Roles*, 46,11/12 (June 2002):403-417.

“Revisiting Unwanted Sexual Experiences on Campus: A Twelve-Year Follow-up” (with Vicki Banyard, Elizabeth Plante, Ellen Cohn, Cari Moorhead, and Wendy Walsh). *Violence Against Women*, 11,4 (April 2005):426-446.

“Poverty in New England,” (with Mil Duncan and Jody Grimes). Encyclopedia of New England Culture. Yale University Press, 2005.

“Resident Owned Communities in New Hampshire: A Study of Outcomes.” *Cooperative Housing Journal*, 2006.

“Unwanted Sexual Experiences on Campus: A Comparison of Women’s and Men’s Experiences” (with Vicki Banyard, Elizabeth Plante, Ellen Cohn, Cari Moorhead, and Wendy Walsh). *Violence and Victims* 22,1 (February 2007):52-70.

“Work and Welfare Strategies among Single Mothers in Rural New England: The Role of Social Networks and Social Support.” (with Heather Turner.) *Journal of the Community Development Society* 38,1 (Spring 2007): 43-58.

“Friends of Survivors: The Community Impact of Unwanted Sexual Experiences.” (with Vicki Banyard, Mary Moyhahan, Wendy Walsh, Ellen Cohn). *Journal of Interpersonal Violence* 25,2 (February 2010):242-256.

“Disclosure and Service Use on a College Campus after an Unwanted Sexual Experience.” (with Wendy Walsh, Vicki Banyard, Mary Moynihan, and Ellen Cohn.) *Journal of Trauma and Dissociation*, 11,2 (2010):134-151.

“Chronic Poverty, Community Decline, and Amenity-Rich Growth in Rural America: The Impact of Community Differences on Housing in Three Types of Rural Places” Pp. 157-176 in David Marcouiller, Mark Lapping, and Owen Furueth (Eds.), *Rural Housing, Exurbanization, and Amenity-Driven Development: Contrasting the “Haves” and the “Have Nots.”* Burlington, VT: Ashgate, 2011.

“Access to Affordable Food in New Hampshire.” *Communities and Banking* 24, 2 (Spring 2013): 8-11.

“Immigration to Manchester, New Hampshire.” *Communities and Banking* 26,2 (Spring 2015): 4-8.

Recent Applied Research Reports

Unwanted Sexual Experiences at the University of New Hampshire: A Report to the University President. July 1988.

Revisiting Our Understanding of Unwanted Sexual Experiences on Campus: A Comparison of 1988 and 2000. September 2000.

How Are the Children?: A Pilot Evaluation of Four Short-term Parent Education Programs in New Hampshire. June 2001. (with Sue Engel and Brigid Murray).

Resident Owned Communities in New Hampshire: A Study of Outcomes. November 2005. (with Kelly Giraud and Charlie French). The Meredith Institute, New Hampshire Community Loan Fund.

Children's Health Insurance in New Hampshire: An Analysis of New Hampshire Healthy Kids. Policy Brief No. 1, The Carsey Institute, Spring 2007. (with Sarah Savage and Nena Stracuzzi).

Unwanted Sexual Experiences at UNH: Incidence and Prevalence in 2006. Report to UNH community, published 2007 (with Vicki Banyard, Ellen Cohn, Mary Moynihan, and Wendy Walsh).

Unwanted Sexual Experiences at UNH: The Context of Unwanted Sexual Experiences in 2006. Report to UNH community, published 2008 (with Vicki Banyard, Ellen Cohn, Mary Moynihan, and Wendy Walsh).

Unwanted Sexual Experiences at UNH: Disclosures About Unwanted Sexual Experiences in 2006. Report to UNH community, published 2008 (with Vicki Banyard, Ellen Cohn, Mary Moynihan, and Wendy Walsh).

Unwanted Sexual Experiences at UNH: Use of Services after Unwanted Sexual Experiences. Report to UNH community, published 2009 (with Vicki Banyard, Ellen Cohn, Mary Moynihan, and Wendy Walsh).

Access to Affordable Healthy Food in New Hampshire. (with Nena Stracuzzi). Carsey Institute Brief. 2010.

Mapping Food Insecurity and Food Sources in New Hampshire Cities and Towns (with Barbara Wauchope). Carsey Institute Brief (in conjunction with the NH Children's Alliance). 2012.

Unwanted Sexual Experiences, Stalking, and Physical Relationship Violence: Six-Month Incidences Among University and College Students in New England (with Vicki Banyard, Katie Edwards, Ellen Cohn, Mary Moynihan, and Wendy Walsh). 2013.

Unwanted Sexual Experiences at UNH: 2012 Study and Changes Over Time (with Vicki Banyard, Ellen Cohn, Katie Edwards, Mary Moynihan, and Wendy Walsh). 2013.

Incidences of Stalking and Physical Relationship Violence Experiences at UNH (with Vicki Banyard, Ellen Cohn, Katie Edwards, Mary Moynihan, and Wendy Walsh). 2013.

Other Presentations

"The Liberating Power of Tradition." Presented at the Murkland Hall dedication ceremony, University of New Hampshire, October 2003.

"For Better or Worse: Marriage, Social Science, and Public Policy." The Lindberg Lecture, University of New Hampshire, May 2004.

Applied Work and Activities

Program evaluator, International Research Opportunities Program, UNH, 1998-2001

Program evaluator, UNH-Vologda Exchange Program, 1999-2004

Program evaluator, UNH Bosnian Student Program, 2000-2001

Evaluation consultant, Whole Village Family Resource Center, Plymouth, NH 1996-1998

Evaluation consultant, New Hampshire Children's Trust Fund, 2000-2001

Assessment in the Sociology Curriculum, 2002-2004

Carsey Institute Evaluation Program Projects:

N.H. Community Loan Fund *Manufactured Housing Program*, 2005 (with Kelly Giraud and Charlie French)

Andoscoggin Valley Partnership *Job Training Program*, 2005 (with Wendy Walsh)

CEI *Sustainable Agriculture Program*, 2006-2007 (with Curt Grimm and Barbara Snowadzky)

The New Hampshire Healthy Kids Program analysis, Endowment for Health, 2006-2007 (with Sarah Savage and Nena Stracuzzi)

Evaluation of collaboration at *The Community Campus*, Portsmouth, Foundation for Seacoast Health, 2007 (with Sarah Savage)

Evaluation of outcomes for *Bonnie CLAC* car loan program, 2007 (with Sarah Savage)

Evaluation of *Supported Work Initiative*, Family Resource Center @ Gorham, 2007-2010 (with Wendy Walsh)

Evaluation of the *Coos County Family Support Project*, Family Resource Center @ Gorham and other Coos County partners, 2007-2010 (with Wendy Walsh)

Food Security in New Hampshire; Endowment for Health 2008-2009

Tillotson Targeted Investment Evaluation, Coos County, Early Childhood Development and Entrepreneurial Business Development, 2009-2010 (with Curt Grimm and Barb Wauchope)

Hunger among NH Children (with Barb Wauchope). Research project for NH Children's Alliance, 2011.

Committee and Administrative Responsibilities (2000-present)

Department Committees

Graduate Committee 2000-2008; **Chair** 2003-2006

Methods Committee 2000-2013; **Chair** various years

Promotion and Tenure Committee 2000-2013; **Chair** 2001-2002, 2006-2007

Undergraduate Committee 2003-2006

College and University Committees

University Writing Committee, 1999-2001

Task Force on the Integration of Advising and Career Services, **Chair** 2001

English 401 Review Committee, **Co-Chair** 2001-2002

Faculty Fellow, UNH Assessment Committee, 2001-2002

NEASC Self-Study Committee, **Chair** of Undergraduate Experience Sub-Committee, 2001-2003

Provost Search Committee, **Co-Chair**, 2002-2003

Task Force to Review Sexual Harassment and Rape Prevention Program, 2003-2004

Carsey Institute Executive Committee, 2004-2010

Graduate Council, 2004-2007

Anthropology Program Review Team, 2005-2006
College of Liberal Arts, Promotion and Tenure panel 2006-2007; 2008-2010
College of Liberal Arts, Ad Hoc Budget Committee, 2008-2010 (Chair)
Strategic Plan Working Group, New Markets, 2008-2009
Navitas Task Force, 2009-2010 (Co-Chair)
Lindberg Award Selection Committee, 2009-2010
Responsible Conduct of Research Committee, 2009-2010
Carsey School of Public Policy MPP Planning Committee 2014-15 (Co-Chair)

Administrative Positions

Director, Master of Public Policy Program, UNH Carsey School of Public Policy, 2015-2017
Interim Dean, UNH Manchester, 2010-2012
Chair, Department of Sociology, 1990-1996, 2003-2006
Liberal Arts Faculty Fellow Spring 1996
Associate Dean, College of Liberal Arts, 1999-2001

External Committees (recent years)

Federal Reserve Bank of Boston, Research Advisory Board, 2010-2012
Board of Trustees, Mill Falls Charter School, 2012 – 2015
Exeter Hospital Board of Trustees, 2017 -

July 2017



EXETER FIRE DEPARTMENT

20 COURT STREET, EXETER, NH 03833-2716

Tel 603.773.6131

Fax 603.773.6128

BRIAN D. COMEAU, CHIEF OF DEPARTMENT

Town of Exeter New Hampshire

9/11 Proclamation

WHEREAS on September 11, 2001, the American people endured the worst terrorist attack on U.S. soil in the nation's history with courage and heroism; and

WHEREAS in response to this tragedy, Americans across the country came together in a remarkable spirit of patriotism and unity and carried out countless acts of kindness, generosity, and compassion; and

WHEREAS community organizations and family members of 9/11 victims began observing the anniversary of September 11th as a charitable service day to honor memory of those who were lost and those who united in response to the tragedy, including first responders and volunteers; and

WHEREAS the Serve America Act, approved by Congress and enacted into law on April 21, 2009, directed September 11th to be observed and recognized as an annual "National Day of Service and Remembrance" and charged the Corporation for National and Community Service with leading this nationwide effort; and

WHEREAS participating in service and remembrance activities on September 11th is a positive and respectful way to remember the lives of those lost, pay tribute to those who rose in service, and honor those who continue to serve our country today, including active-duty and reserve soldiers and their families, veterans, and first responders; and

WHEREAS September 11th National Day of Service and Remembrance activities are being organized the a variety of nonprofits, faith-based and community groups, public agencies, educational institutions, private businesses, and other organizations across the nation; and

WHEREAS on September 11, 2017, and on the days leading up to and following this day, citizens of Exeter New Hampshire have an opportunity to participate in activities that honor 9/11 victims and heroes by joining together in service projects to meet community demands.

NOW, THEREFORE, The Board of Selectmen of Exeter New Hampshire proclaim September 11th a Day of Service and Remembrance in Exeter New Hampshire to honor the lives of those lost through participation in community service and remembrance ceremonies on this day and throughout the year.

A Tradition of Service

Advanced Life Support/EMS ✚ Fire Suppression ✚ Health Department ✚ Emergency Management

www.exeternh.gov

Draft Minutes

Board of Selectmen

August 21st, 2017, 7:00pm

1. Call to Order

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

2. Public Comment

Stephanie Marshall, an Exeter resident, came to the microphone and spoke about Energize 360, a town program which supports solutions to the Paris Climate Agreement. It would support Exeter residents to reduce energy resources by presenting a financial incentive to reduce energy consumption. The group started with a group of concerned citizens throughout the seacoast, and the first wave took place in Portsmouth, Dover, Durham, Madbury, and Lee from May through July. The second wave began in mid-June and includes Exeter. This wave will last through September 30th, 2017.

Renay Allen, another Exeter resident, told the board and the public about an event on September 12th, 2017 at the Exeter town hall for a seminar, where people could learn about weatherization and clean energy.

3. Minutes and Proclamations

There were no proclamations to report.

4. Approval of Minutes

a. August 7th, 2017

Selectwoman Surman pointed out a typo on page 3, paragraph 5 that said "hat" where it should have said "that". Chairman Clement asked about the word choice on page 7, paragraph 1 where it said "demoed". "Demonstrated" was suggested as a better word.

MOTION: Selectwoman Gilman moved to approve the minutes as amended, and Selectwoman Corson seconded the motion. The motion passed 4-0-1, with Selectman Chartrand abstaining from the vote because he was not present during that meeting.

5. Appointments

There were none to discuss.

6. Discussion/Action Items

a. Public Hearing: Unanticipated Highway Aid Revenues

MOTION: Selectman Chartrand moved to open the public hearing under RSA 31-95b for the purpose of receiving unanticipated highway revenues, in the amount of 254,066.33 dollars. Selectwoman Surman seconded the motion, and it passed unanimously.

Mr. Dean began by stating that the town had received additional highway block grant aid. A letter from the department of transportation to the town said that the funds are intended for highway purposes without already existing town funding. Examples of this include additional paving, local highways, matching for bridge projects, and equipment for the maintenance of the highways. The funds do no lapse and can be carried over to the next fiscal year. Selectwoman Gilman asked if there had been any prioritizing of projects done. Mr. Dean said that the public works director and he had talked about concepts like equipment, paving schedule and sidewalk projects.

Selectwoman Gilman brought up that she would like to see a traffic light on Epping Road. Selectwoman Corson said that she would like to know what equipment could be replaced, and would like to see paving advanced, which Selectwoman Surman agreed with. Selectman Chartrand would like to accelerate the sidewalk program, and pointed out that he'd like to see more people being able to walk and bike. Chairman Clement asked if paving would be useful this year, and pointed out a couple of sidewalk projects currently in development. He would like to look at the priorities for 2018.

Jennifer Perry, the public works director, asked the board what their preference on timing was. If the money was spent sooner, promoting 2018 paving would be a good idea. She pointed out that it was getting late in the season for sidewalk programs because they take more planning and coordination. As far as equipment goes, she would like to replace a grader which would be the same cost as the money coming in.

Chairman Clement said he'd like the equipment to be handled by the CIP. He said that the fact that the money doesn't have to be spent this year gives the board a degree of flexibility. Selectman Chartrand agreed with this, and said he would prefer to spend it next year as well. He would like to see the town manager and public works involved. Selectwoman Surman pointed out the possibility of letting the budget committee know about the money to help the taxpayers, and adjusting the costs next year accordingly. Mr. Dean said that the town already has the money, and it could be spent whenever.

MOTION: Selectman Chartrand moved to close the public hearing, Selectwoman Surman seconded the motion and it passed unanimously.

MOTION: Selectwoman Corson moved that the selectboard accept the amount of 254,066.33 dollars in additional highway block grant aid from the state of NH. Selectman Chartrand seconded the motion, and the motion passed unanimously.

Chairman Clement asked if public works should put together a plan of recommendations this year. He also pointed out that the check includes the amount for the Lincoln Street subwater shed. Mr. Dean clarified that the state had approved a stormwater management grant for this, and that the check includes a portion of the reimbursement by the state.

b. Electricity Supply Contract Extension Proposal

Mr. Dean started by stating that the town buys electricity from various vendors, and that they were given a proposal by the broker UMG that if the town extends their agreement through 2021, they could lock in a rate of 7.75 cents per kilowatt hour. The town currently pays 7.77 cents per kilowatt hour. The current agreement expires in December 2017.

Selectman Chartrand expressed his support of this and his desire to have a predictable rate. Selectwoman Surman agreed with him and said the only downside is if the rate decrease significantly. Mr. Dean pointed out how unpredictable the market is, and that it could go up or down. Selectwoman Gilman said that if rates go down, the predictability makes up for it. Selectwoman Corson agreed.

Chairman Clement asked what the trend had been in past years on electricity rates. Mr. Dean responded that the lowest he's seen it was at 7.14 cents per kilowatt hour, and that it has been at around 7.7 cents for a couple of years. Chairman Clement asked when the current contract was entered. Mr. Dean said it had been about a year. Chairman Clement asked who was tracking the price. Mr. Dean said that UMG does, and when they think it is favorable to change they contact the town. Chairman Clement had concerns that the rate could change if the board did not decide tonight. He also asked for the trends of the past three or four years. Mr. Dean said that in 2012-2014 it was 7.14 cents, and then from 2010-2013 it was 8.5 cents. There was a spike in 2014-2016 to about 10 cents.

Chairman Clement asked what the longest is that they have locked in the rate. Mr. Dean said that it was three or four years, and that the contract sometimes rolls over. Selectman Chartrand said that predictability is crucial in making this decision. Chairman Clement had concerns about the four-year length of the contract. Mr. Dean said that there is a 12-month option of 7.79 cents, and that with a shorter term the rates go up. Ms. Perry said that it would stabilize the electricity supply charge, and that the delivery charge would not be locked in.

MOTION: Selectman Chartrand moved to authorize the town manager to sign an agreement with NG Resources LLC for a 4-year contract at 7.75 cents per kilowatt hour. Selectwoman Gilman seconded the motion. The motion passed 3-2-0, with Chairman Clement and Selectwoman Surman voting nay.

c. 149 Kingston Road Property Sale Proposal

Mr. Dean began by explaining the property and that it has been leased to the fire department chief for several years. The proposal is to sell the property outright so that the town does not have to act as the landlord anymore. It would also relieve the town of any future and current maintenance of the house. There is nothing preventing the house from being sold. The town planner would have to be involved to carve out a lot that would include the house and garage, while the storage structure would remain separate for the town to use.

Selectwoman Surman asked what the town would charge for the house, and if it is on a desirable lot. Mr. Dean said that it is desirable and that the assessment was for about 260,000 dollars, but that they could possibly get more for it. Selectwoman Corson asked if the property could be easily subdivided, and if the town would use an auction to sell it. Mr. Dean said that the house has a separate entrance, and that they would consult with the legal team to see how to sell it. Selectwoman Corson asked if it was part of the facilities study. Mr. Dean said that the house and garage were not, but that the storage structure likely was. Selectwoman Gilman and Selectman Chartrand expressed their support of selling the house.

Chairman Clement asked if future residents would be unhappy about trucks going back and forth to the nearby storage barn and cell tower. Selectwoman Gilman pointed out that a disclosure

statement could be added. Chairman Clement said that it would be a good idea to turn it over to the town planner, then the conservation commission and planning board. He also wants to have someone estimate the selling price. Selectwoman Corson said she would like to have a survey done.

Selectman Chartrand said he'd like the board to decide tonight and is worried about the work done being entirely conditional. Chairman Clement disagreed, saying that too many legalities surround the lot. Selectwoman Corson expressed her concern with the costs involved, and Selectwoman Gilman said that the costs would be covered by the assets.

MOTION: Selectwoman Surman moved to start looking at the process of selling the property through the planning department, the planning board, and the conservation commission. Selectwoman Corson seconded the motion. The motion passed unanimously.

d. Maintenance Projects: Public Restrooms/Town Hall

Chairman Clement began by explaining a memo sent from Kevin Smart to Russ Dean. He said that last meeting he had asked about the amount of money spent on this project and wanted to know why it had gone overbudget and what that meant for the rest of the maintenance budget. He felt that the memo did not give him the information he was seeking. Mr. Dean said that the memo talked about the demolition of the restroom area, and that a fire-rated staircase needed to be done. Emanuel Engineering was brought in and estimated a cost of 10,663 dollars for related work.

Chairman Clement asked where the money had been charged to. Mr. Dean responded that it was most likely to the maintenance project account. He also said that the fire rated staircase project is scheduled for the fall and that there is 130,000 dollars in the warrant article for it. There may not be enough money to cover the costs. The 24,085 dollars is an addition of the 10,663 for the fire rated staircase work and the 13,422 dollars for the contract work for the bathrooms and labor costs. This is 24,000 above the 22,980 estimate.

Chairman Clement presented invoices he had gathered from the finance department. Selectman Chartrand expressed his concern with Chairman Clement getting this information, and Selectwoman Gilman said she would have liked it to be disseminated to the rest of the board and the town manager. Chairman Clement expressed his belief that he was within his rights to do so. Selectwoman Surman asked if anyone from the public could gather this information, Mr. Dean responded that they could.

Selectwoman Surman said that the project had been overspent by 29,615 dollars. She asked where the project plan was, and asked why nobody had noticed it was going overbudget. Selectman Chartrand agreed with this sentiment, although added that he understood that these were difficult projects and why there might be overages in budget. Chairman Clement asked why it went overbudget, and what maintenance projects will have to be deferred as a result. Mr. Dean said that the total costs to date of the project were 52,595 dollars. Chairman Clement pointed out that this amount did not match the invoice summary. Mr. Dean said that the budgeted amount was 22,980.

Selectwoman Surman said that their concerns had come from the selectboard meeting where the quarterly finance report was read. She asked why the project needed architectural design. Mr. Dean said he would need to go back and look at the expenses. Selectwoman Surman agreed with Chairman Clement that the memo did not give the board the information they were looking for. Selectwoman Gilman agreed with this as well. Mr. Dean finished by saying that there were things to follow up on.

7. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

MOTION: Selectwoman Corson moved to approve the current use reclassification of map 53, lot 8. Selectwoman Gilman seconded the motion, and it passed unanimously.

MOTION: Selectwoman Corson moved to approve the jeopardy tax map 87, lot 8, unit A-10 for 245.35 dollars. Selectwoman Surman seconded the motion, and the motion passed unanimously.

MOTION: Selectwoman Corson moved to approve the jeopardy tax map 64, lot 105, unit 83 for 204.67 dollars. Selectwoman Surman seconded the motion and it passed unanimously.

Mr. Dean said he had the MS1 extension request form, which requested an extension through October 2nd, 2017 due to utility values.

MOTION: Selectman Chartrand moved to approve the MS1 extension request through October 2nd, 2017. Selectwoman Corson seconded the motion, and it passed unanimously.

b. Permits and Approvals

Renay Allen asked for a permit to use the town hall on September 4th, 2017 for Energy 360.

MOTION: Selectman Chartrand moved to approve the use of the town hall. Selectwoman Corson seconded the motion and it passed unanimously.

The E911 committee reviewed road names, and decided to approve McKay Drive, which was previously 80 Epping Road, even though the name contains a proper noun.

