

**Exeter Board of Selectmen Meeting**  
**Monday, September 25<sup>th</sup>, 2017, 7:00 p.m.**  
**Nowak Room, Town Office Building**  
**10 Front Street, Exeter NH**

1. Call Meeting to Order
2. Public Comment
3. Minutes & Proclamations
  - a. Proclamations/Recognitions
4. Approval of Minutes
  - a. September 11<sup>th</sup>, 2017
5. Appointments – Conservation Commission
6. Discussion/Action Items
  - a. Abatements & Exemptions - Assessing
  - b. Seacoast Drinking Water Commission Appointment
  - c. Health Ordinance Updates: Third Reading
  - d. Human Services Funding Policy
  - e. FY18 Preliminary Budget
7. Regular Business
  - a. Tax, Water/Sewer Abatements & Exemptions
  - b. Permits & Approvals
  - c. Town Manager's Report
  - d. Selectboard Committee Reports
  - e. Correspondence
8. Review Board Calendar
9. Non-Public Session
10. Adjournment

Don Clement, Chairman  
Exeter Selectboard

Posted: 9/22/17 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

Draft Minutes  
Board of Selectmen  
9/11/17

1. Call Meeting to Order

At tonight's meeting were Anne Surman, Don Clement, Julie Gilman, Kathy Corson, Dan Chartrand, and Russ Dean, Town Manager. The meeting was called to order at 6:50pm, by Chairman Don Clement in the Nowak Rook of the Town Office Building.

2. Board Interviews: Conservation Commission

There was a Board interview with Sally Ward for a position on the Conservation Commission, which took place in the Wheelwright Room.

3. Public Comment

Chris Soutter, from the human services committee, wanted to respond to the August 21<sup>st</sup> meeting about the exclusion from the SPCA from their budget. She said that although members of the committee were supporters of the NHSPCA, they did not serve the town's basic human needs. She said that the town offers other support to the organization. She also said that the committee had no formal criteria for their budget and had to create that.

Chairman Clement thanked her for coming and asked her to come back during a future meeting. Selectman Chartrand said that he appreciated the committee's work. Selectwoman Surman said that she appreciated their response, and that she had a concern that the SPCA had been supported by the town for a long time and now wasn't being supported. She emphasized that she wanted to keep a positive relationship with the organization.

At the end of the meeting, Michael Ward came to the microphone to speak about his book, *A Colored Man in Exeter*, about his father. He read a passage from the book and then presented it as a gift to the town of Exeter.

4. Minutes & Proclamations

Selectwoman Corson read the proclamation, which was in remembrance of the tragedy of 9/11 and the response to it. The proclamation honored 9/11 victims and was to proclaim September 11<sup>th</sup> a day of service and remembrance in Exeter.

Fire Chief Comeau spoke and thanked the men and women in the police and fire departments. Chief Shupe of the police department commented on the recent work on the National Day of Service and of Finder's Keepers to get supplies to Hurricane Harvey victims. Chairman Clement thanked first responders for their protection. Mr. Dean wanted to acknowledge the police and fire departments and expressed his gratitude for their work.

5. Approval of Minutes

- a. August 21<sup>st</sup>, 2017

Chairman Clement pointed out that on page 2, in the second to last paragraph, it should say "subwater shed" instead of "sub water shed".

**MOTION:** Selectman Chartrand moved to approve the minutes as amended, Selectwoman Surman seconded the motion. It passed unanimously.

b. August 28<sup>th</sup>, 2017

Chairman Clement pointed out that on page 2, in the 3<sup>rd</sup> paragraph, it should say "he also suggested". He also said that on page 4, in the 3<sup>rd</sup> paragraph, it should say "should" where it says "could".

**MOTION:** Selectman Chartrand moved to approve the minutes as amended, Selectwoman Surman seconded the motion. It passed unanimously.

6. Appointments

There were none to report.

7. Discussion/Action Items

a. Wastewater Facility Project Update – Change Order Request

Mr. Dean began by explaining that although the wastewater facility project has been underway for some time, an issue had come up with unforeseen sludge causing change in the project. Jennifer Perry, Public Works director, came up and spoke about a memo from Wright-Pierce describing the change order of 935,741 dollars, and give a time extension of 39 days. She explained that during the survey work the sludge was not completely detected, and some material has been brought in. Some sludge is below overburden. So, there are several materials onsite that need to be handled. Wright-Pierce worked with the construction companies to get the most affordable pricing to get the contaminated sludge off the site. The project would still be under the engineer's estimated cost.

Ed Leonard, the project manager for Wright Pierce, explained that there was a topographic survey during the design phase and there was an error with the survey rod, which was not fully extended, so it was off by about 3 feet. They did look at changing the elevations of the structures, but decided that it would only add cost. So, the recommendation is to proceed with the change order as proposed. Selectwoman Gilman asked if they should choose a recommendation. Ms. Perry said that public works agreed with Wright-Pierce's recommendation.

Selectwoman Surman asked about the survey rod malfunctioning. Mr. Leonard explained that they did not see that it wasn't fully extended. Part of the issue, he said, is that the material on the site didn't meet state standards of clean material. He emphasized that the recommendation is in the best interest of the town. Selectwoman Surman asked if the company had an error policy. Mr. Leonard said that they did. Selectman Chartrand said that he values the relationship with Wright-Pierce, and wondered if there would be any more surprises ahead in the project. Mr. Leonard said that the biggest risk for change orders on these projects is in existing conditions that weren't detected in design, so the biggest risk is over. Another big risk is getting to subgrade, which most of the project is.

Selectman Chartrand asked what was being left behind in the two areas with additional grading, and what was being used to raise the grade. Mr. Leonard said that they would remove the sludge and use

excess material to get it back to grade. Chairman Clement asked about removing the additional 39,720 cubic yards of overburden to get to the sludge. He asked what this was comprised of and if it would remain on site. Mr. Leonard said that it will remain on site, and that it will be peeled back to get to the sludge. It will be then put back on site.

Chairman Clement asked about the costs of the project, he asked why removing the overburden would cost 476,000 dollars. Mr. Leonard said the components to this were excavation, transport, and compaction of the material. Chairman Clement asked about the sludge cost of 265,000 dollars for digging out and disposing the material. He asked how we know that this survey is accurate. Mr. Leonard said that the survey looked consistent with records, and it became obvious only when the area was not submerged underwater. Chairman Clement asked about the 3 other lagoons and if they needed to have sludge removed. Mr. Leonard clarified that in the long-term, they will have to do a lagoon closure plan which has been deferred to a later date.

Chairman Clement asked about the change of time extension, and if the EPA knows about the plan and the recommendations. He wanted to know if the EPA needed to approve it. Mr. Leonard explained that the EPA has not seen the material, but they have been in contact with the NH DES which takes a more detailed look. He felt that the EPA would view it favorably. Chairman Clement asked if the board needed to approve anything. Ms. Perry said that Mr. Dean is authorized to do so. She said it wouldn't hurt to have the board's approval.

**MOTION:** Selectman Chartrand moved to approve and authorize the town manager, Mr. Dean, to sign the change order number one in total of 935,741.99 dollars for the wastewater treatment facility. Selectwoman Corson seconded the motion. The motion passed 4-1-0, with Selectwoman Surman voting nay.

b. Tree Inventory Presentation: DPW Highway

Ms. Perry introduced the public works department's summer intern, Torey Brooks, a senior at UNH. She had been working on an inventory of the town's trees. Ms. Perry also wanted to acknowledge Jay Perkins, who brought the issue up to the town originally.

Ms. Brooks spoke about her project in detail. It was a 2-month project with Mr. Perkin's oversight, where 849 trees were inventoried using iTree and GPS. She focused on urban compacts of trees. She showed the board a map of the area inventoried. The biggest goal was to understand the value of public trees, to collect maintenance and condition information, and to have a comprehensive inventory. The main points of the project were composition and abundance, tree function, and value. She showed the board a breakdown of the trees and where they were located. Overall, it covered about 26 acres of canopy cover. She showed the board the most common tree species in town, which were mostly maples.