MOTION: Selectman Chartrand moved to approve this name change. Selectwoman Surman seconded the motion, and it passed unanimously.

c. Town Manager's Report

Mr. Dean reported that the new health officer had been working on health ordinance updates. The farewell party for Roger Wakeman from PEA is on August 23rd from 4:00-6:00. He also said that he attended the master plan committee, and that the process continues to evolve. He pointed out that draft financials had arrived from the 2016 audit, and that they are in the process of reviewing that. And finally, the first day of school is on Monday the 28th.

d. Selectboard Committee Reports

Selectman Chartrand reported that the master plan steering committee had met. He complimented the group and said the next step is to review the action plan. Chairman Clement asked if that got passed onto the planning board. Selectman Chartrand said he would imagine so. Selectwoman Surman said that she was unable to attend the arts committee meeting. Selectwoman Corson stated she had a planning board meeting later in the week. Selectwoman Gilman said the heritage commission had held a public hearing on the demolition of the rear L of 12 Front Street. The demolition review committee had recommended against demolition. She said that HDC had a discussion with the town planner about low impact projects vs. major impact projects. Chairman Clement reported that the E911 committee had

met and had received town wide mapping and a document of recommendations for non-standard addresses.

e. Correspondence

Chairman Clement said that there was a letter from the State of NH DOT about the highway block grant aid, letting them know what the amount is. For 2018, it is 300,301.60 dollars. This is about 8,000 dollars more than last year.

Selectwoman Surman pointed out that the ad-hoc social service committee did not fund the NHSPCA this year, and was disappointed about that because they had been supportive in the past. Selectwoman Gilman agreed, but that this budget year the committee was given a hardline amount.

8. Review Board Calendar

This was not covered during this meeting.

9. Non-Public Session

MOTION: Selectman Chartrand moved to move into the non-public session under RSA 91-a:3, 2 (l) and (d) review of advice from counsel and land acquisition, Selectwoman Corson seconded the motion. It passed unanimously by a roll call vote.

The Board emerged from non public session. Selectman Chartrand moved to adjourn seconded by Selectwoman Surman. The Board stood adjourned at approximately 9:45 p.m..

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 pieces are 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 Public Works Director, Jennifer Perry, was in Florida at this 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 seem 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 as 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. H 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 Mates, 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 Sampson in the amount of 47,490 dollars. This contract has been reviewed by legal counsel.

Jen Mates 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 budget estimate was higher, and Selectwoman Surman asked why. Ms. Mates 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 but water fees. Chairman Clement asked if this was a locked in price, Ms. Mates said that the price was not to exceed.

Chairman Clement said there was a list of tasks for Weston and Sampson 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. Mates 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. Mates 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. Mates 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 scope of work 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.

Mr. 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. Len 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 could 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 Unitil 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 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 with Public Works, 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 again 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 was unable to attend. 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 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.

August 23, 2017
WP Project No. 12883C

Ms. Jennifer Perry, PE
Public Works Director
Public Works Department
13 Newfields Road
Exeter, NH 03833

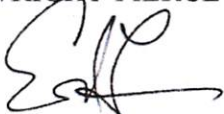
RE: Contract 1 – WWTF Upgrades
Unforeseen Existing Conditions – Overburden and Sludge Excavation
Construction Engineering Costs

Dear Jennifer:

This letter will serve as a follow-up to our August 22, 2017 letter on the subject matter. We understand issues associated with the topographic survey and subsurface data interpretation of this complicated site led to a portion of the need to excavate additional materials during construction. Therefore, we propose to perform the construction engineering costs associated with design changes to avoid the significant construction costs related to sending additional materials to the landfill at no cost to the Town. Our costs include: re-grading of the snow dump area, geotechnical investigations to assess the viability of using Lagoon 3 as a spoils area, and working with the contractor to develop a cost-effective plan for the Town.

We are available to discuss this the Town Manager and the Board of Selectmen at your request. If you have any questions or need additional information, please contact us.

Very Truly Yours,
WRIGHT-PIERCE



Edward J. Leonard, PE
Project Manager



Richard N. Davee, PE
Vice-President

Attachment

cc: Matt Berube – Town of Exeter

August 22, 2017
WP Project No. 12883C

Ms. Jennifer Perry, PE
Public Works Director
Public Works Department
13 Newfields Road
Exeter, NH 03833

RE: Contract 1 – WWTF Upgrades
Unforeseen Existing Conditions – Overburden and Sludge Excavation, Handling and Disposal

Dear Jennifer:

We have received and reviewed Change Proposals No. 2 and No. 3 from Apex Construction related to Unforeseen Existing Conditions. We have had numerous discussions with Apex/Severino on this matter and we have cross-checked the quantities and costs based on the survey files they provided us and the survey files we generated during the design phase. After considerable discussions with Apex/Severino, we have arrived at a lump sum adjustment to the contract cost of \$935,741.99 and an adjustment to the contract time of 39 days for Interim Milestone No. 3, Substantial Completion and Final Completion. We find this request for additional cost and time is reasonable for the scope of the work. The additional time is related to the discovery, determination of approach, execution of the work and the timing of the start-up activities in Spring 2019.

Based on the bid price for the project coming in approximately \$1,500,000 under the engineer's estimate, the Town has sufficient funds to cover these costs without requiring funds from contingency. We recommend approval of these change proposals. We also recommend that the Town and Wright-Pierce request an AOC time extension from EPA to address these unforeseen existing conditions consistent with the project intent. A draft AOC time extension request letter is attached for your review.

The remainder of this letter outlines the factors that resulted in this change, the alternatives that were evaluated and the recommended next steps.

Factors

- 1) The Sludge Storage Lagoon is approximately 8.2 acres (shown in the lower left corner of the photos below). The Town has used the Sludge Storage Lagoon as a location to store wastewater sludges and water treatment plant sludges since the 1960s. The Town has also used this location as a snow dump

and a material storage area for many years. The sludge was covered by significant amounts of imported “overburden material” in several areas of the lagoon. Based on aerial photography, most of this overburden has been in place since 1992, however, there has been continued filling to the present time. During the design phase, the Sludge Storage Lagoon was covered by impounded water and a significant stand of Phragmites.



April 1992



April 2016

- 2) The Lagoon Closure Plan proposed that all sludge be removed from the Sludge Storage Lagoon to mitigate a significant potential source of groundwater contaminants leaving the site. The alternative would have been to designate the portion(s) of the site where sludge was permanently left behind as a sludge landfill/monofill, which was considered undesirable by the Town. The Lagoon Closure Plan was approved by NHDES.
- 3) During the design phase, topographic survey and geotechnical soil borings were conducted around the WWTF site. The impounded water and phragmites interfered with our ability to accurately survey the existing conditions in those two key areas. When the water, phragmites and top soil were removed at the onset of construction, it was apparent that there was an issue with the topographic survey and the estimates of sludge and overburden in the areas where there was impounded water in the Sludge Storage Lagoon. The remainder of the topographic survey matched the Contractor’s survey within typical tolerances. These issues resulted in the drawings incorrectly portraying the elevation and extent of the sludge and overburden in the Sludge Storage Lagoon.
- 4) Detailed test pitting was conducted by the Contractor at 115 locations throughout the Sludge Storage Lagoon, in accordance with the Lagoon Closure Plan. This test pitting indicated that there is an additional 3,790 wet tons of sludge that needs to be removed and an additional 39,720 CY of overburden that needs to be removed to get down to the sludge. There is an additional 5,820 CY of material to be removed below the sludge layer to get down to the contract subgrade elevations. The test pitting also indicated that there was a substantial amount of sludge in the northwest corner of the Sludge Storage Lagoon in an area where little to no sludge was expected to exist (the weight of this

sludge included in the numbers above). This additional sludge needs to be disposed of at a landfill. The costs associated with each type of material is summarized below:

- a. The additional overburden material will cost \$476,616 to address.
 - b. The additional sludge material will cost \$265,300. Note that the *total cost* of for removal and disposal of all sludge material under this contract, including the additional sludge, will cost approximately \$690,000. Also note that the *market rate* for excavation, handling and disposal of this same quantity of sludge would be approximately \$2,800,000.
 - c. The additional material under the sludge layer will cost \$69,840 to address.
 - d. The Contractor has agreed to waive a significant portion of the allowable markups associated with the above items.
- 5) The Lagoon Closure Plan called for testing of the material below the sludge to confirm that it was not impacted by sludge. This testing indicated that the material was not impacted by sludge, but also was not clean enough to leave the site for use as “clean backfill” at off-site locations. During construction, NHDES added the requirement to test the overburden material. This testing indicated that the overburden material was not clean enough to leave the site for use as clean backfill at off-site locations. The alternative for these materials was to either dispose of them in a landfill or to keep the material on-site for use in the construction project or the eventual closure of the remainder of the lagoons. Finding ways to keep the material on-site avoids millions of dollars in disposal costs. The Contractor has agreed to waive all additional handling costs associated with this material.

Alternatives Considered

The following alternatives were identified and evaluated by the project team as potential ways to avoid some of the potential costs to the project budget and schedule.

- 1) Revising the Lagoon Closure Plan to Leave Sludge Behind. This alternative would eliminate the majority of the change order cost and time. This alternative would leave behind a significant area of sludge and overburden and would result in more extensive permitting and monitoring requirements for the Town related the area being designated as a landfill, it would leave behind a continued source of pollutants to groundwater emerging from the site and it would not fully utilize the very advantageous pricing for overburden and sludge excavation/disposal that was received on this project. The Town will never get a lower price to address the sludge removal. *We do not recommend this alternative.*
- 2) Creating a Spoils Area in Part of Lagoon 3. This alternative was identified by the Contractor and evaluated by the Town and Wright-Pierce. This alternative would take up approximately 1/3rd of Lagoon 3 and would create an area for 27,000 CY of material that is not suitable for the WWTF construction and not suitable to leave the site. This area represents approximately 2.2 acres of additional Public Work laydown area. This spoils area construction cost is \$88,626, but will avoid an estimated \$2,100,000 in off-site disposal costs. Additional geotechnical engineering evaluations were conducted to confirm that the weight of the additional fill will not negatively impact the stability of the existing embankments. These geotechnical engineering evaluations were completed between

August 14 and today and confirmed that this approach will not negatively impact the stability of the existing embankments. *We recommend this alternative.*

- 3) Raising Grades Under the Proposed Snow Dump Area. This alternative was identified by Wright-Pierce and was evaluated by the Town and Apex/Severino. This alternative would raise the grades under the snow dump to create an area for up to 14,000 CY of material that is not suitable for the WWTF construction and not suitable to leave the site. Apex/Severino have confirmed that there is no additional cost to adjust the grades in the snow dump area to create an additional spoils fill area. This alternative will avoid an estimated \$800,000 in off-site disposal costs. *We recommend this alternative.*
- 4) Raising the Grades of the WWTF by Two Feet to Reduce Extra Material Removal. This alternative was identified and evaluated by Wright-Pierce to determine whether adjusting the elevation and location of key structures would offset the additional costs. We assessed the sensitivity of this approach using six sets of sensitivity assumptions (e.g., variable cost for ledge, soil, sludge removal; variable cost for backfill materials) and determined that this would likely increase the cost of the project by \$50,000 to \$250,000 due to the fact that the “fill area and volume” is significantly larger than the “cut area and volume”. In addition, making extensive modifications to the drawing set to raise grades and structures would take several weeks. Our conclusion is that we would not have done anything different in the design phase had we known about the additional material at that time. *We do not recommend this alternative.*
- 5) Consider leaving the existing ledge in the area of future Aeration Tank 3. This ledge removal was included in the bidding documents to protect Aeration Tanks 1 and 2 from damage in the future when/if Aeration Tank 3 is installed. The ledge quality has been such that blasting may be limited. If ledge can be removed from Aeration Tanks 1 and 2 by hoe-ramming, the ledge in the area of Aeration Tank 3 could be left in place for the future project. This alternative is estimated to save \$70,000 (based on 1,400 CY of ledge) if the material is left in place. *We recommend deferring a decision on this item until after the bedrock is exposed in this area. While it is attractive to consider this cost saving item, the future Aeration Tank is a likely eventuality and future ledge removal will likely come at a higher cost.*

Recommendations

We recommend the following steps:

- 1) Remove all sludge in the Sludge Storage Lagoon, consistent with the intent of the Lagoon Closure Plan. This work is consistent with the intent of the project, the Town has the funds within the project contingency to implement this work, and the work is considered SRF eligible by NHDES.
- 2) Construct the Lagoon 3 Spoils Area.
- 3) Raise the grades in and around the proposed Snow Dump area to provide space for additional material to remain on-site.

4) Request an AOC time extension from EPA to address the additional excavation and sludge removal.

We have thoroughly reviewed options to resolve the technical, cost and schedule issues associated with unforeseen existing conditions and the associated requirement that all materials removed from the site would be required to go to a landfill for disposal. We feel that the approach recommended herein is in the best interests of the Town and the project. We are requesting Town approval of this approach, as soon as possible so that construction progress is not slowed.

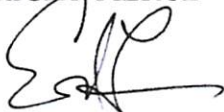
In summary, the following table shows the additional costs associated with the various components as well as the avoided costs associated with the alternatives considered. The avoided costs are based on eliminating the need for landfill disposal of materials that are not “clean backfill”.

Component	Additional Costs	Avoided Costs
Additional overburden	\$476,616	n/a
Additional sludge	\$265,300	See Note 1
Additional material under sludge	\$69,840	n/a
Construct Lagoon 3 spoils area	\$88,626	\$2,100,000
Raise grade under snow dump for additional spoils storage	\$0	\$800,000
Contractors mark-ups	\$35,359	n/a
Total	\$935,741	\$2,900,000

Note 1) Overall the project saved more than \$2,000,000 for sludge removal, testing and disposal costs based on contractor’s costs as compared to the actual market rate of > \$100 per wet ton.

We are available to discuss this with the Town Manager and the Board of Selectmen at your request. In the interim, if you have any questions or need additional information, please contact us.

Very Truly Yours,
WRIGHT-PIERCE



Edward J. Leonard, PE
Project Manager



Richard N. Davee, PE
Vice-President

Attachment

cc: Matt Berube – Town of Exeter

August __, 2017

Ms. Joy Hilton
US Environmental Protection Agency
5 Post Office Square, Suite 100 (OES04-3)
Boston, MA 02109-3912

Subject: Administrative Order on Consent Docket No. 13-010
Request for Schedule Extension

Dear Ms. Hilton:

This letter will serve to request an AOC schedule extension on the subject project. The two reasons for a schedule extension are summarized below.

- 1.) We are in the construction phase of Contract 1 – WWTF Upgrades and are approximately 5.2% through contract price and 11% through contract time (thru July 28). We have recently encountered unforeseen existing conditions related to the amount and location of sludge in the Sludge Storage Lagoon, the overburden material on top of the sludge and the disposition of the overburden and underlying material. The contractor has requested a change order to address the cost and time implications of this unanticipated condition. We have negotiated with the contractor to arrive at total change in cost of \$935,741 and a total change in time of 39 days. The Town is proceeding with the intent of the Lagoon Closure Plan and the construction contract (i.e., “clean closure of the Sludge Storage Lagoon”) to provide the desired environmental benefit. Accordingly, we are requesting a time extension of 46 days on Paragraph IV.A.2 (from April 30, 2019 to June 15, 2019) for substantially completing construction on the AOC-related elements.
- 2.) The above item will also have an impact on the start-up of the new treatment works; however, it is to a lesser extent. Accordingly, we are requesting a time extension of 15 days on Paragraph IV.B.2 (from June 30, 2020 to July 15, 2020) to achieve compliance with the interim limits in Attachment 1a of the AOC.

We appreciate your consideration of our request for this extension. If you have any questions, please contact me.

Sincerely,

Matt Berube
Acting Water and Sewer Managing Engineer

CC: Tracy Wood, PE – NHDES
Dennis Greene, PE – NHDES
Jennifer Perry, PE – Exeter
Edward Leonard, PE – Wright-Pierce

**EXETER, NH - CONTRACT NO. 1 - WWTF UPGRADES
CHANGE ORDER NO. 1 - BACKUP**

Item	Reason	Amount	Notes
1	Lagoon 3 Spoils Area. Lump sum adjustment to the contract to create a spoils burial location for excess soil material generated during the Sludge Storage Lagoon Closure which cannot leave the site due to presence of contaminants above 'background' levels. This item include the top dressing of the area to allow for long-term use as a laydown area by the town.	\$ 88,626.81	CP2, 2 Aug 2017.
2	Additional Overburden and Sludge Removal. Lump sum adjustment to address cost and time implications of excavation, handling and disposal of additional overburden and sludge beyond the limits shown on the Bidding Documents during the Sludge Storage Lagoon Closure. This item include placement of material in the Lagoon 3 spoils area and expanded snow dump.	\$847,115.18	CP3, 21 Aug 2017. Add 39 days to Interim Milestone 3, Substantial Completion and Final Completion dates.

Total \$935,741.99

Engineer has reviewed the costs and find them reasonable for the work.



Apex Construction, Inc.

361 RT 108, Unit 1
Somersworth, NH 03878

(603)330-3600
fax: (603)330-3690

Change Order Worksheet

Project: Exeter WWTF Upgrade Change Proposal No.: 2
 Engineer: Wright-Pierce Date: 2-Aug-17
 RFP Re: NA

Description: construct area in lagoon 3 to allow storage of overburden and other spoil material from site excavations and relocate sludge from lagoon 3 to lagoon 1 to satisfy Bid Item 11 in lieu of pumping

Breakdown of Costs

Subcontracts:

Description	Rate	Unit/Hours	Total
Severino CP1 7/31/17 (without line 203.4*)	\$ 80,960.00	1	\$ 80,960.00
* line 203.4 to be handled through unit price bid item 11			
			\$ -
			\$ -
Total Subcontractor Cost =			\$ 80,960.00

Materials:

Description	Rate	Each	Total
			\$ -
			\$ -
			\$ -
			\$ -
Total Materials Cost =			\$ -

Equipment:

Description	Rate	Hours/Days	Total
			\$ -
			\$ -
			\$ -
			\$ -
Total Equipment Cost =			\$ -

Labor:

Description	Rate	Hours	Total
			\$ -
			\$ -
			\$ -
			\$ -
Total Labor Cost =			\$ -

Other:

Description	Rate	Unit/Hours	Total
Bond & insurance	0.99%	80,960.00	\$ 801.50
other supplemental costs per 00700.13.01.B.5	3.48%	\$ 80,960.00	\$ 2,817.30
			\$ -
Total Other Cost =			\$ 3,618.81
Subtotal of costs =			\$ 84,578.81
Markup on subcontract =			\$ 4,048.00
Markup on materials, equipment, labor =			\$ -
Total =			\$ 88,626.81

Additional time required to complete change in scope: TBD Work Days* added to contract
 * i.e., not calendar days

time addressed in CP3

Town
of
Exeter



Russ Dean <rdean@exeternh.gov>

Request to be on Board Agenda 9/11

Jennifer Perry <jperry@exeternh.gov>

Tue, Aug 22, 2017 at 3:25 PM

To: Russ Dean <rdean@exeternh.gov>, Sheri Riffle <sriffle@exeternh.gov>

Cc: Jay Perkins <jperkins@exeternh.gov>

Hi Russ and Sheri,

Jay and I would like add the following to the Board's agenda for Mon., September 11. Torey Brooks, UNH Civil Engineering Senior and our summer intern, is wrapping up her work on the "Street Tree Inventory: Maintenance & Benefits Plan." We would like her to have the opportunity to present to the Board, and believe it will be beneficial for the Board, too.

Thank you,
Jennifer

--

Jennifer Royce Perry, P.E., Director

Exeter Public Works

13 Newfields Road

Exeter, NH 03833

(603) 773-6157

Enhancing, Preserving Community & Environment

Like us on Facebook!

Memo

To: Russ Dean (Town Manager) and Board of Selectmen
From: James Murray (Health Officer)
Date: 25-AUG-17
Re: Town Ordinance Updates – Chapters 11, 12, 22

Please see below proposed revisions for the Town's Health Ordinances, codified in Chapters 11, 12 and 22 of our Town Ordinances.

Chapter 11:

Page 1:

Addition of 1104 (d) "Removal Notice" to assist in the removal of public health nuisances/litter.
1106 – Addition of "Offensive Matter" section to site RSA's and clarify refuse injurious to public health.

Chapter 12:

Page 4:

1201 - Removal of entire section: Protective Fences around Swimming Pools – to be moved to chapter 22.

1203 – Removal of entire section. Old code from 1979 is no longer applicable as of June 23, 1996. Division of Public Health no longer requires licensing of massage establishments. Practitioners are licensed by the State.

Page 9:

1204.1.01(b). Removal of (1) due to new state poultry/rabbit producer rules

Page 11:

1204.1.01(x), (y), (ac), (ad). Definitions of "poultry" and "rabbit" added per RSA 143-A:14 for the purposes of 1204.13-14.

Page 13:

1204.3.01, 1204.3.01(a) "2009" replaced with "Current FDA" for clarification purposes.
1204.3.01(b)(3) Chapter 8 of FDA Food Code will be used for reference and procedure.
1204.3.01(e) "2009" replaced with FDA, mail instructions omitted – no longer available.

Page 14:

1204.4.01(a)(6)(a) Commissary agreement form added.

Page 15:

1204.4.02(h) 45 days changed to 90 for provisional license inspection time.

Page 16:
1204.4.03(c) updated code references number/letter
1204.4.03(e) added reference to the RSA

Page 22:
1204.4.07 changed from written to "copy of" to accommodate electronic/typed correspondence.

Page 23:
1204.4.10(a) 45 days changed to 30 for consistency with 1204.4.08-09

Page 24:
1204.4.12(a)(3) Clarification of remodeling added.

Page 25:
1204.4.12(d) Clarification of plans for review.

Page 28:
1204.5.01(c)(7) Clarification of "annual"

Page 29:
1204.5.01(f)/(f1) Addition of "digital" form and facility responsibility for digital form.
1204.5.01(h) Clarification of paper or digital.
1204.5.01(j)(2 and 3) Yellow changed to "one to three" priority/critical items, Red changed to "four or more" priority items to clarify standards.

Page 30:
1204.5.02(d) Corrective action plan period extended to 6 months to accommodate large scale modifications.
1204.5.02(e)(1) Clarification of 6 months.

Page 33:
1204.6.02(a)(4-6) 24 hours to 8 hours' notice for fire/disaster. 30 days changed to 10 days to accommodate more sudden changes in ownership. 45 days changed to 30 days to accommodate more sudden changes of location.

Page 34:
1204.6.02(a)(17) Clarification of food protection certified applicant per 2-102.20 in FDA Food Code.

Page 37:
1204.6.03(b/c) changed prohibition period from "3 years" to "up to 3 years."

Page 42:
1204.9.02(e) addition of a written recall procedure requirement.

Page 44:
1204.9.04(g) Clarification food code reference.

Page 45:
1204.10.01(c) "online" added to accommodate sales of products over the internet.

Page 46:
1204.10.02(a)(1) Clarification for the review of products containing potentially hazardous foods.
1204.10.04(b) Clarification of label requirements to include ingredients, weight, food allergen info, and product date code.

Page 47:
1204.10.05 Removal of He-P reference (section no longer exists)

Page 48:
1204.11.01(a)(4) addition of the requirement of a complete list of products.

Page 50:
1204.13 Addition of section to align with state health codes He-P 2300 outlining requirements for poultry and rabbit producers exempt from food service licensure under RSA 143-A:5

Page 52:

1204.14 Addition of section to align with state health codes He-P 2300 outlining requirements for restaurants licensed to sell rabbit or poultry exempt from inspection.

Page 54:

1210 Removal of this section, fines and penalties are specifically outlined within individual chapters.

Chapter 22:

Addition of section 2203: Protective Fences around Swimming Pools.

http://www.exeternh.gov/sites/default/files/fileattachments/boards_committees_and_commissions/meeting/24561/bospk140825.pdf 1104 Littering
The word "litter" means all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description, as per RSA 163-B:2

Per RSA 163-B:3 It shall be unlawful for any person or persons to dump, deposit, throw or leave or cause or permit the dumping, depositing, throwing or leaving of litter on any public or private property, or in or on ice in any waters unless:

- a. Such property is designated for the disposal of such litter, and such person is authorized to use the property;
- b. Such litter is placed into a litter receptacle or container installed on such property;
- e. Such person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare, ~~as per 163-B:3 RSA~~

Per RSA 147:4 Removal Notice: The Health Officer or agent of, may notify the owner or occupant to remove any nuisance/litter as deemed by them, on examination; per RSA 147:3 Investigations and Complaints; to be a nuisance or injurious to the public health. RSA 147:5 and 6- Allows for assistance as necessary for removal. RSA 147:7 and 7-a and 7-b allows for collection of expenses for removal of the nuisance/litter from the owner or occupant.

1104.1 Public Trash Receptacles:

No person, firm or corporation shall dispose of household, business or industrial refuse in any public trash receptacle. Take out food and beverage containers and wrappings are exempt from this section.

1105 Discarded Refrigerators

No person, firm or corporation who owns, controls or has in his custody, a container originally used for refrigeration purposes shall discard same before the lid, or door or doors, have been removed.

1106 Regulations Relative to Collection of Waste and Rubbish

The purpose of this section is to establish reasonable and prudent regulations pertaining to the collection of waste in the Town of Exeter.

Per RSA 147:13 Offensive Matter: If a person shall place, leave, or cause to be placed or left, in or near a highway, street, alley, public place, or wharf or on a private disposal site or shall allow to be exposed unburied, any animal or other

substance liable to become putrid or offensive, or injurious to the public health or deposits garbage or refuse on premises not designated for waste disposal in accordance with RSA 149-M or other provisions of law, such person shall be guilty of a violation, and the health officer shall remove or cause to have removed the same. Nothing in this section shall be construed as affecting authorized collections of garbage or refuse for public dumping facilities.

The Health Officer may employ any of the following as deemed necessary to protect the public health and safety:

RSA 147:3 Investigations and Complaints, RSA 147:4 Removal Notice, RSA 147:5 Assistants; Resistance, RSA 147:6 Removal Without Notice, RSA 147:7, 7-a, 7-b-Expenses, Notice to Owner, and Collection of Nuisance Abatement Costs

1106.1 No person shall deposit or cause to be deposited any refuse or waste, upon the rights-of-way of the Town of Exeter, except that refuse or waste that shall be deposited for collection within the Town right-of-way and confined with a tied official blue plastic bag, in accordance with the following provisions:

- a. Refuse or waste for the purpose of this ordinance shall mean household rubbish, free from hazardous materials (see accepted materials 1100.3);
- b. No blue plastic bag shall have a gross weight of more than forty-five (45) pounds. All bags must be closed and tied, and have "Town of Exeter" imprinted on the side.
- c. Tied official blue plastic bags shall be placed on the outside of the sidewalk as near as practicable to the street edge, no later than 7:00AM of the collection day and no more than 24 hours prior to collection day. Persons placing bags at the curbside more than 24 hours prior to collection day may be issued a summons for littering (Section 1104).
- d. Collections start at 7:00 AM each day, in each collection zone.
- e. There will be no return trips for pick up service.
- f. Upon placement at the street edge of official blue recycling bins, all materials placed and contained in such bins shall become Town property and shall not be removed except by persons authorized by the Town or the individual(s) responsible for placing the recyclable in the bin.

1107 Suspension

Any person, firm or corporation found to be in violation of any section of this Chapter may have their permit suspended for a period not to exceed thirty (30) days.

1107.1 Revocation

Any person, firm or corporation who habitually violates one or more sections of this Chapter may have their permit revoked for such continued violations.

1107.2 Hearing:

Any person, firm or corporation who has been cited under the provisions of Section 1107 or 1107.1 may, within five (5) days, appeal such action to the Board of Selectmen. Upon receipt of any appeal, the Board of shall conduct a hearing on the merits of the incident and uphold or overrule the action.

1110 Penalty

Any person(s), firm or corporation violating any provision of this Chapter or any requirements, rules, regulations or procedures that may from time to time be promulgated by the Board of Selectmen of Exeter shall be guilty of a violation and fined not in excess of one thousand (\$1000) dollars. A separate offense shall be deemed committed upon each day, or part thereof, during or in which a violation occurs or continues.

CHAPTER 12 HEALTH REGULATIONS

1201 Protective Fences around Swimming Pools (*REMOVE THIS SECTION 1201-1201.5 FROM THE HEALTH REGULATIONS –PLACE IN CHAPTER 22 BUILDING AND HOUSING CODE—BOCA BUILDING CODE 623.0 ed. 1991*)

~~1201.1 The declared intent and purpose of this ordinance is to insure the health and safety of the people of the Town of Exeter.~~

~~1201.2 All outdoor artificial pools which have a maximum depth of more than 3 feet when filled to capacity with water shall have a wall, fence or other enclosure having minimum height of 4 feet constructed around the entire pool except elevated pools and surface pools. If the sides of elevated pools and surface pools are higher than 4 feet, then no fence is required.~~

~~1201.3 The wall, fence or enclosure shall be constructed so that children will be unable to crawl or pass through to the pool without first using the gate or door to the pool. All gates shall be locked when the pool is unattended.~~

~~1201.4 All existing pools must comply with these regulations by May 1, 1972.~~

~~1201.5 Penalty~~

~~Any person, firm or corporation violating any provision of 1201 of this code shall be punished by a fine of not more than \$100 for each day the offense continues.~~

1203 Exeter Health Regulations for the Operation of Massage Parlors, Saunas and Other Bath Establishments (*DELETE 1203-1203.12 ENTIRELY—OLD CODE FROM 1979 IS NO LONGER APPLICABLE. AS OF JUNE 23, 1996 THE DIVISION OF PUBLIC HEALTH DOES NOT REQUIRE LICENSING OF MASSAGE ESTABLISHMENTS—MASSAGE PRACTITIONERS ARE LICENSED BY THE STATE*)

~~1203.1 License Requirement~~

~~No firm, corporation or person shall maintain or conduct an establishment for the giving of massages or vapor, pool, shower or other baths for hire or reward or advertise or hold the establishment out as being engaged in the business of massage or giving of such baths without applying for and receiving a license from the Exeter Health Officer.~~

~~1203.2 Application~~

~~The License Application shall be made to the Exeter Health Officer on an application furnished by the Town. The application shall set forth the following information and such other information as the Exeter Health Officer deems necessary in order to maintain the public health.~~

- ~~a. The number of persons employed by the owner at the establishment.~~
- ~~b. The name, address and telephone number of the manager of the establishment and persons giving massages or baths.~~
- ~~c. Such evidence of training and/or experience on the part of the owner or manager in giving massages or baths as the Exeter Health Officer deems necessary.~~
- ~~d. The names, dates of birth and addresses of all corporate stockholders, officers and directors, if the applicant is a corporation. If changes in the above occur prior to the expiration of the license, such changes, together with the requested information shall be reported in written form to the Exeter Health Officer within fourteen (14) days. If ownership of 50% or more of the ownership interest of the applicant is transferred, the license will terminate at such time.~~

~~1203.3 License~~

- ~~a. Each license shall expire 1 year from the date of issuance. An application for renewal must be submitted at least thirty (30) days prior to the expiration date of the current license.~~
- ~~b. No license will be issued to the applicant, if an individual or individuals, or the directors or officers, if a corporation, have been convicted of a felony.~~
- ~~c. No license is transferable.~~
- ~~d. The license must be displayed in a conspicuous location on the premises.~~
- ~~e. No firm, corporation or person shall operate under any name or conduct any business under any designation except that specified in the license.~~
- ~~f. A licensee must notify the Exeter Health Officer prior to any change of address.~~
- ~~g. The annual establishment license fee shall be fifty (\$50) dollars.~~

~~1203.4 Physical Plant~~

~~Any firm, corporation or person maintaining an establishment for giving of massages or vapors, pool shower or other baths for hire or reward must maintain the operation of such plant as follows:~~

- ~~a. It shall be connected to a waste disposal system approved by the Board of Health and New Hampshire Water Supply and Pollution Control Commission, or the municipal sewer.~~

- ~~b. It shall be properly lighted, so that visual observation of the room will be permitted, well ventilated and properly heated.~~
- ~~c. It shall have an adequate supply of hot and cold running water at all times.~~
- ~~d. It shall have Exeter Health Officer approved toilet and washing facilities within the premises readily available to patrons and affording sufficient privacy.~~
- ~~e. It shall have a separation of these facilities used by female patrons from facilities used by male patrons.~~
- ~~f. It shall be maintained in a clean and sanitary manner.~~
- ~~g. It shall have a 12" X 12" minimum sized window located 5 feet to 6 feet above the floor to permit visual observation of each room or enclosure from outside such room or enclosure that is used for massage or bath purposes.~~
- ~~h. It shall have at least one artificial light of not less than 580 lumens in each room or enclosure used for giving massages or baths. Such light shall be lighted at all times that the establishment shall be open for business.~~
- ~~i. It shall have adequate facilities for the cleaning and sterilization of all equipment and supplies.~~
- ~~j. Equipment, devices and instruments shall be sterilized when appropriate. Robes, sheets, blankets, pillow cases, wearing apparel, towels or other materials which may come in contact with the body shall be cleaned or sterilized when appropriate.~~
- ~~k. Water for individual baths shall be changed after use by each patron. Whirlpools for individuals or those accommodating two or more persons simultaneously must have an adequate filtering system approved by the Exeter Health Office.~~
- ~~l. No room shall be used as a bedroom.~~
- ~~m. No liquor or alcoholic beverage, as that term is defined in RSA 175:1, shall be consumed on the premises.~~
- ~~n. No food shall be sold on the premises.~~
- ~~o. The building in which the establishment is located must meet all requirements of local state and federal laws, ordinances and regulations.~~
- ~~p. No establishment shall operate earlier than 9:00 AM or later than 11:00 PM.~~

~~q. The front door will remain unlocked during normal business hours.~~

~~1203.5 Personal License Requirements~~

~~No persons shall practice massage or give baths in an establishment for giving massages, vapors, pool, shower or other baths unless such person meets the following requirements and is issued a license by the Exeter Health Officer for such purposes. Such person shall:~~

- ~~a. be at least eighteen (18) years of age;~~
- ~~b. within forty five (45) days prior to any license application have been examined by a licensed physician and submit to the Exeter Health Officer a certification from such licensed physician that s/he has no communicable disease. Any person practicing massage, or giving baths must submit such certificate to the Exeter Health Officer at least semi-annually;~~
- ~~c. complete an annual application setting forth such other information as the Exeter Health Officer deems necessary;~~
- ~~d. pay an annual license fee of ten (\$10) dollars, which license shall expire one (1) year from date of issuance;~~
- ~~e. submit to additional physical examination, including serological examinations, when the Exeter Health Officer deems that such examinations are necessary.~~

~~1203.6 Inspections~~

- ~~a. The Exeter Health Officer, or its agents, may inspect an establishment at any time that the establishment is open for business or at any other reasonable time.~~

~~1203.7 Restrictions Concerning Massage or Baths~~

- ~~a. No masseurs shall practice on patrons of the opposite sex or give or assist in giving any type of baths to the opposite sex.~~

~~1203.8 Rescission or Suspension of License~~

~~The Exeter Health Officer may suspend or rescind any license granted hereunder for violation of any provision of this regulation or for any other good cause. Any person, firm or corporation may request a hearing within ten (10) days of such suspension or rescission. In such event, the Board of Health shall schedule a hearing which, if the licensee requests, shall be held not later than three (3) days after receipt of the request for such hearing.~~

~~1203.9 Legal Action~~

~~The Exeter Health Officer may seek whatever legal redress s/he deems appropriate in the Courts of the State of New Hampshire in the enforcement of these regulations.~~

~~4203.10 Existing Establishments~~

~~Any person, firm or corporation operating an establishment requiring a license hereunder on the effective date of these regulations shall, within thirty (30) days from such effective date, complete and file an application as required hereunder. The requirements imposed by subsection 4 of these regulations as to the physical plan shall be complied with not later than sixty (60) days from the effective date of these regulations, or the operation of such establishment.~~

~~4203.11 Exceptions and Exclusions~~

- ~~a. Persons excepted: Physicians, physical therapists, school athletic trainers, chiropedists, podiatrists and chiropractors registered or licensed in the State of New Hampshire are excluded. A person registered or licensed as a barber or apprentice, a hairdresser, operator or student under the provisions of New Hampshire Revised Statutes Annotated may practice facial and scalp massage without the herein required license.~~
- ~~b. Other persons excepted: A person licensed to practice massage or conduct an establishment in any other town or city in the State of New Hampshire may, on written orders of a physician, attend patients as specified by the physician in Exeter. The person shall, if requested, submit to the Exeter Health Officer copies of their license from another municipality and the physician's orders.~~
- ~~c. Establishment exceptions: Hospitals, nursing and convalescent homes and other similar licensed institutions where massage and baths may be given are excluded.~~

~~4203.12 Severability Clause~~

~~If any section, paragraph, sentence, clause or phrase of these regulations shall be deemed invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect, and to this end, the provisions of these regulations are hereby declared severable.~~

1204 Sanitary Production & Distribution of Food

~~Be it ordained, by the Board of Selectmen of the Town of Exeter, New Hampshire, that the Town of Exeter adopts the 2005 F.D.A. Food Code, in accordance with R.S.A. 147:1. The Town of Exeter shall adopt all future amendments and revisions to the FDA Food Code. (Approved by the Board of Selectmen June 7, 2010).~~ 1204 shall be revised to show the Sanitary Production & Distribution of Food Ordinance in its entirety as follows.

In accordance with R.S.A. 147:1 the Town of Exeter Board of Selectmen adopt the 2009 *FDA FOOD CODE* in accordance with the *New Hampshire Rules for the Sanitary Production and Distribution of Food He-P 2300*; and all future revisions and amendments.

1204.1(PART He-P 2301) DEFINITIONS

1204.1.01(He-P 2301.01 Definitions.) supplemental list to the FDA FOOD CODE DEFINITIONS

(a) "Applicant" means the owner of a food establishment or an officer of the legal ownership who applies for a license under these rules.

(b) "Approved source" means food that has been inspected by a federal, state, or local agency that has the authority, responsibility, and the technical ability to evaluate food for safety in protection of the public health; ~~(1) Poultry that is exempt from federal inspection under the Poultry Products Inspection Act 21 USC 464(c) (4) shall not be considered to be from an approved source. (See 1204.13 – 1204.14)~~

(c) "Bed and breakfast" means a type of food service establishment that is a transient lodging facility, which is the owner's or innkeeper's personal residence, is occupied by the owner or innkeeper at the time of rental to an in-house guest, and in which breakfast is the only meal served.

(d) "Beverage" means "beverage" as defined in RSA 143:9.

(e) "Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer or the employee is withdrawn. The term "bulk food" does not include fresh whole fruits or fresh whole vegetables.

(f) "Caterer" means a person or entity which provides meals or food at private functions at off-site locations.

(g) "Change of ownership" means any time a controlling interest in a sole proprietorship, joint venture, partnership, corporation, limited liability company, or any other kind of entity is transferred to another sole proprietor, joint venture, partnership, corporation, limited liability company or any other kind of entity.

(h) "Commissioner" means the commissioner of the New Hampshire department of health and human services, or his or her designee.

(i) "Continental breakfast" means a light breakfast that may include coffee, tea, juices, toasts, breakfast cereals, assorted pastries, and uncut fruit.

(j) "Corrective action plan (CAP)" means a plan developed and written by the licensee, which specifies the actions that will be taken to correct identified deficiencies.

(k) "Department" means the Exeter Health Department.

(l) "Food" means "food" as defined in RSA 143-A:3, III.

(m) "Food establishment" means "food service establishment" as defined in RSA 143-A:3, IV, and "retail food store" as defined in RSA 143-A:3, VII. "Temporary food service" as defined in RSA 143-A:3, VIII.

(n) "Food processing plant" means a type of food service establishment that is a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale and distribution to other business entities such as other food establishments. Food processing plants shall not include an operation that processes food under the oversight of NH Department of Agriculture for RSA's 426,427, 428,429, and 434

(o) "Food service establishment" means "food service establishment" as defined in RSA 143-A:3, IV.

(p) "Foodborne disease outbreak" means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a common food.

(q) "Homestead" means "homestead" as defined in RSA 143-A:12, which is a type of food service establishment. The Town of Exeter allows only home food manufacturers who prepare and package non-potentially hazardous foods (foods that do not need time/temperature control).

(r) "Immediately endangers public health or safety" means that a condition exists that is an imminent health hazard.

(s) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.

(t) "License" means the document issued by the department or other regulatory agency, which authorizes a license holder to operate a food establishment.

(u) "License holder" means the entity legally responsible for the operation of a licensed food establishment, including, but not limited to, the owner, the owner's agent, or other person.

(v) "Mobile food unit" means a food service establishment mounted on wheels or otherwise designed to be immediately moveable.

(w) "Person in charge" means the individual present at a food establishment who is responsible for the operation of the establishment at the time of inspection, including the duties described in section 2-103.11 of the FOOD CODE, and who can demonstrate the knowledge required by section 2-1-2.11 of the FOOD CODE with are pertinent to the risks inherent to the specific food establishment.

(x) "Poultry" means "poultry" as defined in RSA 143-A:14, III. (For the purposes of 1204.13-14)

(y) "Poultry producer" means "poultry producer" as defined in RSA 143-A:14, IV. (For the purposes of 1204.13-14)

(z) "Priority item" means a provision of the Food Code, marked with a superscript P, whose application contributes directly to the elimination, prevention, or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.(critical violation)

(aa) "Public water system" means a public water system as defined in RSA 485:1-a.

(ab) "Pushcart" means a type of food service establishment that is a non-self propelled vehicle limited to serving non-time/temperature control for safety foods, packaged time/temperature control for safety foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

(ac) "Rabbit" means "rabbit" as defined in RSA 143-A:14, VI. (For the purposes of 1204.13-14)

(ad) "Rabbit producer" means "rabbit producer" as defined in RSA 143-A:14, VII (For the purposes of 1204.13-14)

(ae) "Regulatory authority" means the local, state or federal enforcement body having jurisdiction over the food establishment. The Town of Exeter Health Department is the "regulatory authority" for the Town of Exeter.

(af) "Remodeled" means having undertaken construction, which includes, but is not limited to, adding new seats, adding a food preparation area, or any construction affecting the kitchen or any other part of a food establishment that requires a plumbing modification.

(ag) "Retail food store" means "retail food store" as defined in RSA 143-A:3, VII.

(ah) "Risk Control Plan" means a plan developed and written by the licensee as a part of a CAP, which specifies the actions that will be taken to correct the uncontrolled hazards that were identified at inspection, and a repeat problem, known to contribute to foodborne illness (uncontrolled hazards include the occurrence of any risk factor or lack of public health interventions as described in the FOOD CODE)

(ai) "Servicing area" means an operating base location to which a mobile food unit or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(aj) "Sewage" means "sewage" as defined in RSA 485-A:2, X, namely "the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present."

(ak) "Soup kitchen" means a food service establishment operated by a charitable organization including religious societies and fraternal organizations organized pursuant to RSA 292, RSA 306, and RSA 418, that prepares and serves meals to the poor without charge.

(al) "Time/temperature control for safety (TCS) food" means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. This term is also known as "potentially hazardous food."
(Letters changed due to addition of (x), (y), (ac), (ad).)

1204.2(PART He-P 2302) LICENSE REQUIRED

1204.2.01(He-P 2302.01 License Required.) Unless exempted under RSA 143-A:5, RSA 143-A:5-a, or 1204.2.02(He-P 2302.02), no person shall operate a food establishment within the town of Exeter, New Hampshire without obtaining a license from the Town of Exeter Health Department

1204.2.02 Soup Kitchens Exempt from Licensure. In accordance with RSA 143-A:5-a, soup kitchens shall be exempt from licensure by the department provided:

(a) They do not charge for meals; and

(b) They submit to the Exeter Health Department a written notice which:

- (1) Identifies the name and address of the person operating the soup kitchen;
- (2) Identifies the clientele served by the soup kitchen;
- (3) Lists the hours the soup kitchen will operate; and
- (4) Provides a description of the food to be served.