She then showed the board compiled data to show the function and value of the trees. They were mostly energy saving costs and aesthetic/property values. As for condition and maintenance, 33 of the trees were in need of removal, 130 for major pruning, 81 for minor pruning, 131 were in conflict with wires, and 144 were causing sidewalk damage. Chairman Clement asked if only deciduous trees were covered. Ms. Brooks said that they covered all trees, but that in urban areas deciduous trees were more

common. Mr. Perkins said that they were working on tailoring their budget to continue a long-term maintenance program. They have not replaced many trees to date.

Selectwoman Gilman asked if the program tracked diseased trees, and asked about the ash tree borer. Ms. Brooks said that they didn't find indicators of disease or ash tree borers. Mr. Perkins said that they would keep an eye out for risks such as that. Selectwoman Gilman expressed her appreciation of the project. Selectwoman Corson agreed, and said that she would bring the project to the planning board.

Selectwoman Surman asked if the data gave an idea of what trees should be planted. Ms. Brooks said that there were lots of recommendations, with the biggest being not planting trees in one strip and to continue switching up trees and including native species. Mr. Perkins said they had to take into consideration height and conflict with wires, for example. Selectman Chartrand said that he liked the work done. He asked if residents could be notified before pruning was done on private property, he asked if any trees on private property were inventoried. Mr. Perkins said there was no plan to inventory those trees at this point.

Chairman Clement asked about the tree nursery of public works, and if that was a program that made sense to continue. Mr. Perkins said it did not make sense because prices have dropped, so they can more easily get replacements. He pointed out that residents need to help with watching and watering trees. Selectwoman Gilman asked if there was an action plan for going forward with the inventory. She asked about an app that identifies trees. Ms. Brooks said that they put the information into GIS software because it could be updated.

Ms. Perry thanked both Ms. Brooks and Mr. Perkins for their work. She wanted to identify the town's assets, and said that people can take this information and translate it into their own properties. Chairman Clement asked to get this information onto the town website.

#### c. Health Ordinance Updates: Second Reading

Chairman Clement said that the first reading of the health ordinance updates was done at the last meeting, and that they need three done. This would be the second.

**MOTION:** Selectwoman Surman moved to open the public hearing on this issue. Selectwoman Corson seconded the motion, and it passed unanimously.

**MOTION:** Selectwoman Surman moved to close the public hearing on this issue. Selectwoman Corson seconded the motion, and it passed unanimously.

James Murray, the health officer for the town, said that he had nothing to add to the ordinances and was open to any questions from the board.

### 8. Regular Business

#### a. Tax, Water/Sewer Abatements & Exemptions

There were none to discuss at this meeting.

Mr. Dean said that Mr. Lessard had completed work on the 9A tax exemptions, which will be about 5 or 6 properties in total.

b. Permits and Approvals

There was an application to use the town hall facility by Greg Bisson of the Parks and Recreation Department for the annual Sweetheart Dance on February 9<sup>th</sup>, 2018.

**MOTION:** Selectman Chartrand moved to approve the permit, Selectman Surman seconded the motion. It passed unanimously.

c. Town Manager's Report

Mr. Dean introduced a contract amendment to services with MRI, which would be a reduction in MRI's hours with the town and a reduction in cost. It was before an average of 3 days per week. Chairman Clement said that sum was 100,000 for 2017, which was the reduction. He asked how much of a reduction that was, and Mr. Dean didn't know. Selectwoman Surman said that she didn't feel comfortable approving this because she also wanted to know the original amount. Selectwoman Corson agreed with this. The letter was date June 22<sup>nd</sup>, Chairman Clement asked if they could wait to get the original agreement. The board agreed to bring it back at a future meeting.

Mr. Dean said that there was a request from the IT department and the town's clerk office to declare some office equipment and phone equipment as surplus material, which they could then dispose of unless they could sell them.

**MOTION:** Selectwoman Gilman moved to declare these items as a surplus to be disposed as recommended. Selectwoman Surman seconded the motion, and it passed unanimously.

Troy Mudgett came before the board and explained that he was the high bidder on 11 Hemlock Street, a property in town with high back taxes. He requested that the board waive the interest rate on those back taxes because it was very high, about 4,000 dollars' worth.

Chairman Clement asked if it was a private auction. Selectman Chartrand asked if he was made aware of the interest when he bought the property. Mr. Mudgett said he knew of the total amount, but not the breakdown for the taxes. Selectwoman Corson asked if there was precedent for waiving this. Mr. Dean said that he was not aware of it, but that if there was proven financial hardship, it could be an extenuating circumstance. Selectwoman Surman asked if the town would have had to eventually take the property. Mr. Dean said that it was up to the board, and that there was no tax deed on this property. Chairman Clement said that there was 4,989.39 dollars in interest from the town. Mr. Mudgett said that the total amount of back taxes is 14,841.11 dollars. Selectwoman Gilman asked if the past due taxes accumulate daily, it was answered that it did. And the interest rate is controlled by the state.

**MOTION:** Selectman Chartrand moved to deny the request of Mr. Mudgett to waive the interest rate, Selectwoman Surman seconded the motion. The motion passed 3-2-0, with Chairman Clement and Selectwoman Gilman voting nay.

Mr. Dean said that the town is continuing to work on its budget. There is a meeting with Phillips Exeter Academy on 9/12/17 to talk about issues like the Front Street project and Elm Street. Selectwoman Surman brought up parking as an issue to talk about. Mr. Dean also said there was a meeting on 9/12/17 with the Lincoln Street School, and that the Lincoln Street Project will have a public meeting on September 21<sup>st</sup>. The library will meet on 9/14/17, which will be a meet and greet to show the proposed renovations. The office also had some questions about tickets sold and fundraisers.

#### d. Selectboard Committee Reports

Selectman Chartrand reported that he had had a master plan steering committee meeting last week, on the 29<sup>th</sup> of August. They finished working on the action plan. He also participated in the housing committee meeting, which will not do the property off of Kingston Road and are instead looking for a different site. Selectwoman Surman said that she had a site walk with the conservation commission at 3-5 Continental Drive, to see whether or not it was buildable and to see the wetland areas. Two buildings will be put up there. She also went to a Swasey Parkway Trustee Meeting to review their procedures. She talked about Rocks Across America, where people are putting rocks on the Parkway grass which causes a mowing hazard.

Selectwoman Corson has a planning board meeting this week to talk about the CIP. Selectwoman Gilman spoke about a heritage commission project to repair and renovate the Winter Street Cemetery, they are currently trying to get a contractor. They have to wait for the stewardship plan to be reviewed, and may have to have an archaeological investigation. Chairman Clement had an E-911 committee meeting, which reviewed mapping. They will have a notification of what the street addressing requirements are, for example, it's required to have the number on properties visible.

#### e. Correspondence

There was a September 1<sup>st</sup>, 2017 NH Drought Monitor report from DES. The state of NH is not currently within a drought, but the dry area has expanded to include Rockingham county. Mr. Dean said that the water/sewer committee will meet this week and will talk about conservation efforts.

There was a letter from Kelly King regarding the decision about the Great Bay Kids taxes. There was a thank you letter from Marcia Sink of CASA New Hampshire, for their gift through the human services funding. And finally, there was a letter from the arts committee about their upcoming budget request and why they are looking for an increase.

#### 9. Review Board Calendar

The next meeting is September 25<sup>th</sup>, 2017. They are hoping to have the preliminary budget by then, and to review the selectmen's policies.

Selectwoman Gilman said that NNEPRA wanted to make a presentation to the board. Chairman Clement said that he would also like an update on the status of some public works projects.

#### 10. Non-Public Session

There was no non-public session.

#### 11. Adjournment

MOTION: Selectman Chartrand moved to adjourn the meeting. Selectwoman Gilman seconded the motion, and it passed unanimously. The meeting was adjourned at 9:00pm.

Respectfully submitted by recording secretary Samantha Cave.