1204.3(PART He-P 2303) INCORPORATION OF THE 2009 CURRENT F.D.A. FOOD CODE

1204.3.01(He-P 2303.01) Incorporation of the 2009 Current F.D.A. Food Code.

(a) All licensees shall comply with the U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration, Food Code's 2009 most current edition, henceforth known as the Food Code, as amended in (b) below, unless exempted in (c) or (d) below.

(b) The following amendments shall apply to the document incorporated:

- (1) Amend section 3-201.11(A) so that (A) reads as follows: "Food shall be obtained from sources that comply with the law, except that the exemption under the Poultry Products Inspection Act at USC 464c)(4) shall not apply in New Hampshire";
- (2) Delete section 3-201.16
- (3) Delete Chapter 8 used for reference and procedure

(c) Those food establishments applying for or licensed as bed and breakfasts shall comply with the Food Code. However, the exceptions to the Food Code listed in 1204.8.02(He-P 2308.02) shall apply.

(d) Those food establishments applying for or licensed as food processing plants or homesteads shall be exempt from the requirements of the Food Code, and shall instead comply with the requirements in 1204.9(He-P 2309) and 1204.10(He-P 2310), respectively.

(e) The 2009 F.D.A. Food Code is available on the web at <http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/FoodCode2009/> or via mail from the United States Department of Commerce, National Technical Information Service, 5301 Shawnee Road, Alexandria, VA 22312 (refer to report number PB2009112613).

1204.4(PART He-P 2304) APPLICATION AND LICENSING PROCEDURE

1204.4.01(He-P 2304.01) Initial License Application Requirements.

(a) Each applicant for a license shall submit the following to the department:

(1) A completed application form entitled "Application for Annual Food Service License", "Application for Annual Food Processing Plant License", "Application for Annual Homestead License", or "Application for Annual Mobile Food Unit License", as applicable, signed and dated by the applicant or the person who represents the applicant certifying the following:

"I certify that all information provided in or attached to this application is complete, accurate and up-to-date as of the date specified below. I further certify that there are no willful misrepresentations of the answers to questions herein, and that I have made no omissions with respect to any of my answers to the questions presented. I understand that it is my responsibility to immediately notify the Exeter Health Department with regard to any changes, corrections or updates to the information provided.";

(2) A check or money order for the applicable fees, in accordance with 1204.4.05(a) and (c) (He-P 2304.05(a) and (c));

(3) Water system documentation, in accordance with 1204.4.06(He-P 2304.06);

(4) Wastewater system documentation, in accordance with 1204.4.07(He-P 2304.07), except that food establishments applying to be licensed as a bed and breakfast or a homestead shall not be required to submit such documentation;

(5) A completed "Plan Review Application", signed and dated by the applicant or the person who represents the applicant, if required by 1204.4.12(a) (He-P 2304.12(a)), and if not already submitted for review, except that food establishments applying to be licensed as a bed and breakfast, homestead, shall not be required to submit such an application;

(6) If the application is for a mobile food unit which uses a servicing area, one of the following:

a. Commissary (service area) agreement form.

b. A copy of the food establishment license, from the appropriate regulatory authority, of the facility being used as a servicing area; or

c. A separate license application for the facility to be used as a servicing area; and

d. All other items as required listed in this section (a)

(Letters changed due to addition of new "a.")

(7) A HACCP plan if required by 1204.4.13(He-P 2304.13).

(b) The applicant shall mail or hand-deliver the documents to:

Exeter Health Department
20 Court St
Exeter, NH 03833
603-773-6132

1204.4.02(He-P 2304.02) Processing of Initial Applications and Issuance of Licenses.

- (a) Applications shall be processed in accordance with RSA 541-A:29.
- (b) An application for an initial license shall be complete when the department determines that all items required by 1204.01.(a)(He-P 2304.01(a)) have been received.
- (c) If an application does not contain all the items required by 1204.4.01(a)(He-P 2304.01(a)), the department shall:
 - (1) Not process that application; and
 - (2) Notify the applicant in writing of which items are required to be submitted before the application can be processed.
- (d) Any licensing fee submitted to the department in the form of a check or money order and returned to the Town for any reason shall be processed in accordance with RSA 6:11-a.
- (e) Licensing fees shall not be transferable to any other application(s).
- (f) Following an inspection, conducted pursuant to RSA 143:4 and in accordance with 1204.5 (He-P 2305), a provisional license shall be issued if the department determines that an applicant is in full compliance with RSA 143, RSA 143-A, and these rules.
- (g) Pursuant to RSA 143-A:6, I:
 - (1) A provisional license shall expire 90 days after the date of issuance; and
 - (2) If a license is not issued following the expiration of a provisional license, the food establishment shall cease operation the day after the provisional license expires and not operate until a license is obtained.
- (h) If, within 45 90 days of issuance of a provisional license the department conducts an inspection in accordance with 1204.5 (He-P 2305) and determines

that an applicant is in full compliance with RSA 143, RSA 143-A, and these rules, the department shall issue to the applicant a license valid for a time period of one year following the date of issuance of the provisional license.

(i) All licenses and provisional licenses issued in accordance with RSA 143-A shall be issued for a specific license classification and category under 1204.4.04(He-P 2304.04).

(j) License holders shall operate in accordance with the class of license issued.

(k) All licenses and provisional licenses issued in accordance with RSA 143-A shall be non-transferable by person or location.

(l) Licenses shall be posted at all times in an area of the food establishment that is conspicuous to patrons.

1204.4.03(He-P 2304.03) License Expirations and Procedures for Renewals.

(a) All licenses issued shall be valid for one year following the date of issuance, or one year following the date of issuance of a provisional license, as applicable.

(b) Each licensee shall apply to renew their license via an application form pursuant to 1204.4.01(a)(1) (He-P 2304.01(a)(1)) at least 30 days prior to the expiration of the current license.

(c) The licensee shall submit with the renewal application:

(1) The materials required by 1204.4.01(a)(1),(2), and ~~(3)~~ (4) (He-P 2304.01~~(a)~~(b)(1), (2), and (3)); and

(2) A request for renewal of any existing variances previously granted by the department, in accordance with 1204.14 (He-P 2304.14), if applicable.

(d) A license shall be renewed if the department determines that the licensee:

(1) Submitted an application containing all the items required by (c) above, as applicable, at least 30 days prior to the expiration of the current license;

(2) Has submitted a CAP that has been accepted by the department and implemented by the licensee if deficiencies were cited at the last licensing inspection; and

(3) Is found to be in compliance with RSA 143, RSA 143-A, and 1204/FDA Food Code/He-P 2300 at a renewal inspection, as applicable.

(e) If a license holder fails to submit a complete application for renewal as required under (b) and (c) above, the food establishment shall cease operation the day after the license expires, and shall not operate until a license is obtained in accordance with RSA 143-A.

(f) Any food establishment wishing to submit an application for a renewal license whose previous license has been expired in excess of 90 days shall apply in accordance with the requirements of an initial license in 1204.4.01 (He-P 2304.01).

1204.4.04(He-P 2304.04) License Classes.

(a) For the purpose of licensure, food establishments shall be divided into the following classes:

(1) Class A which shall include:

a. Category A-1, food processing plants which commercially process 100,000 packages of food or more, per year;

b. Category A-2, food service establishments with 200 or more indoor seats; or

c. Category A-3, retail food stores with 4 or more food preparation areas;

(2) Class B which shall include:

a. Category B-1, retail food stores with 2 to 3 food preparation areas; or

b. Category B-2, food service establishments with 100 to 199 indoor seats;

(3) Class C which shall include:

a. Category C-1, retail food stores with one food preparation area, including, but not limited to, an area for cutting cheese or fudge;

b. Category C-2, caterers serving food off-site;

c. Category C-3, food service establishments with 25 to 99 indoor seats;

d. Category C-4, bars/lounges with a food preparation area, excluding areas used for preparing garnish such as limes and lemons; or

e. Category C-5, food processing plants which commercially process less than 100,000 packages of food per year;

- (4) Class D, which shall include:
 - a. Category D-1, food service establishments with 0 to 24 indoor seats, including, but not limited to, bakeries;
 - b. Category D-2, mobile food units which cook or prepare food;
 - c. Category D-3, retail food stores that allow self-service of food, including, but not limited to, coffee, hot dogs, or soft drinks;
 - d. Category D-4, servicing areas;
- (5) Class E which shall include:
 - a. Category E-1, bed and breakfasts;
 - b. Category E-2, lodging facilities serving continental breakfasts; or
 - c. Category E-3, ice cream vendors who scoop ice cream;
- (6) Class F which shall include:
 - a. Category F-1, home delivery services of packaged frozen food;
 - b. Category F-2, pushcarts and other mobile food units, including, but not limited to, those serving packaged food and non-TCS/PHF unwrapped foods only;
 - c. Category F-3, retail food stores with no food preparation areas;
 - d. Category F-4, wholesalers/distributors of TCS/PHF food;
 - e. Category F-5, on-site vending machines, which serve TCS/PHF food;
 - f. Category F-6, bakeries which do not serve TCS/PHF food and have no seats;
 - g. Category F-7, Level 2 homestead-sells products at farmers' markets, farm stands, residents, retail food stores, on-line;
- (7) Class G shall include:
 - a. Category G-1, bars/lounges without a food preparation area;
 - b. Category G-2, sellers of pre-packaged frozen meat or poultry that is processed in a USDA –inspected plant;

- c. Category G-3, canteen/theater concessions serving non-TCS food;
- d. Category G-4, ice cream vendors/retail food stores serving pre-packaged ice cream;
- e. Category G-5, institutions whose food service is operated by a private, for-profit business, including but not limited to schools/public and private, colleges, hospitals, long term care facilities, fraternities and sororities;
- f. Category G-6, food processing plants that package non-TCS(PHF) bulk food;

(8) Class H, Category H-1, shall include:

- a. Category H-1, level 1 homesteads-homestead that sells products only at farmers' markets, farm stands, or residences;
- b. Senior meal sites;
- c. Institutions who prepare their own food, including but not limited to schools/public and private, colleges, hospitals, long term care facilities, fraternities and sororities

(b) When a food establishment operates more than one type of business, the higher class shall determine the class of license, with Class A being the highest.

(c) When a food establishment has an additional food processing business, each shall be licensed separately, requiring separate applications and separate fees.

(d) When a hospital or school offers food to the general public in addition to its population, then the license class shall be determined by the number of seats the food service establishment has.

1204.4.05(He-P 2304.05) Fees.

(a) For each class of license requested, the applicant shall pay the following annual fees:

- (1) Class A: \$875;
- (2) Class B: \$450;
- (3) Class C: \$350;

- (4) Class D: \$225;
- (5) Class E: \$175;
- (6) Class F: \$150;
- (7) Class G: \$100;
- (8) Class H: \$50

(b) Licensees shall be charged up to, and shall pay up to \$100 for each inspection conducted after the second inspection conducted in any licensing period, except that the inspections conducted during the provisional license period shall not be included in this count.

(c) An applicant or licensee shall pay a fee of \$25 for each plan review submitted under 1204.4.12(He-P 2304.12).

(d) All fees shall be non-transferable and non-refundable.

(e) Payment of any fee to the department shall meet the following requirements:

- (1) Payment shall be made in the form of check or money order made payable to the "Town of Exeter, Health Dept." in the exact amount due;
- (2) Money order or certified check shall be required when an applicant or licensee has issued payment to the department by check, and such check was returned for insufficient funds; and
- (3) Any payment made to the department by check which is returned for insufficient funds, and which an individual, applicant, or licensee has not made good by submitting a money order or certified check within 2 business days of notification by the department, including any penalty assessment allowed by RSA 6:11-a, shall be grounds for denial of the license.

1204.4.06(He-P 2304.06) Water System Requirements.

(a) Food establishments which own and operate their own public water systems, as defined by RSA 485:1-a, XV, shall indicate, as part of their application for a license, the Public Water System (PWS) identification number which has been assigned by the New Hampshire department of environmental services (DES).

(b) For an application to be approved, food establishments which own and operate their public water systems regulated by DES shall:

(1) Be in compliance with all applicable water quality standards and monitoring and reporting requirements of Env-Dw 717 or successor rules in Subtitle Env-Dw; or

(2) Be in compliance with the requested actions in a letter of deficiency, or the required actions of an administrative order, issued by DES and established to obtain compliance with the regulations cited in (1) above.

(c) Food establishments which are classified as public water systems, as defined by RSA 485:1-a, XV, but whose water system infrastructure is owned by another party, shall indicate, as part of their application for a license, the PWS identification number which has been assigned by DES.

For an application under this paragraph to be approved, the owner of the water system infrastructure shall:

(1) Be in compliance with all applicable water quality standards and monitoring and reporting requirements of Env-Dw 717 or successor rules in Env-Dw; or

(2) Be in compliance with the requested actions in a letter of deficiency, or the required actions of an administrative order, issued by the DES and established to obtain compliance with the regulations cited in (1) above.

(d) Food establishments which purchase their water from other public water systems, as defined by RSA 485:1-a, XV, and therefore do not fall under (a) above, shall indicate this information on the application.

(e) Food establishments which do not fall under (a) through (d) above, and are instead served by a water source other than a public water system, shall submit with the initial and renewal application the written results of a laboratory analysis of the water intended for use, which tests the level of the following:

(1) Bacteria;

(2) Nitrates; and

(3) Nitrites.

(f) The analyses required by (e) above shall be conducted not more than 6 months prior to the date of the application by a laboratory accredited by DES to perform such tests in accordance with Env-C 300.

(g) For an application to be approved, the results of the water analysis shall be as follows:

(1) The bacteria test required under (e) above shall not exceed the maximum contaminant level (MCL) for drinking water prescribed by Env-Dw 700 and

(2) The nitrate and nitrite tests required under (e) above shall not exceed the MCL for drinking water prescribed by Env-Dw 700 for those 2 contaminants.

1204.4.07(He-P 2304.07) Wastewater System Requirements.

(a) Food establishments which discharge their wastewater to either public or private wastewater systems which hold either a state surface water discharge permit or a groundwater discharge permit issued by the New Hampshire department of environmental services (DES), shall indicate this information on the application.

(b) Food establishments which do not discharge their wastewater as described in (a) above shall submit, as part of their application, one of the following:

(1) Both:

a. A copy of the construction approval for the sewage or waste disposal system that indicates that the system is sufficient in capacity to serve the subject food establishment issued by DES in accordance with RSA 485-A:29 and Env-Wq 1000; and

b. A ~~written~~ copy of a statement signed by the applicant containing the following language: "I certify that there has been no increase in the loading on the wastewater system which would cause an exceedance of the capacity of the system approved by the NH department of environmental services under the provisions of Env-Wq 1000;" or

(2) A written statement signed by the applicant containing the following language: "I certify that the private sewage or waste disposal system serving this food establishment was constructed prior to 1971 and is presently not in failure. I further certify that I have not been notified by either the NH department of environmental services or the local health officer that the system serving this food establishment is in violation of any state or local statute, administrative rule, ordinance or bylaw."

(c) If there is no increase in the loading of the waste disposal system serving the food establishments in (b) above, and the applicant is unable to produce the documentation required, the department shall inform DES that the applicant has not complied with (b)(1) above. In this case, the requirement of (b)(1) above shall be waived.

(d) Any increase in seating capacity in a licensed food establishment which has a private wastewater system shall comply with Env-Wq 1000.

1204.4.08(He-P 2304.08) Change in Ownership of a Food Establishment.

(a) When there is a change of ownership of a food establishment, the new owner shall submit the items required for initial license applicants under 1204.4.01 (He-P 2304.01) to the department at least 30 days prior to the change of ownership.

(b) Upon receipt and processing of the items required by (a) above, and after an inspection conducted in accordance with 1204.5 (He-P 2305) which shall also determine compliance with Chapters 4, 5, and 6 of the Food Code, the department shall issue a provisional license reflecting the change in ownership.

(c) The issuance of a provisional license due to a change in ownership shall void the license of the previous owner on the date the change of ownership occurs.

1204.4.09(He-P 2304.09) Change in Name of a Food Establishment.

(a) When a license holder intends to change the name of a food establishment, that license holder shall submit a written request to the department for a new license at least 30 days prior to the intended date of change in name.

(b) The written request shall include:

- (1) The reason for requesting a new license;
- (2) The name of the food establishment as it appears on the existing license;
- (3) The name of the food establishment as the license holder requests it to appear on the new license; and
- (4) The date upon which the change in name is intended to occur.

(c) Following receipt of the items required by (b) above, the department shall issue a revised license reflecting the change in name. The establishment number and expiration date shall remain the same as it was on the immediately preceding license.

1204.4.10(He-P 2304.10) Change in Location of a Food Establishment.

(a) When there is a change of location of a food establishment, the license holder shall submit the items required for initial license applicants and plan review under 1204.4.01 (He-P 2304.01) to the department at least 45 30 days prior to the change of location.

(Changed to remain consistent with 1204.4.08-09)

(b) Upon receipt and processing of the items required under (a) above, and after an inspection conducted in accordance with 1204.5 (He-P 2305), the department shall issue a provisional license reflecting the change of location.

(c) The issuance of a provisional license due to a change in location shall void the previous license on the date the change of location occurs.

(d) This section shall not apply to mobile food units, pushcarts or vehicles used to sell retail food.

1204.4.11(He-P 2304.11) Change in License Class.

(a) A license holder wishing to request an upgrade to a higher-level class of license listed in 1204.4.04 (He-P 2304.04) shall:

- (1) Be treated as an applicant for a new license; and
- (2) Apply for a new license in accordance with 1204.4.01 (He-P 2304.01).

(b) The issuance of a provisional license due to an upgrade in license class shall void the previous license on the date the upgrade occurs.

(c) A license holder wishing to request a downgrade to a lower level class of license listed in 1204.4.04 (He-P 2304.04) shall submit a written request for downgrade to the department.

(d) The written request in (c) above shall include:

- (1) The reason for requesting a downgrade; and
- (2) The date upon which the downgrade is intended to occur.

(e) Following receipt of the request under (c) above the licensee shall be issued a revised license reflecting the downgrade in class of license. The establishment number and expiration date shall remain the same as it was on the immediately preceding license.

1204.4.12(He-P 2304.12) Submission of Plans and Specifications for New or Remodeled Food Establishments.

(a) An applicant or license holder shall complete and submit a "Plan Review Application" to the department for review and approval at least 45 days prior to:

- (1) Constructing a new food establishment; mobile or pushcart unit;
- (2) Converting an existing structure for use as a food establishment;

- (3) Remodeling a food establishment which may include but is not limited to the addition of seats, service, and lavatories; or
 - (4) Relocating a food establishment when the relocation also involves (1), (2), or (3) above.
- (b) Homesteads, and bed and breakfasts shall be exempt from submitting a plan review application.
- (c) An applicant or licensee shall pay a fee of \$25, for each plan review application submitted.
- (d) The department shall review plans for construction, renovation or structural alterations of a food establishment for compliance with all applicable sections of RSA 143, RSA 143-A, and Town 1204(He-P 2300) and notify the applicant or licensee as to whether the plan complies with these requirements. Plan includes but is not limited to – menu, HACCP/Variance as needed, floor plan to scale, location of all equipment with specifications, locations of food prep, storage, refrigeration, sinks, lavatories, seating, etc.

1204.4.13(He-P 2304.13) Hazard Analysis and Critical Control Point (HACCP) Plan Requirements.

- (a) The following applicants or licensees shall submit to the department a complete HACCP plan for approval prior to engaging in an activity that requires such a plan; such as but not limited to:
- (1) Food processing plants;
 - (2) Any food establishment engaging in an activity that requires a variance as specified under Food Code subparagraph 3-401.11(D)(3), § 3-502.11, or ¶ 4-204.110 (B);
 - (3) Any food establishment engaging in a food preparation or processing method that the department determines requires a variance, based on the submission of plans and specifications in accordance with 1204.4.12(He-P 2304.12), an inspection finding, or a variance request; and
 - (4) Any food establishment engaging in an activity specified under Food Code § 3-502.11 and 3-502.12.
 - (5) Any food establishment which is required to have a HACCP plan by law.
- (b) A complete HACCP plan shall include the following:

- (1) A categorization of the types of TCS foods that are specified in the menu
- (2) A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 - a. Ingredients, materials, and equipment used in the preparation of that food; and
 - b. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- (3) Food employee and supervisory training plan that addresses the food safety issues of concern;
- (4) A statement of standard operating procedures for the plan under consideration including clearly identifying:
 - a. Each critical control point;
 - b. The critical limits for each critical control point;
 - c. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;
 - d. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;
 - e. Action to be taken by the person in charge if the critical limits for each critical control point are not met; and
 - f. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and
- (5) Additional scientific data or other information, as needed by the department to make its determination under (c) below, supporting the determination that food safety is not compromised by the proposal.

(c) The department shall review HACCP plans for compliance with all applicable sections of RSA 143, 143-A, and Town 1204(He-P 2300) and notify the applicant or licensee as to whether the plan complies with these requirements.

1204.4.14(He-P 2304.14) Variiances.

(a) Applicants or license holders seeking variiances from specific rules or Food Code items shall submit a "Variance Request" to the:

Exeter Health Department
20 Court St
Exeter, NH 03833
603-773-6132

(b) The variance request shall include:

- (1) Specific reference to the rule or Food Code item for which a variance is being sought;
- (2) Full explanation of why a variance is necessary;
- (3) Full explanation of alternatives proposed by the applicant or license holder, which shall be equally as protective of public health as the rule or Food Code item from which a variance is sought; and
- (4) A HACCP plan if required under 1204.4.13(He-P 2304.13).

(c) The department shall approve a request for variance if:

- (1) The department concludes that authorizing deviation from strict compliance with the rule or Food Code item from which a variance is sought does not contradict the intent of the rule or Food Code item; and
- (2) The alternative proposed by the applicant or license holder ensures that the objective or intent of the rule or Food Code item from which a variance is sought will be accomplished.
- (3) An approved variance may not be applicable if there is a change in class and/or menu item(s) change.

(d) If a variance is approved, the license holder's subsequent compliance with the alternatives approved in the variance shall be considered equivalent to complying with the rule or Food Code item from which a variance was sought.

(e) A variance shall be approved for one year or until the expiration of the current license or unless specified by the department. The variance is not transferable.

(f) No request for a variance concerning the rules of other state agencies which are referred to in this chapter shall be approved.

1204.4.15(He P 2304.15) Trade Secrets and Confidentiality.

(a) The department shall treat as confidential, in accordance with RSA 350-B, information that meets the criteria specified in RSA 350-B for a trade secret and is

contained on inspection report forms, in the plans and specifications submitted as specified under 1204.4.12(He P 2304.12), and in any HACCP plans submitted.

(b) Consumer complaints received regarding illness or sanitation of a food establishment shall have their name, address, and phone number or other identifying information of the individual making the complaint maintained as confidential and such information shall not be released without written permission of the complainant.

1204.5(PART He-P 2305) INSPECTIONS AND COMPLIANCE

1204.5.01(He-P 2305.01) Inspections.

(a) For the purpose of determining compliance with RSA 143, RSA 143-A, and Town 1204(He-P 2300), as authorized by RSA 143:4 and RSA 143-A:6, II, the applicant or licensee shall admit and allow any department representative at any time to enter and inspect the following:

- (1) The licensed food establishment, including any mobile food units or vehicles used by the licensee for the transportation or retail sale of food; and
- (2) Any records required by RSA 143-A and Town 1204(He-P 2300), or pertaining to food and supplies purchased and distributed by the food establishment.

(b) At the time of inspection, or upon request, the applicant or licensee shall provide the department with the following:

- (1) A list of persons employed; and
- (2) Samples of food for bacteriological, chemical, and physical examination.

(c) The department shall conduct an inspection to determine full compliance with RSA 143, RSA 143-A, and Town 1204(He-P 2300), prior to:

- (1) The issuance of a provisional license;
- (2) The issuance of a full license;
- (3) A change in ownership;
- (4) A change in the licensee's physical location;
- (5) An upgrade in the license class;

- (6) Occupation of space after construction, renovations or structural alterations; or
 - (7) The annual renewal of a license.
- (d) In addition to (c) above, the department shall conduct an inspection:
- (1) Whenever the department has reason to believe a condition exists that places the food establishment in non-compliance with RSA 143, RSA 143-A, or Town 1204(He-P 2300); and
 - (2) As necessary to verify compliance with any corrective action plan (CAP) and/or Risk Control Plan accepted by the department as part of an inspection.
- (e) The applicant, owner, or person in charge shall be present at time of inspection.
- (f) Upon completion of the inspection, the department shall complete a written or digital inspection report in accordance with Food Code Annex 7, Form 3-A and Guide 3-B, or in the case of food processing plants and homesteads a "Food Processing Plant Inspection Report".
- (1) It is the responsibility of the facility to download a digital inspection sent via email.
- (g) The inspection report shall contain:
- (1) Specific factual observations of deficiencies which violate Town 1204(He-P 2300) and/or the Food Code and which require correction; and
 - (2) For all food establishments except food processing plants, a color designation, described in (i) below, based on the results of the inspection findings.
- (h) The applicant, owner, or person in charge shall acknowledge receipt of the inspection report by signing the inspection report (paper copy or digital).
- (i) Color Score Designation shall be as follows:
- (1) Green if there are no priority item violations identified at the time of the inspection (no priority/critical = no further action)
 - (2) Yellow if there are one to three priority/critical item violations and/or *repeat violations* at the time of inspection; (priority/critical item will trigger a follow-up inspection)

- (3) Red if it is determined that an imminent health hazard exists at the time of the inspection, there are four or more priority/critical item violations, or if the food establishment is found to be operating without a current, valid license. (follow-up inspection triggered *and closure of facility possible*)

1204.5.02(He-P 2305.02) Correction of Deficiencies Identified During an Inspection.

(a) All deficiencies identified in the inspection report shall be corrected at the time of inspection, as practicable.

(b) For all food establishments except food processing plants and homesteads, if a priority item violation and/or a priority foundation violation is found during an inspection and cannot be corrected immediately and permanently in the presence of the inspector, the applicant or licensee shall:

(1) Agree to temporarily correct the priority item violation and to permanently correct it in a specified time frame, not to exceed 10 calendar days after the inspection; or

(2) Complete a CAP in the presence of the inspector in accordance with 1204.5.03 (He-P 2305.03) Repeat violations of the same code # violation will be placed in a corrective action plan, or a Risk Control Plan for repeat risk factor violations and lack of proper public health interventions

(c) For all food establishments except food processing plants and homesteads, if a violation of any items in Chapter 4, 5, or 6 of the FOOD CODE is found during an inspection for an initial license or change of ownership license, and it cannot be corrected immediately in the presence of the inspector, the applicant or licensee shall:

(1) Agree to temporarily correct the deficiency and to permanently correct it in a specified time frame, not to exceed 10 calendar days after the inspection; or

(2) Complete a CAP in the presence of the inspector in accordance with 1204.5.03 (He-P 2305.03).

(d) All core items shall be corrected in a timely manner a CAP *may be* completed and accepted by the inspector); not to exceed a 6 month period for corrective action.

(e) For food processing plants and homesteads, if any violation is found during an inspection and cannot be corrected immediately and permanently in the presence of the inspector, the applicant or licensee shall:

- (1) Agree to temporarily correct the violation and to permanently correct it in a specified time frame—
Priority items not to exceed 10 calendars days after the inspection
Priority foundation items not to exceed 10 calendar days after the inspection
Core items shall be corrected in a timely manner, not to exceed ~~90-days~~ 6 months.
- (2) A CAP may be completed for a core item violation or a priority foundation item, at the discretion of the inspector

1204.5.03(He-P 2305.03) Corrective Action Plan.

(a) When a deficiency identified in the inspection report cannot be corrected either immediately and permanently in the presence of the inspector or permanently within 10 calendar days after the inspection, pursuant to 1204.5.02(b), (c),(d), or (e) (He-P 2305.02(b), (c), or (d)), the licensee shall complete, date, and sign, at the time of inspection, a Corrective Action Plan form provided by the inspector, including:

- (1) How the licensee intends to correct each deficiency;
- (2) The date by which each deficiency shall be corrected; and
- (3) What measures will be put in place to ensure that the deficiency does not recur.

(b) The department shall review and accept each CAP that:

- (1) Achieves compliance with RSA 143, RSA 143-A, and Town 1204(He-P 2300);
- (2) Addresses all deficiencies and deficient practices as cited in the inspection report;
- (3) Prevents a new violation of RSA 143, RSA 143-A, or Town 1204(He-P 2300) as a result of the implementation of the CAP; and
- (4) Specifies the date upon which the deficiencies will be corrected.

(c) The department shall verify the implementation of any CAP that has been accepted by:

- (1) Reviewing materials submitted by the licensee;
- (2) Conducting a follow-up inspection; or

(3) Reviewing compliance during a renewal inspection.

(d) If the department finds the licensee to be out of compliance with the CAP by the specified completion date at the time of the next inspection, the department shall:

(1) Impose applicable fines, in accordance with 1204.6.02(a)(13) (He-P 2306.02(a)(13));

(2) Revoke the license in accordance with 1204.6.03(a)(7) (He-P 2306.03(a)(7)); and

(3) Deny the application for a renewal of a license, as applicable, in accordance with 1204.4.03(d)(2) (He-P 2304.03(d)(2)).

1204.5.04 RISK CONTROL PLAN AS PART OF THE CAP 1204.5.03(a)-(d)

(a) The Risk Control Plan will be indicated for repeat violations of the:

(1) 5 CDC Risk Factors: improper holding temperatures; inadequate cooking; contaminated equipment; food from unsafe sources; and poor personal hygiene and/or

(2) 5 Key Public Health Interventions: demonstration of knowledge; employee health; controlling hands as a vehicle of contamination; time and temperature parameters for controlling pathogens; and consumer advisory

(b) The Risk Control Plan will identify the risk factors, the uncontrolled process step or CCP, the hazard, the critical limit and the corrective action when the critical limits are not met: to establish active managerial control of the identified uncontrolled/repeat hazards.

(c) The Risk Control Plan delineates what needs to be controlled and how it will be controlled, along with necessary records and responsible personnel. It should also indicate what training is necessary.

1204.6(PART He-P 2306) ENFORCEMENT ACTIONS

1204.6.01(He-P 2306.01) Enforcement Actions and Notice of Right to Appeal.

(a) The department shall impose enforcement actions for violations of RSA 143, RSA 143-A, or Town 1204(He-P 2300), including the following:

- (1) Imposing fines upon an applicant, licensee, or unlicensed individual;
 - (2) Denying a license application;
 - (3) Revoking a license; or
 - (4) Immediately closing the food establishment.
- (b) When imposing a fine, denying a license application, or revoking a license, the department shall send to the applicant or licensee a written notice that sets forth:
- (1) The action to be taken by the department;
 - (2) The reasons for the action, including the identification of each deficiency as applicable; and
 - (3) The right of the applicant or licensee to request a hearing in accordance with RSA 541-A, He-C 200, and 1204.6.04 (He-P 2306.04) prior to the enforcement action becoming final.
- (c) No ongoing enforcement action shall preclude the imposition of any remedy available to the department under RSA 143, RSA 143-A, RSA 541-A:30, III, or Town 1204(He-P 2300).

1204.6.02(He-P 2306.02) Administrative Fines.

- (a) The department shall impose fines as follows:
- (1) For providing false or misleading information on or with an application, in violation of 1204.4.01(a) (He-P 2304.01(a)), 1204.11.01(a) (He-P 2311.01(a)), or 1204.4.12(a) (He-P 2304.12(a)), the fine shall be \$1,000;
 - (2) For failure to operate a food establishment only in the manner in which licensed to do so, in violation of 1204.4.02(j) (He-P 2304.02(j)), the fine shall be \$500;
 - (3) For failure to cooperate during an inspection of a food establishment, including but not limited to failing to allow department representatives or inspectors to inspect food establishment premises, vehicles, and records at all times, in violation of 1204.5.01 (He-P 2305.01), the fine shall be \$2,000;
 - (4) For failure to notify the department by telephone within 24 8 hours of any fire or other disaster that jeopardizes the safety or sanitation of food provided in food establishments, in violation of 1204.6.06(a) (He-P 2306.06(a)), the fine shall be \$250;

- (5) For failure to notify the department pursuant to 1204.4.08(a) (He-P 2304.08(a)) at least ~~30~~ 10 days prior to a food establishment ownership change, the fine shall be \$500;
- (6) For failure to notify the department pursuant to 1204.4.10(a) (He-P 2304.10(a)) at least ~~45~~ 30 days prior to the change of location of a food establishment, the fine shall be \$500;
- (7) For failure to submit a plan for review as required in 1204.4.12(a) (He-P 2304.12(a)), the fine shall be \$300;
- (8) For failure to discard food as required by Food Code 3-701.11, and in the manner instructed to do so by the department, the fine shall be \$500;
- (9) For failure to cease operation upon notification by the department to do so, the fine shall be \$1000. Each day that a license holder fails to cease operation shall be considered a separate offense subject to an additional \$500 fine;
- (10) For failure to cease operation after a license has expired, when an application has been denied, or when a license has been revoked, the fine shall be \$1,000. Each day that a license holder fails to cease operation shall be considered a separate offense subject to an additional \$500 fine;
- (11) For a violation of the same priority item on more than 2 consecutive inspections, the fine shall be \$500;
- (12) For failure to pay an administrative fine within 30 days of its imposition, or within 30 days of the decision to uphold the imposition of a fine that was appealed, the fine shall be \$500. Each day until the expiration of the current license, that a license holder fails to pay such a fine shall be considered a separate offense subject to an additional \$500 fine;
- (13) For a failure to comply with any CAP or Risk Control Plan that has been accepted by the department, the fine shall be \$500;
- (14) For operation of a food service establishment without obtaining a food service license, as required by RSA 143-A:4, the fine shall be \$1,000. Each day that a food establishment operates without a license shall be considered a separate offense subject to an additional \$500 fine;
- (15) For failure to submit a HACCP plan for review if required by the department in accordance with 1204.4.13 (He-P 2304.13), the fine shall be \$500;

(16) For failure to display a valid license, in accordance with 1204.4.02(l) (He-P 2304.02(l)), the fine shall be \$200;

(17) For failure of an a food protection certified applicant, owner, or person in charge to be present at the time of inspection and demonstrate the knowledge required by section 2-102.11 and certification by section 2-102.20 of the Food Code which are pertinent to the risks inherent to the specific food establishment, in violation of 1204.5.01(e) ((He-P 2305.01(e)), the fine shall be \$250; and

(18) For violating a variance approved in accordance with 1204.4.14 (He-P 2304.14), the fine shall be \$500.

(19) For failure to submit a timely renewal application, in violation of He-P 2304.03(b), the fine shall be \$75;

(20) For failure of an exempt or non-exempt homestead food operation to label products in accordance with He-P 2310.01(d) or He-P 2311.04, the fine shall be \$250 per product line;

(21) For failure of a poultry producer or a rabbit producer to comply with training requirements of He-P 2313.02, the fine shall be \$500;

(22) For failure to cooperate during an outbreak investigation in violation of He-P 2313.01, the fine shall be \$500;

(23) For failure to maintain files, for at least 90 days, on the receipt of purchase of uninspected poultry or uninspected rabbits in accordance with RSA 143-A:15, II, the fine shall be \$500; and

(24) For failure to correctly label a menu relative to the sale of uninspected, poultry or uninspected rabbits in accordance with He-P 2314(c), the fine shall be \$500.

(b) Each day that an individual or licensee continues to be in violation of the provisions of RSA 143, RSA 143-A, or Town 1204(He-P 2300) shall constitute a separate violation and shall be fined in accordance with this section.

(c) Payment of any imposed fine to the department shall meet the following requirements:

(1) Payment shall be made in the form of check or money order made payable to the "Town of Exeter" in the exact amount due;

(2) Money order, or certified check shall be required when an applicant or licensee has issued payment to the department by check, and such check was returned for insufficient funds; and

(3) Any payment made to the department by check which is returned for insufficient funds, and which an individual, applicant, or licensee has not made good by submitting money order or certified check within 2 business days of notification by the department, including any penalty assessment allowed by RSA 6:11-a, shall be grounds for revocation of the license.

1204.6.03(He-P 2306.03) Denial or Revocation of a License.

(a) The department shall deny an application or revoke a license if:

(1) The operation of the licensed establishment immediately endangers public health or safety;

(2) An applicant or licensee has failed to pay any applicable fee in accordance with 1204.4.05 (He-P 2304.05) or any administrative fine imposed under 1204.6.02 (He-P 2306.02) or any other court authorized sanction or fee;

(3) An applicant or a licensee has had a check returned to the department for insufficient funds and has not re-submitted the outstanding fee and additional charges in the form of money order or certified check within 2 business days of notification by the department;

(4) After being notified of and given an opportunity to supply missing information, an applicant or licensee fails to submit an application that meets the requirements of 1204.4.02(c) (He-P 2304.02(c));

(5) An applicant, licensee or any representative or employee of the applicant or licensee:

a. Provides false or misleading information to the department;

b. Prevents or interferes, or fails to cooperate with any inspection or investigation conducted by the department; or

c. Fails to provide, upon request, information or documents to the department;

(6) There is a deficiency identified in the inspection report and the applicant or licensee does not either correct it or complete a CAP in accordance with 1204.5.02(b) or (c) (He-P 2305.02(b) or (c));

- (7) The licensee fails to implement or continue to implement a CAP that has been accepted by the department in accordance with 1204.5.03(d) (He-P 2305.03(d));
 - (8) The licensee is cited 2 or more times under RSA 143, RSA 143-A, or Town 1204(He-P 2300) for the same critical/priority violation within the last 12 months or the last 5 inspections;
 - (9) A licensee has had a license revoked and submits an application during the 3-year prohibition period specified in (b) below; and
 - (10) A food establishment fails to implement an approved HACCP plan in accordance with 1204.4.13 (He-P 2304.13);
- (b) When a food establishment's license has been denied or revoked, the applicant or licensee ~~shall~~ may be prohibited from reapplying for a food establishment license for up to 3 years at a different location, if the enforcement action pertained to their role in the food establishment.
- (c) The ~~3-year~~ prohibition period referenced in (b) above shall begin on:
- (1) The date of the department's decision to revoke or deny the license, if no request for an administrative hearing is requested or if the request is withdrawn; or
 - (2) The date a final decision upholding the action of the department is issued, if a request for a hearing is made and a hearing is held.
- (d) Notwithstanding (b) and (c) above, the department may consider an application submitted after the decision to revoke or deny becomes final, if the applicant provides proof that circumstances have changed and that the applicant has obtained the requisite degree of knowledge, skills and resources necessary to maintain compliance with the provisions of RSA 143, RSA 143-A, and Town 1204(He-P 2300).
- (e) Reapplication for a license after revocation, pursuant to RSA 143-A:6, I, shall require submission of:
- (1) A written application for a license to the department, completed in accordance with 1204.4.01 (He-P 2304.01);
 - (2) A corrective action plan, completed in accordance with 1204.5.03 (He-P 2305.03); and

(3) Written proof that subsequent to the revocation, the person in charge has taken and passed a food safety class that meets the standards of The Conference for Food Protection.

1204.6.04(He-P 2306.04) Request for an Administrative Hearing.

(a) An applicant or licensee shall have 10 calendar days after receipt of the notice of an enforcement action to request in writing a hearing to contest the action.

(b) If a written request for a hearing is not received pursuant to (a) above, the applicant or licensee waives his right to a hearing and the action of the department shall become final.

(c) Hearings under this section shall be conducted in accordance with RSA 541-A and He-C 200.

(d) For administrative fines, the fines shall be paid to the department no later than 30 days from the receipt of the notice, unless a hearing has been requested.

1204.6.05(He-P 2306.05) Effect of Denial of License Application, Revocation of License, or Expired License.

(a) Any applicant who has been denied a license or renewal license shall not operate or shall cease operation of the food establishment for which the license or renewal license was denied within 10 calendar days after receipt of the denial notice, unless a timely appeal is submitted.

(b) If a license is revoked by the department, the food establishment shall cease operation of the food establishment within 10 calendar days after receipt of the revocation notice, unless a timely appeal is submitted.

(c) If a food establishment is subject to immediate closure as defined in RSA 143:5-a, the food establishment shall immediately cease operation pending reinspection and pursuant to the adjudicative proceedings provisions of RSA 541-A.

(d) If a license expires without a timely application for renewal having been made, the food establishment shall immediately cease operation of the food establishment.

1204.6.06(He-P 2306.06) Closure.

(a) A licensee shall immediately discontinue operations and notify the department at 603-773-6132, or if at night or during weekends at 603-772-1212, if an imminent health hazard may exist because of an emergency such as, but not limited to:

- (1) Interruption of water service that lasts for 2 or more hours;
- (2) Whenever a drinking water sample is found to have E.coli bacteria or exceed the MCL for nitrates or nitrites described by 1204.4.06(f) (He-P 2304.06(f));
- (3) A failed sewer system or a sewage backup into the food establishment;
- (4) Interruption of electrical service for 2 or more hours;
- (5) A fire affecting a food establishment;
- (6) Flooding in a food establishment;
- (7) Chemical exposure in a food establishment;
- (8) Any other natural disaster or catastrophic event that could result in contamination of the food supply;
- (9) An employee has been found to be infected with a communicable disease as described in Food Code subparagraph 2-201.11 (A)(2); or
- (10) Any other severe unsanitary conditions that threaten to contaminate the food establishment and its food supply.

(b) A licensee shall not be required to discontinue operations in an area of the food establishment that is unaffected by the imminent health hazard.

(c) If operations are discontinued as specified in (a) above, the licensee shall obtain approval from the department before resuming operations.

(d) The department shall approve the resumption of operations if the imminent health hazard no longer exists or the licensee has offered a plan to mitigate all threats to health and safety

(e) The failure to include other violations, practices, circumstances, or events in this section shall not be construed as a determination that other violations, practices, circumstances, or events are not or shall not be considered an imminent health hazard.

(f) The ~~commissioner's~~(Exeter Health Department's) order of an immediate closure of a food establishment shall be in accordance with the provisions of RSA 143:5-a.

1204.7(PART He-P 2307) EMPLOYEE HEALTH

1204.7.01(He-P 2307.01) Suspected or Confirmed Foodborne Disease Outbreaks.

(a) Pursuant to RSA 141-C:9, II, during a suspected or confirmed foodborne disease outbreak, as determined by the department, all food employees in the implicated food establishment shall submit biological specimens upon department request.

(b) During a suspected or confirmed foodborne disease outbreak, as determined by the department, any food employee who has had any of the symptoms specified in Food Code subparagraph 2-201.11 (A)(1) within the previous 2 weeks shall be excluded from work until the appropriate biological specimens requested by the department under RSA 141-C:9, II, are submitted and found to be negative.

1204.7.02(He-P 2307.02) Reporting by the Person in Charge.

(a) The person in charge shall notify the department as well as the state department's bureau of communicable disease control at 603-271-4496, or if at night or during weekends at 603-271-5300; the person in charge will also notify the Exeter Health Department at 603-773-6132, of a food employee, or a person who applies for a job as a food employee, who is diagnosed with, or suspected of having, an illness or condition specified in Food Code subparagraph 2-201.11 (B), including:

- (1) Jaundiced;
- (2) Norovirus;
- (3) Hepatitis A virus;
- (4) Shigella spp.;
- (5) Enterohemorrhagic or shiga toxin-producing Escherichia coli; or
- (6) Salmonella Typhi.