**Appointments – September 25<sup>th</sup>, 2017**

**Conservation Commission**

Sally Ward, Alternate member, term to expire 4/30/18



<b>List for Selectmen's meeting September 25, 2017</b>				
<b>Exemption Recommendation</b>		<b>2017</b>		
<b>Map/Lot</b>	<b>Location</b>	<b>Status</b>		<b>Assessment</b>
83/60	43 Pine St/Christ Church	exempt	100%	1,684,100
29/26	8 Anna Louise Dr/Exeter United Methodist	exempt	100%	320,000
29/21	307 Epping Rd/Exeter United Methodist	taxable	3 acres	11,700
29/21/E	307 Epping Rd/Exeter United Methodist	exempt		955,400
62/90	12 Little River Rd/Calvary Baptist Church	taxable	residence & 4ac	295,400
62/90/E	12 Little River Rd/Calvary Baptist Church	exempt		436,900
91/32	55 Hampton Falls Rd/Church of Latter Day Sts	taxable	2 acres	14,200
91/32/E	55 Hampton Falls Rd/Church of Latter Day Sts	exempt		1,426,300
91/35	47A Hampton Falls Rd/Northern N.E.Counsel	taxable	10 acre	99,700
91/35/E	47A Hampton Falls Rd/Northern N.E.Counsel	exempt		752,800
87/36	27 Hampton Rd/Seacoast Family Promise	taxable		71,600
87/36/E	27 Hampton Rd/Seacoast Family Promise	exempt		235,600
72/9	12 Water St/Society for Preservation of NE	taxable	exemption denied	492,200
Charitable	Exeter Hospital			See Attached List
	Phillips Exeter Academy			See Attached List
Religious	Exempt Property Review	Exempt		See Attached List
Charitable/Educational	Exempt Property Reivew	Exempt		See Attached List

<b>List for Selectmen's meeting September 25, 2017</b>			
<b>Abatement Recommendation</b>			
<b>Map/lot</b>	<b>Location/Owner</b>	<b>Amount</b>	
62/113	64 Epping Road/Great Bay Kids	909.48	For 2016
<b>Jeopardy Tax</b>			
<b>Map/lot</b>	<b>Location/Owner</b>	<b>Amount</b>	
95/64/207	2 Pecan Street	402.78	
95/64/204	3 Pecan Street	267.65	
<b>2017 MS1</b>			

Grantee	Map	Lot	Unit	Location	Type	Assessment
CHILD AND FAMILY SERVICES	69	31	1	9 HAMPTON RD-U001	Charitable	177,300
ONE SKY COMMUNITY	35	4		40 NEWFIELDS RD	Charitable	285,900
SEACOAST MENTAL HEALTH CENTER	65	146		30 PROSPECT AVE	Charitable	1,262,500
SOCIETY OF ST VINCENT	73	292		53 LINCOLN ST	Charitable	450,900
SOCIETY OF THE CINCINNATI	72	206		164 WATER ST	Charitable	484,600
SOCIETY OF THE CINCINNATI	72	215		GOVERNORS LN	Charitable	366,900
HERONFIELD ACADEMY	108	1		65 HAMPTON FALLS RD	Educational	146,500



CHAPTER 138  
HB 431 - FINAL VERSION

8Mar2017... 0320h  
04/20/2017 1317s

2017 SESSION

17-0481  
08/04

HOUSE BILL           **431**

AN ACT               establishing a commission to study long term goals and requirements for drinking water in the seacoast area.

SPONSORS:           Rep. Messmer, Rock. 24; Rep. Bean, Rock. 21; Rep. Malloy, Rock. 23; Rep. T. Le, Rock. 31; Rep. R. Tilton, Rock. 37; Rep. H. Marsh, Rock. 22; Rep. Cushing, Rock. 21; Rep. Berrien, Rock. 18; Rep. P. Gordon, Rock. 29; Sen. Fuller Clark, Dist 21; Sen. Bradley, Dist 3; Sen. Feltes, Dist 15; Sen. Innis, Dist 24

COMMITTEE:          Resources, Recreation and Development

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ANALYSIS

This bill establishes a commission to study long term goals and requirements for drinking water in the seacoast area.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears [~~in brackets and struckthrough~~]  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 138  
HB 431 - FINAL VERSION

8Mar2017... 0320h  
04/20/2017 1317s

17-0481  
08/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT            establishing a commission to study long term goals and requirements for drinking water in the seacoast area.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            138:1 New Section; Seacoast Commission on Drinking Water. Amend RSA 485-F by inserting  
2 after section 4 the following new section:

3            485-F:5 Seacoast Commission on Long Term Goals and Requirements for Drinking Water.

4            I. There is established a commission to plan for long term goals and requirements for  
5 drinking water on the seacoast.

6            II. The members of the commission shall be as follows:

7            (a) Three members of the house of representatives, appointed by the speaker of the  
8 house of representatives.

9            (b) The member of the senate representing district 21 and the member of the senate  
10 representing district 24.

11            (c) A representative of Aquarion Water Company, appointed by that company, or its  
12 successor.

13            (d) A representative of the drinking water source protection program in the department  
14 of environmental services, appointed by the commissioner.

15            (e) A representative of the town of Rye, appointed by the governing body of that town.

16            (f) A representative of the town of New Castle, appointed by the governing body of that  
17 town.

18            (g) A representative of the town of North Hampton, appointed by the governing body of  
19 that town.

20            (h) A representative of the city of Portsmouth, appointed by the governing body of that  
21 city.

22            (i) The Rockingham county planning commissioner, or designee.

23            (j) A representative of the town of Seabrook, appointed by the governing body of that  
24 town.

25            (k) A representative of the town of Exeter, appointed by the governing body of that  
26 town.

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**- Page 2 -**

1           (l) A representative of the town of Greenland, appointed by the governing body of that  
2 town.

3           (m) An representative of the town of Newington, appointed by the governing body of  
4 that town.

5           (n) A representative of the town of Stratham, appointed by the governing body of that  
6 town.

7           (o) A representative of the town of Hampton, appointed by the governing body of that  
8 town.

9           (p) A representative of the city of Dover, appointed by the governing body of that city.

10          (q) A representative of the town of Madbury, appointed by the governing body of that  
11 town.

12          (r) A hydrogeologist from the United States Geological Survey, appointed by that  
13 organization.

14          (s) A hydrogeologist from the university of New Hampshire, appointed by the dean of  
15 the college of engineering and physical sciences.

16          III. Legislative members of the commission shall receive mileage at the legislative rate  
17 when attending to the duties of the commission.

18          IV. The commission shall:

19           (a) Utilize and expand upon existing studies to plan for seasonal or drought supply  
20 issues.

21           (b) Prepare and discuss mutual aid between seacoast towns for firefighting.

22           (c) Prepare and discuss mutual aid agreements for emergency or replacement drinking  
23 water supply where contaminated.

24           (d) Create a centralized planning group to encourage coordination and support between  
25 towns.

26           (e) Evaluate threats to groundwater quality due to environmental issues.

27           (f) Monitor possible new emerging contaminant threats to groundwater and drinking  
28 water quality.

29          V. The members of the commission shall elect a chairperson from among the members. The  
30 first meeting of the commission shall be called by the first-named house member. The first meeting  
31 of the commission shall be held within 45 days of the effective date of this section. Eleven members  
32 of the commission shall constitute a quorum.

33          VI. The commission shall make an interim report of its findings on November 1, 2017, and a  
34 final report of its findings and any recommendations for proposed legislation to the speaker of the  
35 house of representatives, the president of the senate, the house clerk, the senate clerk, the

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**- Page 3 -**

1 governor, and the state library on or before November 1, 2018.

2 138:2 Repeal. RSA 485-F:5, relative to the commission on long term goals and requirements for  
3 drinking water, is repealed.

4 138:3 Effective Date.

5 I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

Approved: June 16, 2017

Effective Date:

I. Section 2 effective November 1, 2018

II. Remainder effective June 16, 2017



# 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

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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](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 those 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 recession. 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.~~

#### ~~1203.10 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.~~

#### ~~1203.11 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.~~

#### ~~1203.12 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 464)c)(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 variances 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 calendar 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-crusteD 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

<b>RULE</b>	<b>STATUTE RULE IMPLEMENTS</b>
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.

<b>Town of Exeter</b>	<b>Policy Number</b> <b>2010-</b>	<b>Adopted by</b> <b>Board of Selectmen</b>
<b>Subject:</b> <b>Human Services</b> <b>Funding Policy</b>	<b>Adoption</b> <b>Date:</b> <b>September 30,</b> <b>2017 Revision</b> <b>Date:</b>	<b>Supersedes:</b>  <b>New</b>

**1.0 Purpose of the Policy:**

The purpose of this policy is to codify practices with respect to the funding of human service agencies by the Town.