(b) The person in charge shall report infectious and communicable disease as required by He-P 301 Communicable Disease rules, as applicable.

1204.8(PART He-P 2308) SPECIAL REQUIREMENTS FOR BED AND BREAKFAST FACILITIES

1204.8.01(He-P 2308.01) Application Requirements. Food service establishments applying for a license as a bed and breakfast facility shall comply with all of the application requirements of 1204.4.01 (He-P 2304.01), except that they shall not be required to submit a plan review application as required under 1204.4.01(a)(5)

(He-P 2304.01(a)(5)) and wastewater items as required under 1204.4.01(a)(4) (He-P 2304.01(a)(4) and 1204.4.07(He-P 2304.07).

1204.8.02(He-P 2308.02) Basic Requirements. A bed and breakfast facility shall comply with 1204.2 through 1204.7 (He-P 2302 through He-P 2307), however the following exceptions to the Food Code shall apply:

- (a) Commercial equipment shall not be required;
- (b) The kitchen shall be equipped with either:
 - (1) A 2-compartment sink; or
 - (2) A residential model dish machine and a one-compartment sink;
- (c) A sink used for food preparation shall not be required to be equipped with an indirect waste line;
- (d) A backflow device shall not be required for kitchen sinks provided with a spray hose;
- (e) Coved base at the juncture of the floor and wall shall not be required;
- (f) Only those bathrooms which open directly into the kitchen or into any hallway leading into the kitchen shall be required to have self-closing doors and mechanical ventilation;
- (g) The kitchen shall not be required to be separated from any living area or sleeping area by complete partitioning or solid, self-closing doors; and
- (h) Laundry facilities shall:
 - (1) Be allowed in the kitchen; and
 - (2) Not be used during processing, preparing, serving, or packaging of foods related to the business.

1204.8.03(He-P 2308.03) Sanitization. Dishes, utensils, and food contact equipment and surfaces shall undergo sanitization as required in Food Code 4-703.11, except that sanitization, if done in the 2 compartment sink, shall occur in the second compartment after the dishes, utensils, and food contact equipment have been rinsed with clean water.

1204.9(PART He-P 2309) SPECIAL REQUIREMENTS FOR FOOD PROCESSING PLANTS

1204.9.01(He-P 2309.01) Application Requirements. Food service establishments applying for a license as a food processing plant shall:

- (a) Comply with all of the application requirements described in 1204.4.01 (He-P 2304.01);
- (b) Submit with their application a list of all food products to be produced in the food processing plant; and
- (c) Submit a HACCP plan as part of the application as required by 1204.4.13 (He-P 2304.13).
- (d) Submit a finished product label with date code.

1204.9.02(He-P 2309.02) Basic Requirements. Food processing plants shall:

- (a) Provide an updated list of food products to the department whenever new products are added;
- (b) If thermally processing and packaging low-acid foods in hermetically sealed containers, comply with applicable federal regulations under the Code of Federal Regulations in 21 CFR 113 and 21 CFR 110;
- (c) If processing acidified foods, comply with applicable federal regulations under Code of Federal Regulations in 21 CFR 114 and 21 CFR 110; and
- (d) Maintain production records and distribution records of all products produced.
- (e) Provide a written recall procedure.

1204.9.03(He-P 2309.03) Food Processing Plant Standards.

- (a) Those food establishments licensed as food processing plants shall be exempt from the requirements of the Food Code and shall instead comply with the requirements in this section.
- (b) All food shall be from an approved source-as defined 1204.1.01(b)(1)(2)(3)
- (c) All food products shall be stored in original containers. If food products are removed from the original container, they shall be stored in labeled and closed containers. Containers shall be of a material that will not cause the food to become adulterated.
- (d) All food shall be in sound condition, free from spoilage, filth, or other contamination, and shall be safe for human consumption.

- (e) All TCS food shall be refrigerated at 41°F or lower, or held at 135°F or higher, to control bacterial growth.
- (f) Food storage facilities shall be kept clean and located to protect food from unsanitary conditions or contamination from any source at all times.
- (g) The floors, walls, ceilings, utensils, machinery, equipment, and supplies in the food preparation area and all vehicles used in the transportation of food shall be kept thoroughly clean.
- (h) All food contact surfaces shall be kept clean and undergo sanitization as frequently as necessary to protect against contamination of food—maximum 4 hour intervals
- (i) All food contact surfaces shall be non-toxic, easy to clean, smooth, nonabsorbent, and free of cracks or open seams. Sanitation shall comply with applicable federal regulations under the Code of Federal Regulations in 21 CFR:110.
- (j) All food shall be protected against insects and rodents at all times. Outside doors, windows, and other openings shall be fitted with screens and self-closing doors, if not otherwise protected. No dogs, cats, or other pets shall be allowed in the room where food is prepared or stored.
- (k) All garbage and refuse shall be kept in containers and removed from the premises regularly to prevent insects and rodents, offensive odors, or health or fire hazards. Garbage and refuse containers shall be durable, easy to clean, insect- and rodent-resistant, and of material that neither leaks nor absorbs liquid.
- (l) Employees shall be free from contagious or communicable diseases, sores, or infected wounds, and shall keep their hair covered and restrained.
- (m) Employees shall keep themselves and their clothing clean. Hands shall be washed as frequently as necessary to maintain good sanitation.
- (n) Employees shall not smoke while handling or preparing food or in food preparation or storage areas.
- (o) All establishments shall have an adequate supply of hot and cold potable water under pressure from an approved source.
- (p) All establishments shall have toilet facilities, which do not open directly into food processing areas, equipped with a hand washing lavatory, complete with hot and cold potable water under pressure and hand soap. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near the hand-washing facility.

- (q) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service, and single-use articles.
- (r) Hand sinks shall be conveniently located to all food processing areas.
- (s) Adequate lighting shall be provided where food is stored, processed, or examined
- (t) Adequate ventilation shall be provided to eliminate objectionable odors and vapors, including steam and constructed in such a manner as to avoid possible contamination.
- (u) Food processing plants shall comply with all provisions of the state plumbing code as included as part of the state building code defined in RSA 155-A:1, IV, as amended by the Building Code Review Board pursuant to RSA 155-A:10, V.

1204.9.04(He-P 2309.04) Labeling of All Packaged Foods. All packaged food shall bear a label showing:

- (a) The common or usual name of the product;
- (b) The name and address of the manufacturer's, packer's, or distributor's business which shall:
 - (1) In the case of an individual, partnership, or association be the name under which the business is conducted;
 - (2) In the case of a corporation, be the name of the parent corporation; or
 - (3) Where the food is not processed by the person whose name appears on the label, the name on the label shall be qualified by a phrase which reveals the connection such a person has with the food, including but not limited to, "Manufactured for _____", "Distributed by _____", or any other wording which expresses the facts;
- (c) The ingredients in descending order of predominance by weight; and
- (d) The net weight, volume, or numerical count in both U.S. customary and metric; and
- (e) A product code which includes date of manufacture, container size, and product lot or batch number to aid in a recall of product in case of a public health hazard; and
- (f) Allergen information ie; WHEAT, SOY

(g) Directions as needed; reheat, refrigerate, cook in accordance with section 3-201.11 Ref. CFR of the food code.

1204.9.05(He-P 2309.05) Recall Procedure.

(a) The food processing plant shall develop and maintain on file a written procedure for the recall of their product, including procedures for the notification of the department and consumers and the removal of the product from commerce.

(b) Production and distribution records shall be used to enable location of products if a recall is initiated.

(c) A food processing plant shall recall any product which the food processing plant or the department knows or has reason to believe might adversely affect the health and safety of the public.

(d) A food processing plant that knows that the standard of quality has been violated or has reason to believe that circumstances exist which might adversely affect the safety of the product shall notify the department within 24 hours of learning of the violation or circumstances.

(e) Circumstances in (d) requiring notification shall include, but are not limited to, source contamination, spills, accidents, natural disasters, or breakdowns in treatment processes.

(f) If the department determines that the circumstances present an imminent health hazard and that consumer notification and/or product recall can significantly minimize the threat to health and safety of the public, the department shall advise the food processing plant to initiate a product recall.

(g) In cases of a product recall, the food processing plant shall disseminate notification of the recall to all wholesale and retail outlets to which the product was distributed.

(h) If directed by the department, the food processing plant shall issue notification to consumers who might be affected by the recall using such methods, including the media, as will assure timely notification to the consumers.

1204.10 SPECIAL REQUIREMENTS FOR LEVEL ONE AND LEVEL TWO
HOMESTEADS PRODUCING FOOD IN A RESIDENTIAL NON
COMMERCIAL KITCHEN

1204.10.01 Application Requirements.

(a) Food service establishments applying for a license as a level one or level two homestead shall comply with all of the application requirements of 1204.2.04 (He-P 2302.04) except that they shall not be required to submit the plan review application required under 1204.4.01(a)(5) (He-P 2304.01(a)(5)) and wastewater items required under 1204.4.01(a)(4) (He-P 2304.01(a)(4)) and 1204.4.07(He-P 2304.07).

(b) Level One Homestead license holder-offers product only at a farm stand, farmers' market or from the holder's residence/Class H-1 license

(c) Level Two Homestead license holder-may offer product to other food establishments and retail food stores, as well as farmers markets, farm stands, online, or license holder's residence/Class D-4 license

(d) Finished product label

1204.10.02(He-P 2310.02) Approved Products. Only the following food products shall be produced and sold from a homestead:

(a) Baked items, including, but not limited to, breads, rolls, muffins, cookies, brownies, and cakes;

(1) Baked goods integrated with fruits or vegetables (i.e. banana bread, zucchini bread) or other similar baked items require a process review.

(b) Double-crust fruit pies;

(c) Candy and fudge;

(d) Packaged dry products, which include, but are not limited to, spices and herbs;

(e) Acid foods, including, but not limited to, vinegars and mustards; and

(f) Jams and jellies-process review required(1204.10.06/He-P 2301.05)

1204.10.03(He-P 2310.03) Prohibited Products. License holders producing food in a homestead shall not produce or sell TCS food, including any food which requires refrigeration.

1204.10.04(He-P 2310.04) Basic Requirements.

(a) Homesteads shall comply with all requirements of Town 1204.9.04(He-P 2309.04) and 1204.9.05(He-P 2309.05) regarding labeling of products and recall of products respectively.

(b) Homesteads shall label each product with the following statement: "This product is made in a residential kitchen". Labels shall contain ingredients list in order, Name and address for identification, as ~~(a) above~~ all ingredients in descending order by weight, net volume weight or count, food allergen information, and product date code.

(c) Level Two Homesteads selling to retail shall also submit:

- (1) Copies of all finished product labels
- (2) A list of sources of all ingredients to be used
- (3) A flow chart describing the manufacturing steps for each product to be made
- (4) A description of how each product is packaged; and
- (5) A description of the records that are maintained during production including but not limited to temperatures and pH readings, where applicable

1204.10.05(~~He-P 2310.06~~) Homestead Standards.

He-P 2310.06 no longer exists

(a) Those food establishments licensed as homesteads shall be exempt from the requirements of the Food Code, and shall instead comply with the requirements of 1204.9.03(He-P 2309.03) and the requirements in this section.

(b) Commercial equipment shall not be required.

(c) The kitchen shall be equipped with either:

- (1) A 2-compartment sink; or
- (2) A residential model dish machine and a one-compartment sink.

(d) A sink used for food preparation shall not be required to be equipped with an indirect waste line.

(e) A backflow device shall not be required for kitchen sinks provided with a spray hose.

(f) Coved base at the juncture of the floor and wall shall not be required.

(g) Only those bathrooms which open directly into the kitchen or into any hallway leading into the kitchen shall be required to have self-closing doors and mechanical ventilation.

(h) The kitchen shall not be required to be separated from any living area or sleeping area by complete partitioning or solid, self-closing doors.

(i) Laundry facilities shall:

- (1) Be allowed in the kitchen; and
- (2) Not be used during processing, preparing, serving, or packaging of foods related to the business.

1204.10.06(He-P 2310.05) Process Review Required

(a) Level One or Level Two homesteads producing foods listed in 1204.10.02(f) that do not use recipes approved by the National Center for Home Food Preservation shall comply with the following:

- (1) A process review shall be conducted by a food processing authority on each product prior to its being produced by the license holder. If the food processing authority declares in writing that there are no biological concerns with the food after evaluating the scheduled process, the food shall be allowed to be produced;
- (2) License holders shall keep records of all pHs on file and available for review by the regulatory authority upon request;
- (3) A process review shall be conducted for a product that has been previously tested if the ingredients are altered or the process changes;
- (4) License applicants shall submit process review documentation with the license application in accordance with Town 1204.10.01;
- (5) License holders shall keep all process review information on file and available for review by the regulatory authority upon request.

1204.11(PART He-P 2312) OUT-OF-STATE FOOD PRODUCERS IN RESIDENTIAL, NON-COMMERCIAL KITCHENS

1204.11.01(He-P 2312.01) Registration of Out-of-State Producers in Residential, Non-Commercial Kitchens.

(a) All applicants registering their products in accordance with RSA 143:29 shall submit the following to the department:

- (1) A completed "Application for Registration of Out-of-State Producers in Residential, Non-Commercial Kitchens" (OSPAPP, 01-01-11);
- (2) One of the following:

- a. A copy of a sanitary inspection conducted within the previous 12 months by the regulatory authority with jurisdiction;
- b. A letter from the regulatory authority confirming compliance with local regulations; or
- c. A health certificate for the facility issued within the previous 12 months; and

(3) A fee in the amount of \$25, pursuant to RSA 143:29, payable by check or money order, in the exact amount of the fee made payable to the "Town of Exeter".

(4) A complete list of the products manufactured.

1204.11.02(He-P 2312.02) Processing of Registrations.

(a) The registration application required by 1204.11.01(He-P 2312.01) shall be processed in accordance with RSA 541-A:29.

(b) If the registration application does not contain all of the items required by 1204.11.01(He-P 2312.01), the department shall:

(1) Not process the registration application; and

(2) Notify the registrant in writing that all required items shall be submitted within 30 days in order for the registration application to be processed.

(c) If all the items required by 1204.11.01(He-P 2312.01) are received, the application shall be deemed to be complete.

1204.11.03(He-P 2312.03) Registration Issuance and Duration.

(a) A registration shall be issued if the registration application meets the requirements of 1204.11.01(He-P 2312.01).

(b) All registrations shall remain in effect until the first day of January of the year following issuance unless revoked prior to that date.

(c) Registrations shall not be transferable with respect to persons or locations.

1204.11.04(He-P 2312.04) Denial of Registration Applications. The department shall deny a registration application when the application submitted is incomplete and any information requested in accordance with 1204.11.02(b) ((He-P 2312.02(b)) is not provided.

1204.11.05(He-P 2312.05) Renewal of Registrations.

(a) Registration applications for renewal of registrations shall be completed as required in 1204.11.01(He-P 2312.01).

(b) There shall be no fee for renewal of registrations.

(d) Registration renewal applications shall be processed and issued or denied in accordance with 1204.11.02(He-P 2312.02) through 1204.11.04(He-P 2312.04).

1204.12 TEMPORARY FOOD SERVICE EVENT PERMIT REQUIREMENTS

RSA143-A:3 VIII "Temporary food service establishment means any food service establishment which operates at a fixed location for a temporary period of time not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering"

The event may be held indoors or outdoors. Vendor types may include, but not limited to one selling or offering any prepared, prepackaged potentially hazardous or non-hazardous foods, as well as cooking.

The *Coordinator* of the event must submit a completed *Coordinator's Application* at least one month prior to the event to the Exeter Health Department.

All *vendors* must submit a completed *Temporary Food Service Application* at least 14 days prior to the event to the Exeter Health Department.

Applications not received in the Health Department by the deadline date will not be considered for permitting.

Vendor and event requirements may include, but not limited to the following; having a current food service license, commissary agreement, foods from an approved source, hand wash station, ground covering, overhead protection, food thermometers, sanitize solution, hot/cold hold equipment, single service customer items, extra utensils, disposable gloves, garbage and trash disposal. This is not a complete listing.

The Health Department may impose additional requirements to protect against a health hazard related to the conduct of the temporary food service establishment, prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may modify requirements of the regulations when warranted.

1204.13 (PART He-P 2313) POULTRY PRODUCERS AND RABBIT PRODUCERS SELLING POULTRY AND RABBITS TO RESTAURANTS LICENSED UNDER RSA 143-A

1204.13.01 (He-P 2313.01) Requirements for Poultry Producers and Rabbit Producers to Sell to Restaurants Licensed Under RSA 143-A.

Poultry producers and rabbit producers who are exempt from food service licensure under RSA 143-A:5, VIII, but who sell to restaurants licensed under RSA 143-A shall:

- (a) Register with the NH department of agriculture, markets, and food;
- (b) Complete an education course meeting the requirements of He-P 2313.02 at a minimum of every 5 years;
- (c) Maintain production records showing that no more than 1,000 whole poultry or 1,000 rabbits are offered to restaurants within a calendar year;
- (d) Label each poultry and rabbit with the following information:
 - (1) The name of the producer;
 - (2) The address of the producer;
 - (3) The date of slaughter of the poultry or rabbit; and
 - (4) Safe handling instructions as stated in the Food Code Section 3-201.11(F); and
- (e) Provide information to the department during an investigation of a foodborne illness outbreak linked to any poultry or rabbits supplied by the producer.
- (f) Prior to selling poultry or rabbit to restaurants, poultry and rabbit producers who are exempt and meet the requirements of this section shall obtain documentation from the NH department of agriculture, markets, and food that shows:
 - (1) Registration with NH department of agriculture, markets, and food; and
 - (2) Completion of the education course as set forth in He-P 2313.02 below.
- (g) Documentation obtained in (f) shall be presented to any licensed restaurant to demonstrate that the producer has met the requirements of RSA 143-A:16, RSA 143-A:17 and these rules.

1204.13.02 (He-P 2313.02) Education Requirements for Poultry Producers and Rabbit Producers Exempt from Food Service Licensure.

(a) Producers shall complete department approved training, offered by UNH Cooperative Extension or another training program which includes training in required slaughtering, processing, packaging, handling, labeling, transportation practices, and any other specific requirements for producers set forth in RSA 143-A:14-16.

(b) Producers shall complete the training in (a) above every 5 years.

(c) A producer shall provide proof of successful completion of the required training to the department of agriculture, markets and food with its registration.

(d) At a minimum, one individual involved in the producer's, operations shall obtain the required training.

(e) The producer shall maintain records of the completed training.

Source. #10867, eff 6-25-15

1204.14 (PART He-P 2314) REQUIREMENTS FOR RESTAURANTS LICENSED TO SELL RABBIT OR POULTRY EXEMPT FROM INSPECTION

He-P 2314.01 Requirements for Restaurants Licensed Under RSA 143-A to Sell Rabbit or Poultry That are Exempt from Inspection Pursuant to RSA 143-A:15.

(a) Restaurants shall only offer uninspected poultry or rabbits from poultry producers or rabbit producers that meet the requirements of He-P 2313.

(b) Restaurants shall maintain receipts of purchase of uninspected poultry or uninspected rabbits for 90 days, which include the following information:

(1) The date of purchase;

(2) The name of the poultry producer or rabbit producer;

(3) The address of the producer; and

(4) The phone number of the producer.

(c) The restaurant shall label any menu item containing uninspected poultry or uninspected rabbits in font at least 10 point, and in a color that provides clear contrast to the background, and which states the following: "This product has been raised and processed on a New Hampshire farm and is exempt from state and federal inspection."

APPENDIX

RULE	STATUTE RULE IMPLEMENTS
He-P 2301.01	RSA 143-A; RSA 143-A:3
He-P 2302.01	RSA 143-A:4; RSA 143-A:5; RSA 143-A:12, II
He-P 2302.02	RSA 143-A:5-a
He-P 2303.01	RSA 143-A:9, V
He-P 2304.01	RSA 143-A:6, I, V
He-P 2304.02	RSA 143-A:4, II; RSA 143-A:6, I-V
He-P 2304.03	RSA 143-A:6, I-V
He-P 2304.04	RSA 143-A:9, I; RSA 143-A:12, II
He-P 2304.05	RSA 143-A:6, V; RSA 143-A:9, I-a; RSA 143-A:13, V
He-P 2304.06	RSA 143:3; RSA 143-A:9, V
He-P 2304.07	RSA 143:3; RSA 143-A:9, V
He-P 2304.08	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.09	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.10	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.11	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.12	RSA 143-A:9, V
He-P 2304.13	RSA 143-A:9, V
He-P 2304.14	RSA 143-A:9, V
He P 2304.15	RSA 143-A:9, V
He-P 2305.01	RSA 143:4; RSA 143-A:6
He-P 2305.02	RSA 143:4; RSA 143-A:6
He-P 2305.03	RSA 143:4; RSA 143-A:6
He-P 2306.01	RSA 143:5-a; RSA 143-A:6; RSA 143-A:7; RSA 143-A:9-a, I
He-P 2306.02	RSA 143:7-a; RSA 143-A:10-a
He-P 2306.03	RSA 143-A:6; RSA 143-A:7; RSA 143-A:9-a, I
He-P 2306.04	RSA 143-A:9, IV-c
He-P 2306.05	RSA 143-A:4; RSA 143-A:6; RSA 143-A:11
He-P 2306.06	RSA 143:5-a; RSA 143-A:9, V
He-P 2307.01	RSA 141-C:9, II; RSA 143:5
He-P 2307.02	RSA 141-C:6, III
He-P 2308.01 – He-P 2308.03	RSA 143-A:9, V
He-P 2309.01 – He-P 2309.05	RSA 143-A:9, V
He-P 2310.01 – He-P 2310.05	RSA 143-A:12-13
He-P 2311.01 – He-P 2311.05	RSA 143:29

~~1210 Penalty Removal of this section~~

~~Any person who violates any part of this section, shall be guilty of a violation and shall be punished with a fine of not more than one hundred (\$100) dollars for each offense.~~

CHAPTER 22

2203 Protective Fences around Swimming Pools

2203.1 The declared intent and purpose of this ordinance is to insure the health and safety of the people of the Town of Exeter.

2203.2 All outdoor artificial pools which have a maximum depth of more than 3 feet when filled to capacity with water shall have a wall, fence or other enclosure having minimum height of 4 feet constructed around the entire pool except elevated pools and surface pools. If the sides of elevated pools and surface pools are higher than 4 feet, then no fence is required.

2203.3 The wall, fence or enclosure shall be constructed so that children will be unable to crawl or pass through to the pool without first using the gate or door to the pool. All gates shall be locked when the pool is unattended.

2203.4 All existing pools must comply with these regulations by May 1, 1972.

2203.5 Penalty

Any person, firm or corporation violating any provision of 2203 of this code shall be punished by a fine of not more than \$100 for each day the offense continues.



Application for Use of Town Facility

Forms submitted to: Town of Exeter, 10 Front Street, Exeter, NH 03833

Fax #: 603-777-1514 email: sriffle@exeternh.gov

Use Request: Town Hall (Main Floor) Bandstand Parking - # Spaces _____ Location _____
Signboard Request: Poster Board Week: _____ Plywood Board Week: _____

Representative:

Name: Greg Bisson Address: 32 Court St
Town/State/Zip: Exeter Phone: 773-6151
Email: Gbisson@exeternh.gov

Organization:

Name: Exeter Parks and Recreation Address: 32 Court St
Town/State/Zip: Exeter Phone: 773-6151

Reservation Details:

Type of Event/Meeting: Sweethearts Dance Date: 02/09/2017
Times of Event: 6 pm-8 pm Times needed for set-up/clean-up: 12 pm-6 pm
of tables: 0 # of chairs: 0 Will food/beverages be served? Yes No
Tech/ AV Services Needed: Yes No Details _____

Requirements:

Cleaning Deposit: A cleaning deposit of \$100 is required of any user serving food or beverages. If the town determines after use that the building was acceptably cleaned, the deposit fee will be returned to the user. No food is allowed in Main Hall of the Town Hall. If food is to be served and/or prepared in foyer of Town Hall, the electrical outlet cannot exceed 20 amps. For more information call Kevin Smart, Maintenance Superintendent at 773-6162 prior to use.

Liability Insurance Required: The Town requires liability insurance to be submitted with this completed application. Required insurance amounts: General Liability/Bodily Injury/Property Damage: \$300,000/\$1,000,000. The Town of Exeter must be listed as additional insured.

Rental Fee: For Town Hall use there is a fee of \$125 per day. A rental fee waiver may be requested in writing.

Tech/AV Services: There is a fee of \$80 an hour for any Tech/AV services needed. Services must be arranged in advance. Email aswanson@exeternh.gov to coordinate.

Keys: Access to a town building after normal business hours requires a key sign out. Forms and keys can be obtained from the Town Manager's office at the Town Office during normal business hours (there is no other option for obtaining a key). A key can be collected up to 24 hours before your event (with the exception of Sunday events).

Signing below acknowledges receipt of and agreement to all rules, regulations and requirements pertaining to the use of a town facility. Permit approvals are contingent upon proper insurance and fees paid to the Town of Exeter.

Applicant signature: *Greg Bisson* Date: 02/30/17

Authorized by the Board of Selectmen/Designee: _____ Date: _____

Office Use Only:

Liability Insurance: On file In-process Fee: Paid Non-profit fee waiver requested



June 22, 2017

Russell Dean, Town Manager
Town of Exeter
10 Front Street
Exeter, NH 03833

Re: Professional Services Agreement – Assessing Services

Dear Mr. Dean:

This letter will serve as a Supplement to MRI's Professional Services Agreement dated September 22, 2014, by adding the following language to paragraph II "Scope of Work" and replacing language in paragraph III, "Fees and Charges", sub paragraphs C through F as shown below:

II. SCOPE OF WORK

Add the following language:

"Beginning in 2017, in consideration of the additional duties taken on by the Exeter Assessing Clerk, it is expected that all work can be accomplished within 11.5 days per month on average, with time varying considerably by month."

III. FEES AND CHARGES:

Replace the sub paragraphs with the following:

- "C. The sum of \$100,000 for 2017;
- D. The sum of \$102,500 for 2018;
- E. The sum of \$105,000 for 2019; and
- F. The sum of \$107,500 for 2020"

If you find this satisfactory, please sign and date this letter, and return an executed copy to our office.

Thank you for the opportunity to be of continuing service to the Town of Exeter.

Russ Dean, Town Manager
June 22, 2017
Page Two

Sincerely,



Alan S. Gould
President

**Approved for the Town of
Exeter, NH by its Town Manager:**

Russell Dean, Town Manager

Date: _____



August 22, 2017

Board of Selectmen-

My name is Troy Mudgett and I was the high bidder at the auction for the property at 11 Hemlock Street that was held on August 18th. Taxes have not been collected since 2011. I am not flipping this home or trying to make a profit. It is my intention to make this my permanent home and raise my family here. The home has fallen into disrepair and will require a substantial investment to make it habitable. We are prepared to pay the back property taxes and continue making our timely payments once this account is settled and current. We are requesting that all interest that has accrued due to delinquency be waived from the amount owed. We accept the financial responsibility of the unpaid bill but would like the penalty of the previous owner's negligence to be removed.

If you could, please add this to your agenda and your consideration is greatly appreciated. I have included copies of the outstanding property tax bill. Please contact me if/when this issue will be discussed at the next meeting.

Thank you for your time,

Troy Mudgett

24 Batchelder Rd Bldg 113C-2

Seabrook, NH 03874

978-601-7613

Property Billing Statement

TOWN OF EXETER
10 FRONT STREET
EXETER, NH 03833

(603) 773-6108

Summary of Account by Property

Interest Calculated as of: 8/22/2017

11 HEMLOCK ST EXETER NH
REVOCABLE TRUST
11 HEMLOCK ST
EXETER, NH 03833

Map Lot: 95-64-182
PID: 95-64-182
Alt ID:
Location: 11 HEMLOCK ST

Date	Activity	Chk#	Amount	Costs	Penalties	Interest	Rate	Per Diem	Total
Current Assessments									
Land:		0.00	Bldg: 51,200.00	CU:	0.00	Other:	0.00	Total:	51,200.00
Year: 2010	Total Assessment:		40,900.00	Exemptions:		Credits:			
Land:	0.00	CU:	0.00						
Bldg:	40,900.00	Other:	0.00						
Bill #:	33986	Date: 9/22/2011	Due: 9/22/2011	Year: 2010	Type: LIEN	Original Amnt:			1,188.55
	Lien Book: 5246	Page: 1874		Release Date: / /		Book:		Page:	
6/28/2013	Payment	2112823195	0.00	0.00	0.00	18.96			18.96
DEUTSCHE BK FOR GREEN TRE									
3/26/2014	Modificati		0.00	-17.00	0.00	0.00			-17.00
Cost / Fee from Deed Process -- 2010 TAX DEED									
3/26/2014	Modificati		0.00	17.00	0.00	0.00			17.00
Cost / Fee from Deed Process -- 2010 TAX DEED									
Balance Due:			1,188.55	0.00	0.00	1,247.02	18.00	0.5861	2,435.57
2010 Balance:			1,188.55	0.00	0.00	1,247.02		0.5861	2,435.57
Year: 2011	Total Assessment:		40,900.00	Exemptions:		Credits:			
Land:	0.00	CU:	0.00						
Bldg:	40,900.00	Other:	0.00						
Bill #:	46657	Date: 7/26/2012	Due: 7/26/2012	Year: 2011	Type: LIEN	Original Amnt:			1,174.41
	Lien Book: 5340	Page: 2337		Release Date: / /		Book:		Page:	
Balance Due:			1,174.41	0.00	0.00	1,073.26	18.00	0.5792	2,247.67
2011 Balance:			1,174.41	0.00	0.00	1,073.26		0.5792	2,247.67
Year: 2012	Total Assessment:		40,900.00	Exemptions:		Credits:			
Land:	0.00	CU:	0.00						
Bldg:	40,900.00	Other:	0.00						
Bill #:	53375	Date: 5/16/2013	Due: 5/16/2013	Year: 2012	Type: LIEN	Original Amnt:			1,177.97
	Lien Book: 5440	Page: 0292		Release Date: / /		Book:		Page:	
9/16/2015	Modificati		0.00	-17.25	0.00	0.00			-17.25
Cost / Fee from Deed Process -- 2012 AND PRIOR INTENT TO DEE									
Balance Due:			1,177.97	17.25	0.00	905.62	18.00	0.5809	2,100.84
2012 Balance:			1,177.97	17.25	0.00	905.62		0.5809	2,100.84

*as of 8/22/17
interest - 4989.39
Cost of Penalties 120.11*

Property Billing Statement

TOWN OF EXETER
10 FRONT STREET
EXETER, NH 03833

(603) 773-6108

Summary of Account by Property

Interest Calculated as of: 8/22/2017

11 HEMLOCK ST EXETER NH
REVOCABLE TRUST
11 HEMLOCK ST
EXETER, NH 03833

Map Lot: 95-64-182
PID: 95-64-182
Alt ID:
Location: 11 HEMLOCK ST

Date	Activity	Chk#	Amount	Costs	Penalties	Interest	Rate	Per Diem	Total
Year: 2013 Total Assessment:			40,900.00	Exemptions:			Credits:		
	Land:	0.00 CU:	0.00						
	Bldg:	40,900.00 Other:	0.00						
Bill #:	66663	Date: 5/02/2014	Due: 5/02/2014	Year: 2013	Type: LIEN	Original Amnt:		1,178.66	
	Lien Book: 5529	Page: 0339	Release Date: / /	Book:	Page:				
6/12/2014	Modificati		0.00	-74.20	0.00	0.00	-74.20		
Cost / Fee from Mortgagee Notification -- 2013 TAX LIENS									
Balance Due:			1,178.66	74.20	0.00	702.21	18.00	0.5813	1,955.07
2013 Balance:			1,178.66	74.20	0.00	702.21		0.5813	1,955.07
Year: 2014 Total Assessment:			50,400.00	Exemptions:			Credits:		
	Land:	0.00 CU:	0.00						
	Bldg:	50,400.00 Other:	0.00						
Bill #:	86323	Date: 8/26/2015	Due: 8/26/2015	Year: 2014	Type: LIEN	Original Amnt:		1,490.85	
	Lien Book: 5649	Page: 0452	Release Date: / /	Book:	Page:				
10/07/2015	Modificati		0.00	-4.65	0.00	0.00	-4.65		
Cost / Fee from Mortgagee Notification -- 2014 TAX LIEN									
Balance Due:			1,490.85	4.65	0.00	534.49	18.00	0.7352	2,029.99
2014 Balance:			1,490.85	4.65	0.00	534.49		0.7352	2,029.99
Year: 2015 Total Assessment:			51,200.00	Exemptions:			Credits:		
	Land:	0.00 CU:	0.00						
	Bldg:	51,200.00 Other:	0.00						
Bill #:	93037	Date: 5/02/2016	Due: 5/02/2016	Year: 2015	Type: LIEN	Original Amnt:		1,443.78	
	Lien Book: 5711	Page: 1737	Release Date: / /	Book:	Page:				
6/14/2016	Modificati		0.00	-5.06	0.00	0.00	-5.06		
Cost / Fee from Mortgagee Notification -- 2015 TAX LIEN									
Balance Due:			1,443.78	5.06	0.00	339.62	18.00	0.7120	1,788.46
2015 Balance:			1,443.78	5.06	0.00	339.62		0.7120	1,788.46
Year: 2016 Total Assessment:			51,200.00	Exemptions:			Credits:		
	Land:	0.00 CU:	0.00						
	Bldg:	51,200.00 Other:	0.00						
Bill #:	98959	Date: 5/16/2016	Due: 7/01/2016	Year: 2016	Type: TAX01	Original Amnt:		653.82	

Property Billing Statement

TOWN OF EXETER

10 FRONT STREET
EXETER, NH 03833

(603) 773-6108

Summary of Account by Property

Interest Calculated as of: 8/22/2017

11 HEMLOCK ST EXETER NH
REVOCABLE TRUST
11 HEMLOCK ST
EXETER, NH 03833

Map Lot: 95-64-182
PID: 95-64-182
Alt ID:
Location: 11 HEMLOCK ST

Date	Activity	Chk#	Amount	Costs	Penalties	Interest	Rate	Per Diem	Total
8/21/2017	Modificati		0.00	-19.00	0.00	0.00			-19.00
Cost / Fee from Lien Process -- 2016 TAX LIEN									
Balance Due:			653.82	19.00	0.00	89.66	12.00	0.2150	762.48
Bill #:	105291	Date: 10/21/2016	Due: 12/01/2016	Year: 2016	Type: TAX02	Original Amnt:			689.66
Balance Due:			689.66	0.00	0.00	59.85	12.00	0.2267	749.51
2016 Balance:			1,343.48	19.00	0.00	149.51		0.4417	1,511.99
Year: 2017	Total Assessment:		51,200.00	Exemptions:		Credits:			
Land:	0.00	CU:	0.00						
Bldg:	51,200.00	Other:	0.00						
Bill #:	107678	Date: 5/10/2017	Due: 7/03/2017	Year: 2017	Type: TAX01	Original Amnt:			671.74
Balance Due:			671.74	0.00	0.00	11.04	12.00	0.2208	682.78
2017 Balance:			671.74	0.00	0.00	11.04		0.2208	682.78
Totals Parcel - 95-64-182			9,669.44	120.16	0.00	4,962.77		4.4372	14,752.37



EXETER PUBLIC WORKS DEPARTMENT

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

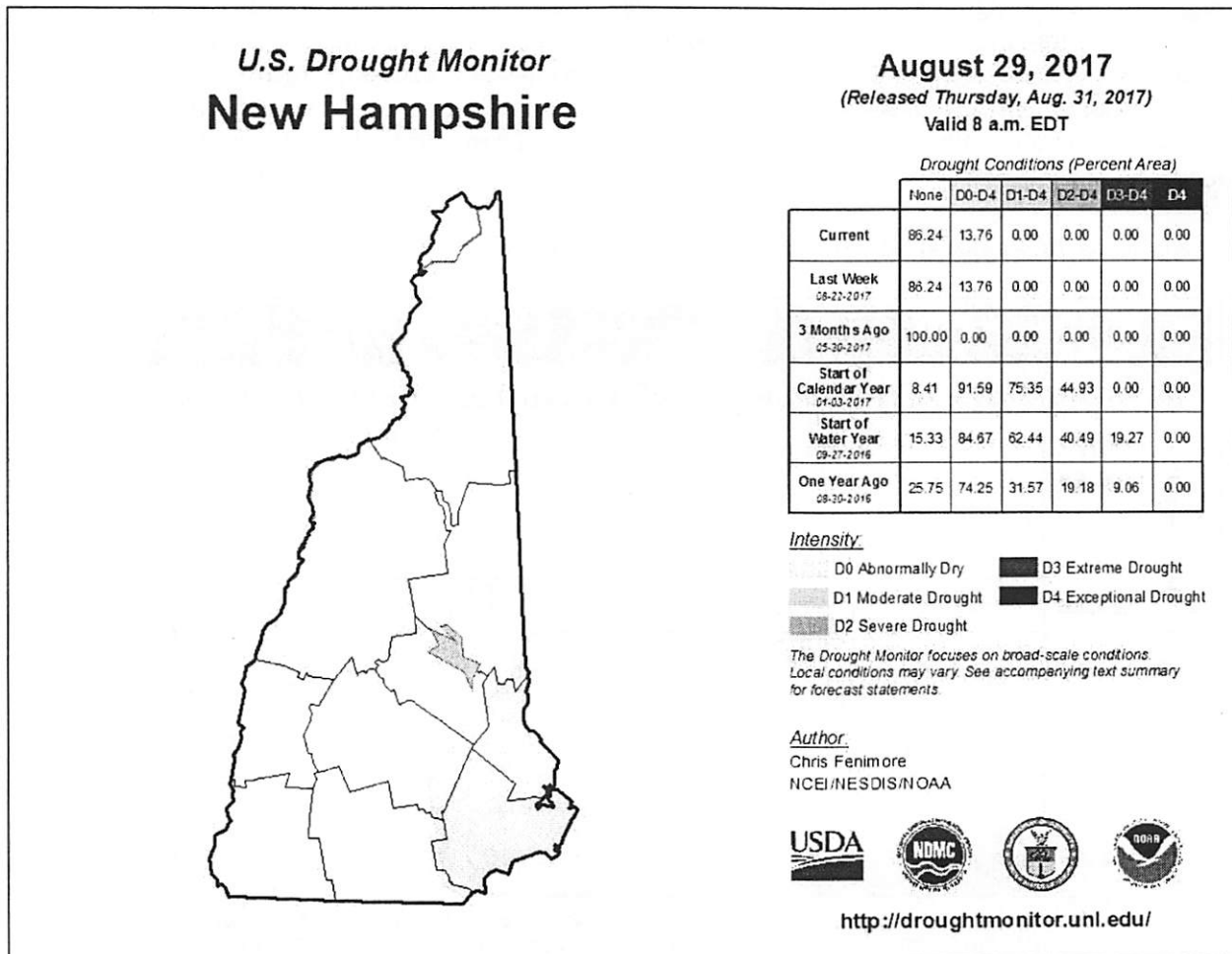
Water Resources Status Update

September 1, 2017

Jennifer Perry, Public Works Director

New Hampshire Drought Monitor

The National Drought Summary for August 29, 2017 indicates there is no drought in New Hampshire, however, the abnormally dry (D0) area has expanded since the last report from Strafford County to include Rockingham County.



Coastal Maine and Aroostook County are also abnormally dry. The moderate drought area (D1) in Maine has extended from Washington County (furthest "Downeast") to as far south as eastern Cumberland County.

Groundwater Levels

Groundwater levels for long-term monitoring wells in the region are near average. The USGS wells in Epping, Deerfield and Concord are near the 25th to 75th percentile mean for the month of July.

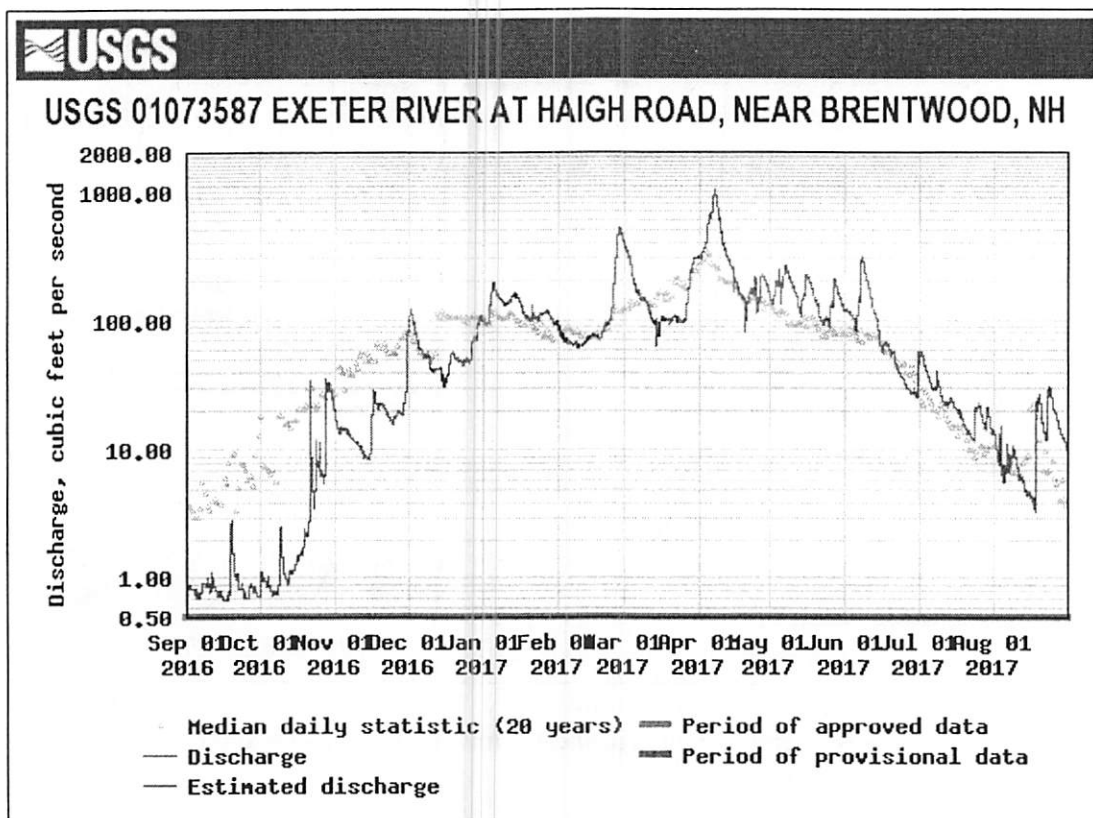
Gilman and Stadium wells have only been in production in their revitalized conditions for a little over a year. Their historical use is limited. Additional information will be provided as it becomes available. Current static levels are near static levels measured in 2009 during the early permitting and redevelopment phases of the wells.

Current groundwater levels are considered **Average**.

River Flow

August typically ends the period of declining flows in summer after spring runoff, with flow averages increasing in September. Flows in the Exeter River this year are an order of magnitude higher than a year ago. The USGS stream flow gauge on the Exeter River at Haigh Road in Brentwood (drainage area 63.5 square miles) indicates current instantaneous discharge is 10.7 cubic feet per second (cfs) (at 4:15 pm on 8/31/17). This gauge is occasionally affected by the operation of an upstream dam. The water supply intake for the Town of Exeter is located several miles downstream, with a contributing watershed of 107 square miles. The flow rates at this location are estimated to be 1.69 times higher than at Haigh Road, or approximately 18.1 cfs.