**2.0 Departments Affected:**

Board of Selectmen and Town Manager

**3.0 Definitions:** None.

**4.0 Policy:**

It is the policy of the Board of Selectmen to make the human service funding process clear for both the requesting agency and the Town.

**5.0 Procedures:**

1. The Town Manager's Office shall, in July of each year, distribute application forms to all agencies who have requested funding in the prior budget year for the subsequent year, unless otherwise notified by the agency they will not be participating in the funding process.
2. Submittals will be accepted as part of the regular budget process and will be reviewed by the Board and the Budget Recommendations Committee. Any agency not submitting a timely application may be denied funding at the discretion of the Board of Selectmen. If so denied, the agency will be made aware of the petition article process described in Section 5.5.
3. Each agency that has received funding in the past will go onto the Town Warrant for funding so voters will have a direct say in their continued funding. They will be listed individually in one warrant article with a sum grand total.

4. All new agencies (those that have not requested Town funding in the past) will go onto the Town Warrant as a separate article for initial review by deliberative session and a vote as to whether the agency will be funded, if so recommended by the Board of Selectmen.
5. In order to qualify for placement on the warrant for possible funding by the Town, any agency must demonstrate the extent of service to Exeter residents. Each agency will be measured and vetted against the current Human Services Funding Criteria through the Budget Recommendation Committee process.
6. The Board of Selectmen or its designee may explain the petition article process to prospective agencies that are not included in the final recommended list of agencies to be funded.
7. All agencies receiving funding will be required to sign an Agreement with the Town of that the funds being allocated by Exeter will be used for the benefit of Exeter residents.

**6.0 Severability:**

To the extent that any provisions of this policy conflict with NH Law, then State Law shall prevail.

## **Human Services Funding Criteria**

The Human Services Policy purpose is to ensure that adequate levels of human services are available to the people of Exeter. The Human Services Funding Criteria attempts to establish a system for planning, funding, monitoring, and evaluating community human service agencies that are effective, fair, and equitable. The criteria is a reflection of the Town's desire to assist agencies in our community who provide services to those with special needs, lack adequate income, are physically or mentally vulnerable, or possess the skills and abilities necessary to maintain self-sufficiency.

Human services agencies are assessed by the guidelines and criteria to receive funding from the Town of Exeter:

- I. How does the agency's services relate to the core mission of Human Services?
- II. Ability to self-sustain without the Town of Exeter's Human Services funding. Priority will be given to those agencies that have established alternative sources of funding or services.
- III. Availability of services and assistance and their responsiveness to Town Human Services
- IV. Meets basic needs, life skills, employability development, and health/mental health services.
- V. Must demonstrate Exeter resident focus. There must be program services that are primarily designed to address the needs of Exeter residents.

The Town will administer allocations to agencies providing human services. The Town of Exeter remains committed to the human services with both financial support and collaborative efforts.



# Application for Use of Town Facility

Forms submitted to: Town of Exeter, 10 Front Street, Exeter, NH 03833  
Fax #: 603-777-1514 email: [sriffic@exeternh.gov](mailto:sriffic@exeternh.gov)

Use Request:  Town Hall (Main Floor)  Bandstand  Parking - # Spaces \_\_\_\_\_ Location Room to the right

Signboard Request:  Poster Board Week: \_\_\_\_\_  Plywood Board Week: \_\_\_\_\_

### Representative:

Name: Darius X Thompson Address: 15 Drinkwater Road  
Town/State/Zip: Exeter, NH 03833 Phone: 603.686.8131  
Email: darius.thompson@gmail.com

### Organization:

Name: Exeter Holiday Parade Committee Address: P.O. Box 164  
Town/State/Zip: Exeter, NH 03833 Phone: 603.686.8131

### Reservation Details:

Type of Event/Meeting: Volunteer Meeting for the 60th Annual Exeter Holiday Parade Date: 10/19/2017  
Times of Event: 5:30 - 8 PM Times needed for set-up/clean-up: \_\_\_\_\_  
# of tables: existing table # of chairs: existing chairs in room Will food/beverages be served? Yes No  
Tech/ AV Services Needed: Yes No Details No Food or AV, using the small room immediately on right

### 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.

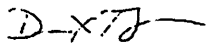
**Liability Insurance Required:** The Town requires liability insurance to be submitted with this completed application. Required insurance amounts: General Liability/Bodily Injury/Property Damage: \$300,000/\$1,000,000. The Town of Exeter must be listed as additional insured.

**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](mailto: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:  darius.thompson@amtrak.com  
2017.09.21 13:03:45 -04'00' Date: 21 SEP 2017

Authorized by the Board of Selectmen/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

### Office Use Only:

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



# Application for Use of Town Facility

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Signboard Request:  Poster Board Week: \_\_\_\_\_  Plywood Board Week: \_\_\_\_\_

### Representative:

Name: Darius X Thompson Address: 15 Drinkwater Road  
Town/State/Zip: Exeter, NH 03833 Phone: 603.686.8131  
Email: darius.thompson@gmail.com

### Organization:

Name: Exeter Holiday Parade Committee Address: P.O. Box 164  
Town/State/Zip: Exeter, NH 03833 Phone: 603.686.8131

### Reservation Details:

Type of Event/Meeting: Volunteer Meeting for the 60th Annual Exeter Holiday Parade Date: 9/19, 9/21, 9/28, 10/5, 11/20-22  
Times of Event: 5:30 - 8 PM Times needed for set-up/clean-up: \_\_\_\_\_  
# of tables: existing table # of chairs: existing chairs in room Will food/beverages be served? Yes No  
Tech/ AV Services Needed: Yes No Details: No Food or AV, using the small room immediately on right

### 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.

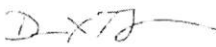
**Liability Insurance Required:** The Town requires liability insurance to be submitted with this completed application. Required insurance amounts: General Liability/Bodily Injury/Property Damage: \$300,000/\$1,000,000. The Town of Exeter must be listed as additional insured.

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

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Applicant signature:  darius.thompson@amtrak.com  
2017.09.12 17:04:47 -04'00' Date: 12 Sep 2017

Authorized by the Board of Selectmen/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

### Office Use Only:

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



# 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](mailto:sriffle@exeternh.gov)

Use Request:  Town Hall (Main Floor)  Bandstand  Parking - # Spaces \_\_\_\_\_ Location \_\_\_\_\_

Signboard Request:  Poster Board Week: \_\_\_\_\_  Plywood Board Week: \_\_\_\_\_

### Representative:

Name: Katherine Roberts / Tammy Schmidt-Prevost Address: 30 Linden St  
Exeter, NH 03833 Phone: 603-778-4862  
Town/State/Zip: \_\_\_\_\_  
Email: [director@musicalarts.org](mailto:director@musicalarts.org)

### Organization:

Name: MusicalArts Address: 30 Linden St  
Exeter, NH 03833 Phone: 603-778-4862  
Town/State/Zip: \_\_\_\_\_

### Reservation Details:

Type of Event/Meeting: performance Date: 11/17 & 18  
Times of Event: 4-8:00 with set up Times needed for set-up/clean-up: \_\_\_\_\_  
# of tables: 0 # of chairs: 100 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](mailto:aswanson@exeternh.gov) to coordinate.