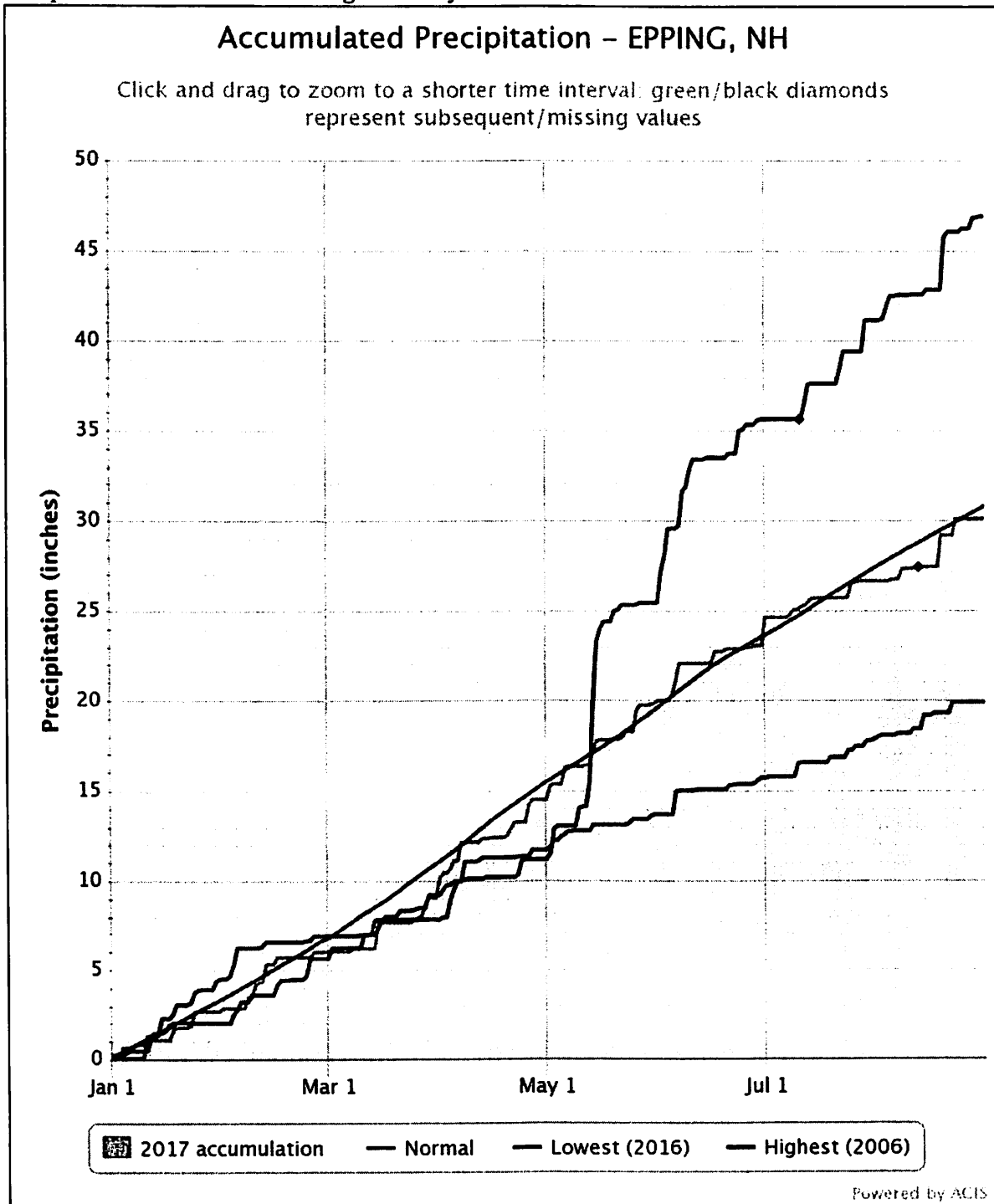
Exeter River flow rates are considered slightly above **Average** for this time of year.



Precipitation

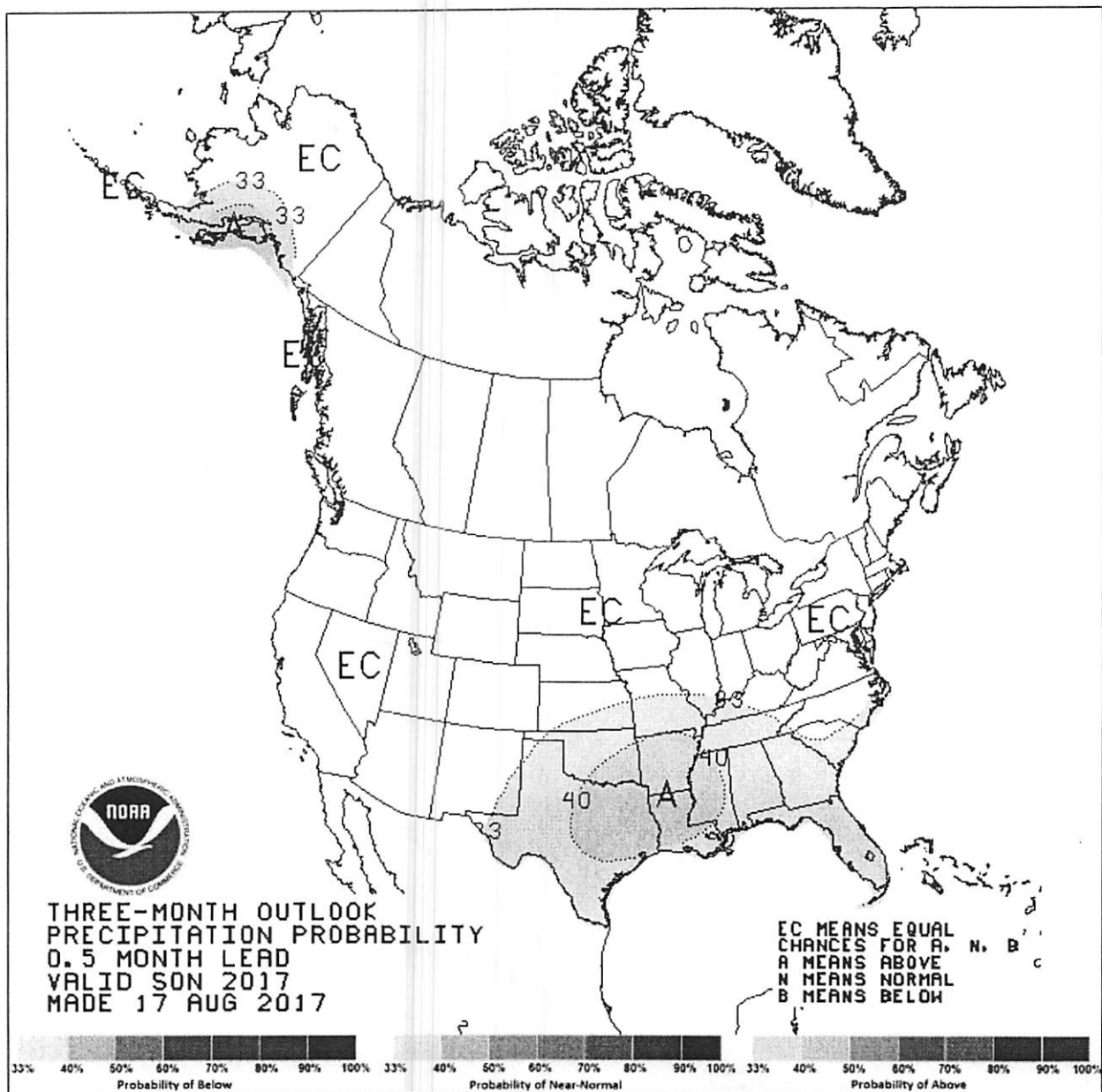
Total precipitation received for the month of August was 3.46 inches, normal is 3.46 inches. Precipitation since January 1 is 30.07 inches which is 0.7 inches below the normal of 30.76 inches (Source: National Weather Service NOWData for Epping, NH). Total annual precipitation averages 45.09 inches for this site (53 years of record).

Precipitation is considered **Average** for the year and month.

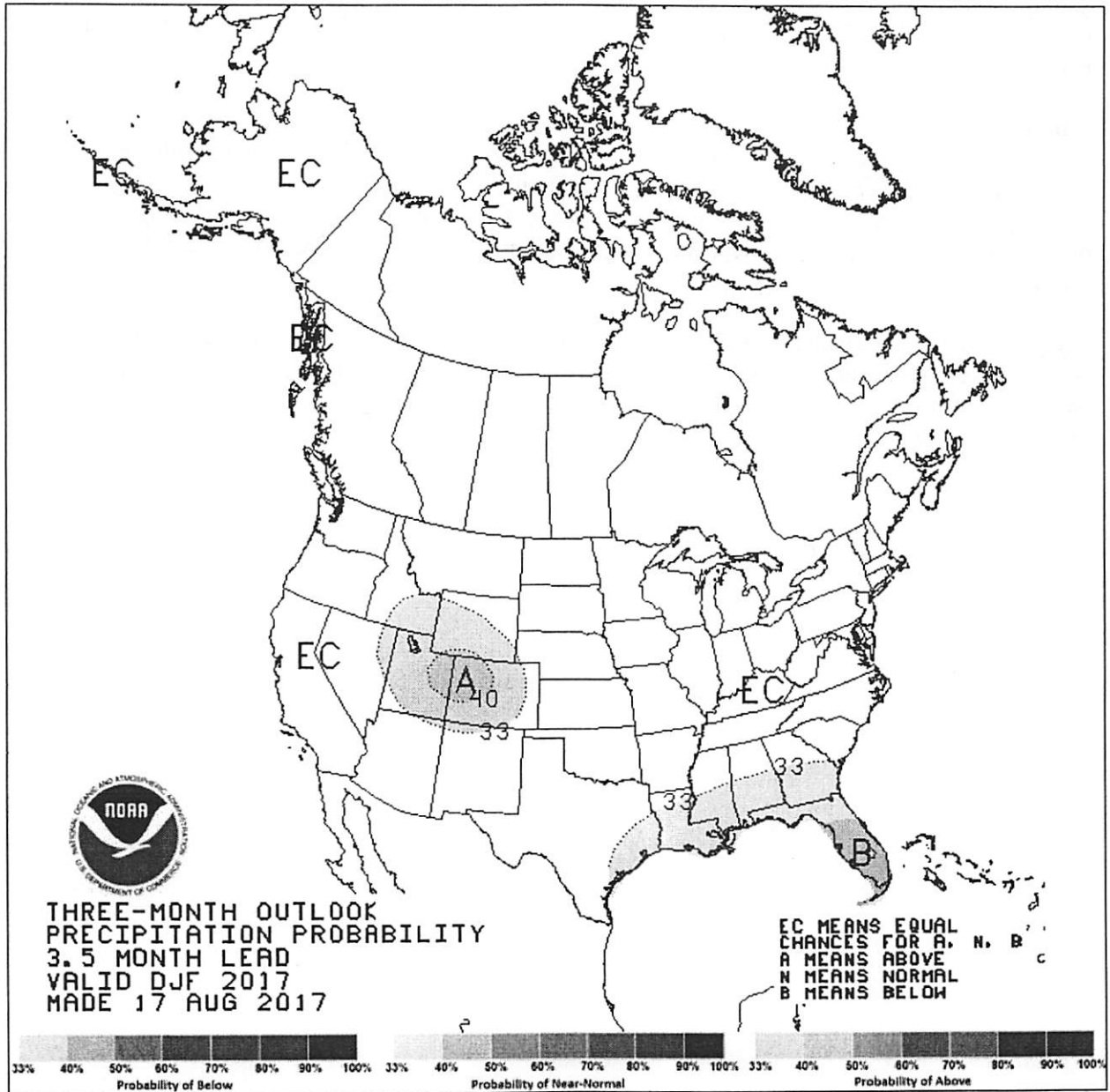


Precipitation Forecast

The three month outlook from NOAA indicates equal chances for above, normal or below normal precipitation for September through November for the New England region.



The outlook for December 2017 through February 2018 is equal chances for above, normal or below normal precipitation for the New England region.



Water Supply

The Exeter River was the source of water for the surface water treatment plant (SWTP) for the month of August 2017. August flows held steady: the SWTP produced 19,098,745 gallons, which is 58% of demand. The groundwater treatment plant (GWTP) produced 13,973,298 gallons, which is 42% of demand. The combined volume surface and groundwater for the month of August was 33,072,043 gallons, which averages out to 1,070,066 gallons per day. This is a 0.4% decrease from July.

Summary

Water resources and precipitation are proving to be average so far in 2017. August followed typical seasonal patterns, with decreased precipitation and stream flows compared to spring-time highs. Groundwater levels are at or near average for this time of year. The state is not in drought, but abnormally dry conditions exist in Rockingham and Strafford County. Moderate drought conditions along the Maine coast exist as close as eastern Cumberland County.

On June 5, 2017, the Exeter Board of Selectmen removed the Level 1 voluntary outdoor water restriction, effective June 12, 2017. Water users are encouraged to continue to practice effective water conservation. For helpful tips on water use and conservation go to <https://www.epa.gov/watersense>.

August 28, 2017

Board of Selectmen
Town of Exeter, NH
10 Front St.
Exeter, NH 03833

Dear Board Members,

My name is Kelly King and my daughter attends Great Bay Kids Company in Exeter, New Hampshire. I am writing because I am unable to attend the 8/28/2017 Board Meeting; but as a concerned parent and tax paying resident of Exeter I feel very strongly about the situation on your agenda regarding Great Bay Kids Company.

I assume many of you have children, or are most certainly close with someone who does. Thus you know the great importance of early childhood education. Great Bay Kids Company is a most certainly an educational institution, and to classify it as merely a 'Daycare Facility' is wildly inaccurate. The teachers and staff at GBKC are caring nurturing educators who enrich the minds of children every day. From infants learning to crawl, to preschoolers learning to read the children who attend GBKC are constantly learning and being taught new exciting things.

To deny Great Bay Kids Company property tax exemption, which is afforded to them by their federally approved 501c 3 status as an educational institution, is an egregious mistake by the Town of Exeter. The responsibility of paying a property tax bill to the Town of Exeter would negatively impact the all children who attend GBKC; causing a loss of funds for educational classroom supplies/activities and would most certainly increase tuition costs for all GBKC families.

I urge you to set aside this matter and grant Great Bay Kids Company the tax exemption that they rightfully deserve as an educational institution. Thank you for your time.

Regards,

A handwritten signature in black ink that reads "Kelly King". The signature is written in a cursive, flowing style.

Kelly King

Town Manager's Office

SEP 01 2017

Received

AUG 30 2017

Received



CASA

Court Appointed Special Advocates
FOR CHILDREN

NEW HAMPSHIRE

800.626.0622

www.casanh.org

BOARD of DIRECTORS

David Eby
CHAIRMAN
Devine, Millimet & Branch

Amy Coveno
CHAIRMAN-ELECT
WMUR TV ABC-9

Thomas Buchanan
TREASURER
Derry Medical Center

John Zahr
SECRETARY
Dyn

Evelyn Aissa
Reaching Higher New Hampshire, Inc.

Adele Baker
Manchester, NH

Judy Bergeron
MTS Services

Arthur Bruinooge
Portsmouth, NH

Kathy Christensen
Amherst, NH

Nick Giacoumakis
New England Investment
& Retirement Group, Inc.

Jerry Howard
Strategy First Partners

Ellen Koenig
NH Women's Foundation &
Nonprofit Consultant

Bryan Lord
New Ventures Advisors, LLC.

Linda Lovering
Lovering Volvo

Denise McDonough
Anthem Blue Cross Blue Shield

Benjamin Oleson
Town of Lancaster, NH

Maria Proulx
Anthem Blue Cross Blue Shield

Alan Reische
Sheehan, Phinney, Bass + Green

Marcia R. Sink
PRESIDENT & CEO

August 22, 2017

Town Selectmen
Town of Exeter
10 Front St
Exeter, NH 03833-2792



Dear Selectmen,

Thank you very much for your most recent gift to CASA of New Hampshire. Your generous contribution means the world to the children served by our dedicated volunteers every day.

Your gift ensures that NH's most vulnerable children experience stability, kindness and hope for a better life. Through your donation, our volunteer advocates receive the training and support they need in order to provide a voice for abused and neglected children.

This past fiscal year, **more than 760** cases involving **1258 children** have been served through the work of our advocates— a case load which has increased **22% from last year**.

To see more figures and statistics, as well as success stories, please visit our newly-updated website at www.casanh.org.

Through your donation, our volunteers are really changing lives. Your support will make a difference for so many of New Hampshire's children.

Thank you.

Gratefully,

Marcia Sink
President and CEO

P.S.: The demand for CASA advocates is greater than ever – please help us spread the word. If you are not an active CASA already, consider becoming one yourself. For more information visit casanh.org/volunteer.

BERLIN (603) 752-9670 **COLEBROOK** PO Box 24, Colebrook, NH 03576 (603) 237-8411

DOVER PO Box 205, Dover, NH 03821 (603) 617-7115 **KEENE** 39 Central Square, Room 303, Keene, NH 03431 (603) 358-4012

MANCHESTER PO Box 1327, Manchester, NH 03105 (603) 626-4600 **PLYMOUTH** 258 Highland Street, Plymouth, NH 03264 (603) 536-1663

Karen Desrosiers

*Writer * Artist * Teacher*

41 Washington Street, #3
Exeter, NH 03833
(603) 580-2066

kdesrosiers@ttlc.net

www.karendesrosiers.com

September 3, 2017

Russ Dean, Town Manager
Exeter Board of Selectmen
Town of Exeter
10 Front Street
Exeter, NH 03833

Dear Mr. Dean and Board of Selectmen,

I am writing on behalf of the Exeter Arts Committee to request a 2018 budget of \$6000. The Arts Committee respectfully requests this increase to aid in managing and maintaining the gallery on the 2nd floor of the Town Hall, as well as to continue growing arts and cultural events in Exeter.

The last time the committee requested and was granted a budget increase was for 2008. Since then, the committee has accomplished a lot toward growing arts in Exeter and has made significant improvements to the Town Hall Gallery. Since 2008, with the generous budget from the town, as well as our own fundraising efforts, the committee has been able to grow, provide additional arts opportunities to the community, and make a number of improvements to the gallery, including:

- Replacement of the display panels with a system that is a significant aesthetic improvement, as well as being versatile and flexible, enabling a greater range of use in the gallery space;
- Replacement of the gallery lights with a track light system;
- Continued sponsorship of a minimum of six shows per year, including Youth Art Month with the SAU16 schools, featuring private viewing tours for classes;
- Continued collaboration with the NH Society of Photographic Artists, the Seacoast Artist Association, and Seacoast Photography Group to facilitate use of the gallery for their shows;
- Hosted the Pontine Theater for a free community performance;
- Continued hosting a weekly painting group, enabling comradery and connection for local artists;
- Provided space for a number of local artists to provide workshops and lectures, and for a number of local arts organizations to hold meetings;
- Continued changing and managing artwork in the halls of the town offices building;
- Collaborated with other organizations, including HERON, SAA, AIM, and TEAM,

- coordinating and facilitating 1st Friday Art Walks in Exeter;
- Provided 1st Friday music on the bandstand in spring and summer for the past 3 years;
- Worked with Rockingham County Department of Corrections to host a show of artwork by inmates;
- Supported Prescott Park Arts Festival through rehearsals and preparation for *A Christmas Carol*.

The committee continues to grow, to expand the arts and cultural offerings in Exeter, and hope to continue with improvements to the Town Hall Gallery. In addition to our current activities, our hope is to accomplish the following:

- Complete further improvements to the gallery lighting system by switching all lighting over to LED and working with the town electrician on the possibility of adding more tracks/canisters (estimated \$1000);
- Improvements and repairs to gallery hanging system (estimated \$600);
- Hire a recording secretary to attend and produce minutes of meetings (budget \$450 annually);
- Improve signage for the gallery to increase visibility (estimated \$250-600);
- Increase offerings/events in literary, music, and performing arts (\$2500-5000 annually);
- Collaborate with more organizations, such as Prescott Park Arts Festival and the Chamber, to bring more arts and culture events to Exeter.

As the attached chart illustrates, the Arts Committee spent on average \$6,650 for the past two years, double our \$3000 budget from the town. The committee has been making up the budget short fall through grant monies the committee had and through modest donations from artists and patrons. The grant money has been used, and while we continue to ask for donations from the artists and organizations that we support, there will remain a budget deficit if the committee is to continue the current and planned activities and gallery improvements.

The Exeter Arts Committee respectfully ask that the town grant the EAC a budget of \$6000 for 2018.

The EAC is a committee of dedicated volunteers who take very seriously the Selectmen's charter to make the Town Hall Gallery a focal point for the arts in Exeter. We believe the proposed budget will enable us to discharge this responsibility in a way that will benefit the whole community, as well as improve and grow arts and cultural opportunities in Exeter.

Respectfully,
Karen Desrosiers
EAC Treasurer

	2012	2013 *	2014	2015	2016	2017 **	2018 **
Expenditures:							
Art Shows w/ Music	\$1,749	\$1,728	\$2,679	\$2,324	\$2,198	\$2,300	\$2,500
Gallery Maintenance/ Improvements	2,508	451	795	796	250	250	1,900
Marketing and Printing	822	560	1,100	933	462	500	800
Supplies	505	376	233	279	343	300	300
Other Events/ Music/etc				2,913	2,800	2,800	3,500
Total	\$5,584	\$3,115	\$4,807	\$7,245	\$6,053	\$6,150	\$9,000
Budget/Income:							
Town Budget	\$2,968	\$2,778	\$2,983	\$2,994	\$2,990	\$3,000	\$6,000
Grant Monies	243			1,913	1,000		
Artist/Patron Donations	2,373	337	1,807	2,338	2,063	3,150	3,000
Total	\$5,584	\$3,115	\$4,807	\$7,986	\$6,053	\$6,150	\$9,000
* 2013, the fire in the gallery impacted our ability to sponsor shows/events							
** Proposed/planned budget for 2017 and 2018							