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Applicant signature: Katherine Roberts Date: 9/15/17

Authorized by the Board of Selectmen/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use Only:

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



# 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](mailto:sriffle@exeternh.gov)

Use Request:  Town Hall (Main Floor)  Bandstand  Parking - # Spaces \_\_\_\_\_ Location \_\_\_\_\_

Signboard Request:  Poster Board Week: \_\_\_\_\_  Plywood Board Week: \_\_\_\_\_

### Representative:

Name: Beth Dupell Address: 2 Center Street  
Town/State/Zip: Exeter Phone: 603.778.7147  
Email: beth@ecm-design.com

### Organization:

Name: Swag on Swasey Address: same  
Town/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

### Reservation Details:

Type of Event/Meeting: Swag 'inSide at Exeter Town Hall Date: Sats., Feb 24, Mar 24, Apr 28  
Times of Event: 6am-4pm Times needed for set-up/clean-up: included in event time  
# of tables: approx 20 # of chairs: 30 Will food/beverages be served? Yes  No   
Tech/ AV Services Needed: Yes  No  Details None, needed

### 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](mailto: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: Beth Dupell Date: 9.7.17

Authorized by the Board of Selectmen/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

### Office Use Only:

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



**List for Selectmen's meeting September 25, 2017**

**Water / Sewer Department Abatement's**

**Approval suggestion**

**Name**

**Location**

**Amount**

**Disapproval suggestion**

**Name**

**Location**

**Amount**

Malcolm Graves Sr

40 Hampton Rd C-10

\$105.21

Leslie Cooper

18 Prospect Ave.

\$258.37

Leanne Ouimette

13 Minuteman Ln

\$2,160.98

**Town of Exeter**  
**Water/Sewer Abatement Request & Receipt Form**

*Please Print:*

Full Name: Malcolm Graves Sr  
 Mailing Address: 40 Hampton Rd C10  
Exeter, NH 03833  
 Service Property Address: same as above

Today's Date: 9/12/17  
 Account Number: 131375852  
 Route Number: \_\_\_\_\_  
 Phone Number: 1-207-749-2331

Utility Abatement Requested for: Water \_\_\_\_\_ Sewer \_\_\_\_\_ Water & Sewer X  
 Date of Bill: 5/31/17 Billing Period from 2/17/17 to 5/17/17 Amount of Bill: \$ 314.74

Performed Leak Check? Yes X No Leaks Found? \_\_\_\_\_ Yes \_\_\_\_\_ No How Many Fixtures? \_\_\_\_\_  
 If No: X Not schedule \_\_\_\_\_ Declined

Data Download? X Yes \_\_\_\_\_ No Indicated Leaks? X Yes \_\_\_\_\_ No Continuous \_\_\_\_\_ Intermittent \_\_\_\_\_ Both X

Minimum Criteria Met? X Yes \_\_\_\_\_ No (100% or 35,000 gallons above average consumption)  
 Proof Leak Repaired? X Yes \_\_\_\_\_ No

**Partial Selectmen's Policy 08-30: Reasons for or against granting abatement request**

**Policy Procedure Line #2 (Against):** \_\_\_\_\_ In the event that a customer cannot determine the source or cause of the abnormally high consumption, the customer is required to hire a private licensed plumber to assist the customer in trying to determine said source or cause. If the plumber is unable to determine the source or cause of the abnormally high consumption, the Town can only speculate that the customer has located and repaired or corrected said source.

**Policy Procedure Line #3 (Against):** X In the event the source or cause of the abnormally high consumption is related to a leak due to customer negligence such as the failure to maintain internal (private) plumbing fixtures in good repair and/or protect plumbing from freezing, the customer shall be held responsible for the entire bill.

**Policy Procedure Line #4 (For):** \_\_\_\_\_ In the event the abnormally high consumption has occurred due to "unpredictable leakage" not caused by customer negligence, ignorance or unfortunate circumstances, as determined by Town staff and the Water & Sewer Advisory Committee, the Town shall consider granting a one-time abatement, per account, during any ten-year period, up to half of the water consumption above normal consumption.

Water & Sewer Department Actions Taken: Informed the customer of high usage; downloaded data to produce graphs of water usage and gave copies to the customer for their review

**Receipt Portion**

Reviewed by: Matthew Berube Date of Review: 9/12/17

Comments: \_\_\_\_\_

Dept. of Public Works Recommendation: X Disapprove \_\_\_\_\_ Approve

Board of Selectmen Recommendation: \_\_\_\_\_ Disapprove \_\_\_\_\_ Approve

Abatement Amount: \$ 105.21 New bill total: \$ 209.53

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Town of Exeter



Water/Sewer Abatement Request Form

Please Print:

Full Name: MALCOLM J. GRAVES SR. Today's Date: 6-2-17
Mailing Address: 40 HAMPTON RD CID Exeter NH 03833 Account Number: 131375852
Service/Property Address: 70 Hampton Rd CID Route Number: 1
Phone Number: 1-207-7492331

Utility Abatement Requested for: Water Sewer Water & Sewer
Date of Bill: 5-31-17 Billing Period from 2-17-17 to 5-17-17 Amount of Bill: \$ 314.74

Owner's reason for the abatement request (Please be as specific as possible): See Attachment

Signature of Applicant: Malcolm J. Graves Sr. Date: 6-2-17

Signature of Billing Office Date

Do not write below this line

Reviewed by: Date of Review:
Comments:

Total Usage= gallons
-Q year Average- ( + ) / = gallons
Excess above average- gallons
Half of Excess gets abated- gallons

Due Remaining excess- gal -yr average- gal Billable usage- gal
Tier 1-- rates water gal \* \$ /1000 gal = \$ sewer gal \* \$ /1000 gal = \$
Tier 2--rates water gal \* \$ /1000 gal = \$ sewer gal \* \$ /1000 gal = \$

Total due=

Recommendation: Disapprove Approve Amount: \$

Approval/Disapproval Signature: Date:

If you disagree with the decision of the Department of Public Works & the Finance Department, you may appeal to the Town of Exeter Board of Selectmen. If you wish to appeal, please sign below and return this form to the Finance Department at 10 Front Street.

Signature of Applicant Date

6-1-17

To whom it Concerns:

The first knowledge of a leak was on 5-25-17 when Divine visited my home, I was in Scotland, Md. that day and she left me sign on door, saying sorry I missed you. That I did my water usage was 13,799 gal. for this billing period.

I went to W/S office on 6-1-17 and said toilet dye + W/S Abatement form.

I did not have any prior warning of a water leak.

I have had Pintango Plumbing on 6-1-17 to correct problem.

Any possible help with this expense would help as I am on a fixed income and money is very tight.

Being knowledge of this water problem would have been helpful as I have above, cloth washing (1) weekly and above (2) times weekly.

Thank you for your  
Consideration

Malcolm Graves, Sr.



**Town of Exeter**  
**Water/Sewer Abatement Request & Receipt Form**

Please Print:

Full Name: Leslie D. Cooper  
Mailing Address: 27 Highland Street  
Exeter, NH 03833  
Service/Property Address: 18 Prospect Ave  
Exeter, NH 03833

Today's Date: 9/11/17  
Account Number: 121242100  
Route Number: \_\_\_\_\_  
Phone Number: (603) 772-3151

Utility Abatement Requested for: Water \_\_\_\_\_ Sewer \_\_\_\_\_ Water & Sewer X  
Date of Bill: 8/30/17 Billing Period from 5/17/17 to 8/17/17 Amount of Bill: \$ 1,015.08

Performed Leak Check? Yes X No Leaks Found? \_\_\_\_\_ Yes \_\_\_\_\_ No How Many Fixtures? \_\_\_\_\_  
If No: X Not schedule \_\_\_\_\_ Declined

Data Download? \_\_\_\_\_ Yes X No Indicated Leaks? \_\_\_\_\_ Yes \_\_\_\_\_ No Continuous \_\_\_\_\_ Intermittent \_\_\_\_\_ Both \_\_\_\_\_

Minimum Criteria Met? \_\_\_\_\_ Yes X No (100% or 35,000 gallons above average consumption)  
Proof Leak Repaired? X Yes \_\_\_\_\_ No

**Partial Selectmen's Policy 08-30: Reasons for or against granting abatement request**

**Policy Procedure Line #2 (Against):** \_\_\_\_\_ In the event that a customer cannot determine the source or cause of the abnormally high consumption, the customer is required to hire a private licensed plumber to assist the customer in trying to determine said source or cause. If the plumber is unable to determine the source or cause of the abnormally high consumption, the Town can only speculate that the customer has located and repaired or corrected said source.

**Policy Procedure Line #3 (Against):** X In the event the source or cause of the abnormally high consumption is related to a leak due to customer negligence such as the failure to maintain internal (private) plumbing fixtures in good repair and/or protect plumbing from freezing, the customer shall be held responsible for the entire bill.

**Policy Procedure Line #4 (For):** \_\_\_\_\_ In the event the abnormally high consumption has occurred due to "unpredictable leakage" not caused by customer negligence, ignorance or unfortunate circumstances, as determined by Town staff and the Water & Sewer Advisory Committee, the Town shall consider granting a one-time abatement, per account, during any ten-year period, up to half of the water consumption above normal consumption.

Water & Sewer Department Actions Taken: Informed the customer of high usage;  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Receipt Portion**

Reviewed by: Matthew Berube  
Comments: \_\_\_\_\_  
\_\_\_\_\_

Date of Review: 9/14/17

Dept. of Public Works Recommendation: X Disapprove \_\_\_\_\_ Approve

Board of Selectmen Recommendation: \_\_\_\_\_ Disapprove \_\_\_\_\_ Approve

Abatement Amount: \$ 258.37 New bill total: \$ 756.71

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Town of Exeter



Water/Sewer Abatement Request Form

Please Print:

Full Name: LESLIE D. COOPER  
Mailing Address: 27 HIGHLAND ST  
EXETER NH 03833  
Service/Property Address: 18 PROSPECT AVE  
EXETER NH 03833

Today's Date: 9-11-17  
Account Number: 121242100  
Route Number: \_\_\_\_\_  
Phone Number: 603 772 3151

Utility Abatement Requested for: Water \_\_\_\_\_ Sewer \_\_\_\_\_ Water & Sewer   
Date of Bill: 8-30-17 Billing Period from 5-17-17 to 8-17-17 Amount of Bill: \$ 1,015.08

Owner's reason for the abatement request (Please be as specific as possible): I HAD NO IDEA IT WAS LEAKING. IT WAS HIDDEN IN LOW CRAWL SPACE. TO FIX IT A HOLE HAD TO BE CUT IN LIVING SPACE FLOOR. COST WAS \$1,516.18 I AM SO ON A FIXED INCOME.

Leslie D. Cooper  
Signature of Applicant

9-11-17  
Date

Signature of Billing Office

Date

Do not write below this line

Reviewed by: \_\_\_\_\_ Date of Review: \_\_\_\_\_  
Comments: \_\_\_\_\_

Total Usage= \_\_\_\_\_ gallons  
\_\_\_\_-Q \_\_\_\_-year Average-( \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ ) / \_\_\_\_ = \_\_\_\_\_ gallons  
Excess above average- \_\_\_\_\_ gallons  
Half of Excess gets abated- \_\_\_\_\_ gallons

Due  
Remaining excess- \_\_\_\_\_ gal \_\_\_\_-yr average- \_\_\_\_\_ gal Billable usage- \_\_\_\_\_ gal  
Tier 1-- rates  
water \_\_\_\_\_ gal \* \$ \_\_\_\_ /1000 gal = \$  
sewer' \_\_\_\_\_ gal \* \$ \_\_\_\_ /1000 gal = \$  
Tier 2--rates  
water \_\_\_\_\_ gal \* \$ \_\_\_\_ /1000 gal = \$  
sewer \_\_\_\_\_ gal \* \$ \_\_\_\_ /1000 gal = \$

Total due= \_\_\_\_\_

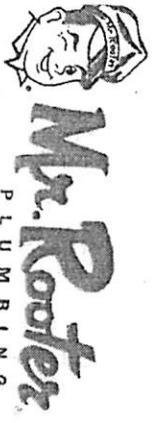
Recommendation: \_\_\_\_\_ Disapprove \_\_\_\_\_ Approve Amount: \$ \_\_\_\_\_

Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If you disagree with the decision of the Department of Public Works & the Finance Department, you may appeal to the Town of Exeter Board of Selectmen. If you wish to appeal, please sign below and return this form to the Finance Department at 10 Front Street.

Signature of Applicant

Date



Mr. Rooter Plumbing & Heating  
Home Office Address:  
7 Tallwood Dr. Unit #3  
Bow, NH 03304

Find us on Facebook  
800-340-7080  
Fax: 603-621-9222  
License# 15C

No. 54931  
CONTRACT / RETAIL INSTALLMENT

JOB ADDRESS: Leslie Cooper, 27 Highland St., Exeter, NH 03833, Job Phone 779-3151

BILLING ADDRESS IF DIFFERENT: Customer Name, Address, City, State, Zip, Other Phone

TECHNICIAN(S): Chrisles Q. Comcast, net

PAYMENT:  Cash  Check  Billed  Credit # or Credit card referral # 1549

DIAGNOSIS: Water bill is \$400 more in a quarter than what it usually is.

WARRANTY: 90 days

ASK #	WARRANTY	DESCRIPTION OF PRODUCTS AND SERVICES	APPROVAL INITIAL	STANDARD RATE	MEMBER RATE	YOU SAVE
209100T	N/A	1hr. diagnostic charge to locate leak in crawl spaces or outside. Dig in crawl space to locate leak		1610.18	145.00	21.18
2091010T	90 days	Cut carpet, pad and 3 floors in living room to access poly pipe leaking in crawl space. Not responsible for repair of floor carpet. Install up to 1 ft. of poly pipe and all necessary fittings in crawl space. Install new 3/4" ball valve shut off, 3/4" copper pipe, 3/4" C foam adpt. and 3/4" male x 3/4" barb coupling in main house.		1,395.00	1,310.00	85.00

RECOMMENDATIONS: Install new doors + insulation 2" foam board for outside entrance to crawl space. Install new floor board that is accessible trap door in living room.

SAVE MONEY WITH OUR ADVANTAGE PLAN!

Acceptance of work performed: I find the service and materials performed & installed have been completed in accordance with this agreement. I agree to pay reasonable attorney fees, collection fees and court costs in the event of legal action pursuant to collection of amount due.

Customer Signature: *Leslie Cooper*

Technician Signature: *Chrisles Q. Comcast*

Truck #: 4

Approval:  Approved  Declined

Advantage Plan:

SUB TOTAL: \$1,561.18

TAX: \$1,455.00

TOTAL: \$1,561.18

Never an overtime charge!  
24 Hours a Day - 7 Days a Week  
MrRooter.com  
Independently owned & operated.

START DATE: 9/4/17  
END DATE: 9/11/17



**Town of Exeter**  
**Water/Sewer Abatement Request & Receipt Form**

Please Print:

Full Name: Leanne Ouimette  
 Mailing Address: 13 Minuteman Lane  
Exeter, NH 03833  
 Service/Property Address: same as above

Today's Date: 8/10/17  
 Account Number: 212102778  
 Route Number: \_\_\_\_\_  
 Phone Number: 603-828-3623

Utility Abatement Requested for: Water \_\_\_\_\_ Sewer \_\_\_\_\_ Water & Sewer X  
 Date of Bill: 6/20/17 Billing Period from 3/21/17 to 9/20/17 Amount of Bill: \$ 744.51 + next

Performed Leak Check? X Yes \_\_\_\_\_ No Leaks Found? X Yes \_\_\_\_\_ No How Many Fixtures? 1  
 If No: X Not schedule \_\_\_\_\_ Declined

Data Download? X Yes \_\_\_\_\_ No Indicated Leaks? X Yes \_\_\_\_\_ No Continuous \_\_\_\_\_ Intermittent \_\_\_\_\_ Both X

Minimum Criteria Met? X Yes \_\_\_\_\_ No (100% or 35,000 gallons above average consumption)  
 Proof Leak Repaired? X Yes \_\_\_\_\_ No

**Partial Selectmen's Policy 08-30: Reasons for or against granting abatement request**

**Policy Procedure Line #2 (Against):** \_\_\_\_\_ In the event that a customer cannot determine the source or cause of the abnormally high consumption, the customer is required to hire a private licensed plumber to assist the customer in trying to determine said source or cause. If the plumber is unable to determine the source or cause of the abnormally high consumption, the Town can only speculate that the customer has located and repaired or corrected said source.

**Policy Procedure Line #3 (Against):** X In the event the source or cause of the abnormally high consumption is related to a leak due to customer negligence such as the failure to maintain internal (private) plumbing fixtures in good repair and/or protect plumbing from freezing, the customer shall be held responsible for the entire bill.

**Policy Procedure Line #4 (For):** X In the event the abnormally high consumption has occurred due to "unpredictable leakage" not caused by customer negligence, ignorance or unfortunate circumstances, as determined by Town staff and the Water & Sewer Advisory Committee, the Town shall consider granting a one-time abatement, per account, during any ten-year period, up to half of the water consumption above normal consumption.

Water & Sewer Department Actions Taken: Informed the customer of high usage; leak performed; downloaded data to produce graphs of water usage and gave copies to the customer for their review; held a meeting with Leanne, Desiree, Matt to discuss the leak; We said we would calculate it as one event even though on two billing periods; We had a follow up meeting, Leanne & Ed requested adding calculations to the worksheet to include abatement of all the extra usage above the 3 quarter average.

**Receipt Portion**

Reviewed by: Matthew Berube Date of Review: 9/20/17  
 Comments: The Town has reviewed this abatement request as one event which occurred in 2 billing cycles

Dept. of Public Works Recommendation: X Disapprove \_\_\_\_\_ Approve

Board of Selectmen Recommendation: \_\_\_\_\_ Disapprove \_\_\_\_\_ Approve

Abatement Amounts: \$366.39+\$1,794.59=\$2,160.98 New bills total: \$378.12+\$1,526.08=\$1,904.20  
\$634.90+\$3,220.57=\$3,855.47 \$109.61+86.25=\$195.86

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOS Approval/Disapproval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**13 Minuteman Lane-June bill portion of event**

**Customer Request: Full Abatement of usage over 3 quarter average (2,500 gallons)**

Tier 1--2017 rates

Water	2,500 gal * \$7.19/1000 gal =	\$17.98
Sewer	2,500 gal * \$5.25/1000 gal =	\$13.13
		<hr/>
		\$31.11

**Total Due= \$31.11**

**Abatement**

Total water/sewer bill = \$744.51 - \$78.50 \$666.01 less service fee & certified mailing

Abate = \$666.01 - \$31.11 = \$634.90

**Abate = \$634.90**

**New Bill Total with service fees added back**

\$31.11 + 78.50 = **\$109.61**

**Selectmen's Policy**

Total Usage=44,435 gallons

Previous 3 year 2nd-Q usage average- (7,060 + 290 + 150) / 3= 2,500 gallons

Excess above average- 41,935 gallons

Half of Excess gets abated- 20,968 gallons

What is Due vs Abatement?

**Due**

Half of excess	20,968	
Prev 2nd-Q usage average	2,500	
	<hr/>	
	23,468	billable gallons

Tier 1--2017 rates

Water	21,000 gal * \$7.19/1000 gal =	\$150.99
Sewer	21,000 gal * \$5.25/1000 gal =	\$110.25
		<hr/>
		\$261.24

Tier 2--2017 rates

Water	2,468 gal * \$8.99/1000 gal =	\$22.19
Sewer	2,468 gal * \$6.56/1000 gal =	\$16.19
		<hr/>
		\$38.38

**Total due= \$299.62**

**Abatement**

Total water/sewer bill = \$744.51 - \$78.50 \$666.01 less service fee & certified mailing

Abate = \$666.01 - \$299.62 = \$366.39

**Abate = \$366.39**

**New Bill Total with service fees added back**

\$299.62 + 78.50 = **\$378.12**

**13 Minuteman Lane-September bill portion of event**

**Customer Request: Full Abatement of usage over 3 quarter (623 gallons)**

Tier 1--2017 rates

Water	623 gal * \$7.19/1000 gal =	\$4.48
Sewer	623 gal * \$5.25/1000 gal =	\$3.27
		<hr/>
		\$7.75

**Total due= \$7.75**

**Abatement**

Total water/sewer bill = \$3,306.82 - \$78.50 \$3,228.32 less service fee & certified mailing

Abate = \$3,228.32 - \$7.75 = \$3,220.57

**Abate = \$3,220.57**

**New Bill Total with service fees added back**

\$7.75 + 78.50 = \$86.25

**Selectmen's Policy**

Total Usage=193,960 gallons

Previous 3 year 3rd-Q usage average- (1210 + 600 + 60) / 3= 623 gallons

Excess above average- 193,337 gallons

Half of Excess gets abated- 96,669 gallons

What is Due vs Abatement?

**Due**

Half of excess	96,669
Prev 3rd-Q usage average	623
	<hr/>
	97,292 billable gallons

Tier 1--2017 rates

Water	21,000 gal * \$7.19/1000 gal =	\$150.99
Sewer	21,000 gal * \$5.25/1000 gal =	\$110.25
		<hr/>
		\$261.24

Tier 2--2017 rates

Water	76,292 gal * \$8.99/1000 gal =	\$685.87
Sewer	76,292 gal * \$6.56/1000 gal =	\$500.48
		<hr/>
		\$1,186.34

**Total due= \$1,447.58**

**Abatement**

Total water/sewer bill = \$3,306.82 - \$78.50 \$3,228.32 less service fee & certified mailing

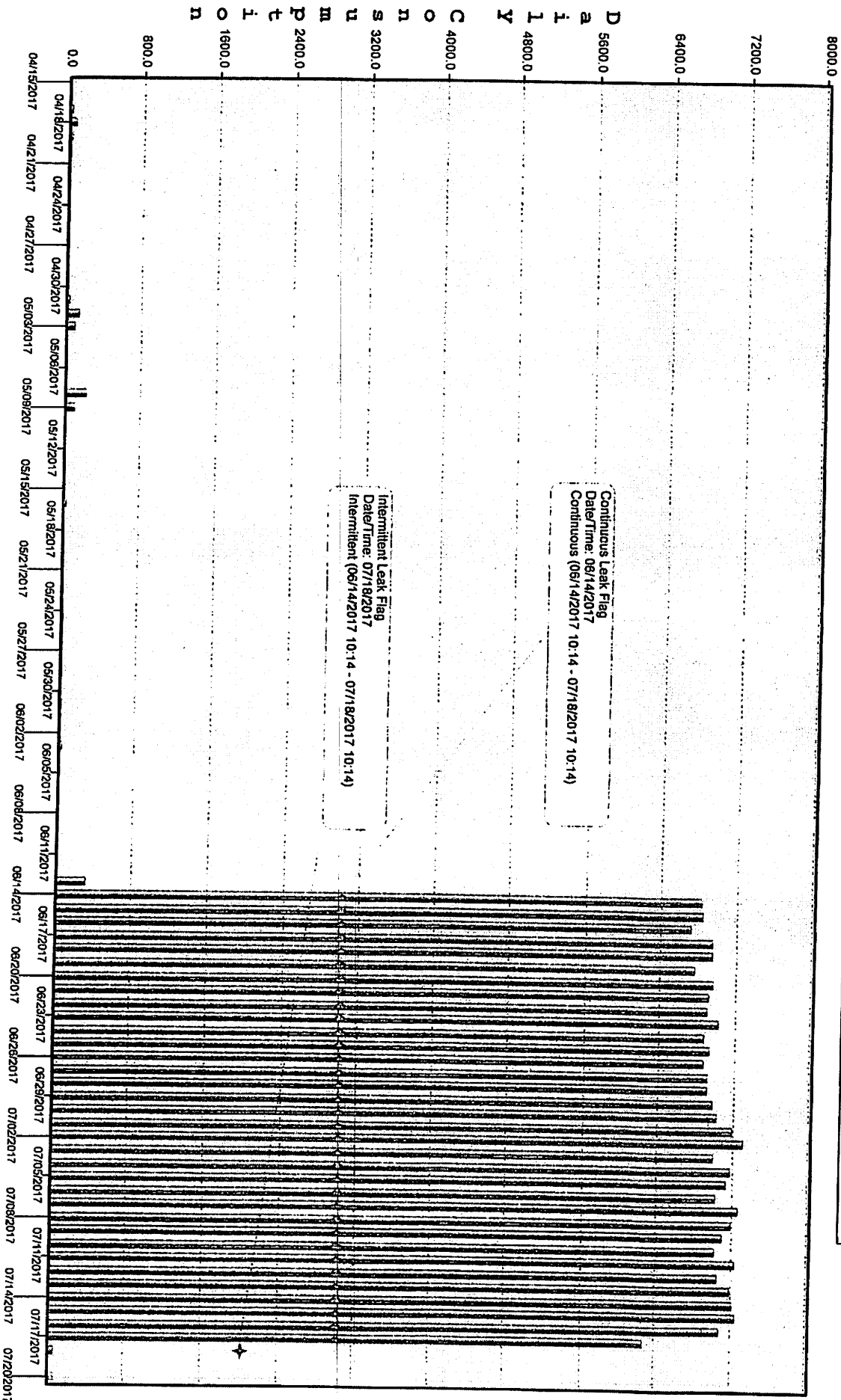
Abate = \$3,228.32 - \$1,433.73 = \$1,794.59

**Abate = \$1,794.59**

**New Bill Total with service fees added back**

\$1,447.58 + 78.50 = \$1,526.08

N\_SIGHT r900 Report  
 E-Coder R900I Data Logging Report  
 MIU#: 1834689563 Acct: Unknown Mtr #: 1834689563 Addr: 13 MINUTEMAN LANE for 04/15/2017 through 07/20/2017, WATER, 5/8" - 1" T-10, GALLONS



Interval (Daily)

\*All time intervals are represented in standard time.

N\_SIGHT R900 Repo.  
Data Logging Report Daily  
MIU ID: 1834689563      Meter Combination: WATER, 5/8" - 1" T-10, GALLONS  
Interval Date Range: 04/15/2017 - 07/20/2017

Interval Read Date	Interval Reading	Interval Consumption	Minor Backflow	Major Backflow	Intermittent Leak	Continuous Leak
04/15/2017	38764.8	0.0				
04/16/2017	38764.8	7.7				
04/17/2017	38795.3	22.8				
04/18/2017	38854.6	73.7				
04/19/2017	38899.0	30.0				
04/20/2017	38899.0	0.1				
04/21/2017	38899.1	0.0				
04/22/2017	38899.1	0.0				
04/23/2017	38899.1	0.0				
04/24/2017	38899.1	0.0				
04/25/2017	38899.1	0.0				
04/26/2017	38899.1	0.0				
04/27/2017	38899.1	0.0				
04/28/2017	38899.1	0.0				
04/29/2017	38899.2	0.1				
04/30/2017	38899.2	0.0				
05/01/2017	38922.8	27.1				
05/02/2017	38979.7	137.7				
05/03/2017	39153.9	89.9				
05/04/2017	39153.9	0.0				
05/05/2017	39154.1	0.2				
05/06/2017	39154.1	0.0				
05/07/2017	39154.1	0.0				
05/08/2017	39366.2	219.4				
05/09/2017	39479.2	105.7				
05/10/2017	39479.2	0.0				
05/11/2017	39479.2	0.0				
05/12/2017	39479.2	0.0				
05/13/2017	39479.2	0.0				
05/14/2017	39479.2	0.0				
05/15/2017	39497.9	18.7				
05/16/2017	39524.7	26.8				
05/17/2017	39524.7	0.0				
05/18/2017	39540.3	15.7				
05/19/2017	39540.6	0.2				
05/20/2017	39540.6	0.0				
05/21/2017	39540.6	0.0				
05/22/2017	39540.6	0.0				
05/23/2017	39540.6	0.0				

N\_SIGHT R900 Repo.  
Data Logging Report Daily  
MIU ID: 1834689563      Meter Combination: WATER, 5/8" - 1" T-10, GALLONS  
Interval Date Range: 04/15/2017 - 07/20/2017

Interval Read Date	Interval Reading	Interval Consumption	Minor Backflow	Major Backflow	Intermittent Leak	Continuous Leak
05/24/2017	39540.6	0.0				
05/25/2017	39540.6	0.0				
05/26/2017	39540.6	0.0				
05/27/2017	39540.6	0.0				
05/28/2017	39540.6	0.0				
05/29/2017	39540.6	0.0				
05/30/2017	39540.6	0.0				
05/31/2017	39548.7	11.5				
06/01/2017	39573.9	21.8				
06/02/2017	39573.9	0.0				
06/03/2017	39602.1	28.3				
06/04/2017	39602.2	0.0				
06/05/2017	39602.2	0.0				
06/06/2017	39602.3	0.3				
06/07/2017	39603.1	0.6				
06/08/2017	39603.2	0.1				
06/09/2017	39603.2	0.2				
06/10/2017	39603.5	0.1				
06/11/2017	39603.7	0.2				
06/12/2017	39604.0	0.3				
06/13/2017	39624.8	308.9				
06/14/2017	40499.3	6803.3				
06/15/2017	53250.3	6823.1				
06/16/2017	56113.5	6691.9				
06/17/2017	66868.4	6917.7				
06/18/2017	71757.6	6921.1				
06/19/2017	80511.9	6735.5				
06/20/2017	87445.5	6929.2				
06/21/2017	94346.8	6888.4				
06/22/2017	101198.0	6872.4				
06/23/2017	103270.0	6990.1				
06/24/2017	115052.2	6840.0				
06/25/2017	118712.1	6902.9				
06/26/2017	128780.7	6849.8				
06/27/2017	134299.4	6896.1				
06/28/2017	142567.3	6887.0				
06/29/2017	149514.7	6956.1				
06/30/2017	149817.5	7001.7				
07/01/2017	163672.3	7155.4				

N\_SIGHT R900 Repo.  
Data Logging Report Daily  
MIU ID: 1834689563      Meter Combination: WATER, 5/8" - 1" T-10, GALLONS  
Interval Date Range: 04/15/2017 - 07/20/2017

Interval Read Date	Interval Reading	Interval Consumption	Minor Backflow	Major Backflow	Intermittent Leak	Continuous Leak
07/02/2017	165784.5	7275.0				
07/03/2017	177937.7	6968.3				
07/04/2017	181825.9	7147.0				
07/05/2017	192167.8	7104.1				
07/06/2017	197713.1	6999.7				
07/07/2017	206390.7	7230.6				
07/08/2017	213566.7	7155.8				
07/09/2017	213855.1	7066.0				
07/10/2017	227642.4	7002.4				
07/11/2017	229688.3	7198.8				
07/12/2017	241841.4	7027.8				
07/13/2017	245797.3	7161.6				
07/14/2017	256207.3	7195.5				
07/15/2017	261953.0	7220.2				
07/16/2017	270475.8	7056.8				
07/17/2017	277048.3	6264.1				
07/18/2017	277048.3	56.0				
07/19/2017	277104.3	0.0				
07/20/2017	277166.1	61.8				

SEP 20 2017

Received

To: Exeter Board of Selectmen  
Re: Request for placement of signs

Date: 17<sup>th</sup> September 2017

The Exeter Area GFWC (General Federation of Women's Clubs) is requesting approval by the Board of Selectmen for the placement of lawn signs in and around Exeter to advertise for the Clubs Yuletide Fair that will be held at the Stratham Cooperative Middle School on Saturday, November 18th, 2017. This will be the 40th year that our organization has held this event as a primary fundraiser for the club. This event alone raises between \$12,000 and \$15,000 which is used to provide scholarships to local graduating seniors and to help worthy causes, locally, nationally, and internationally.

We would like to request the use of small lawn signs, measuring 21" x 18", that would be placed along the roadsides in the Exeter area. These would be put out one week before the event and would be removed by Monday, November 20th. We would also like to use a banner 6 feet in length to be placed at the entrance of Guinea Road, off of Hampton Road, in order to direct traffic to the school. This sign would also be put up one week prior to our event and be removed by Monday, November 20th.

Thank you very much for considering our request. You may contact me at 603-418-4565 for further information.

Sincerely,



Elisabeth Hinrichsen  
Co-Chair EAGFWC Yuletide Fair

Exeter Area GFWC  
PO Box 24  
Exeter, NH, 03833



1987-1988

The Board of Directors  
for the year ending 1987

Dear Sirs,

The Board of Directors of the  
General Association of Women's Clubs  
of the United States and Canada  
has the honor to acknowledge the  
contribution of the 1987-1988  
year and to thank you for the  
contribution of the 1987-1988  
year. The 1987-1988 year was  
a very successful one for the  
Association and we are pleased  
to have you as a member of the  
Association.

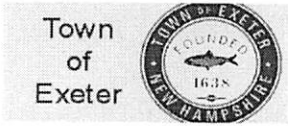
We would like to request that you  
return the enclosed check for the  
amount of \$12,000.00 to the  
Association. The check should be  
made payable to the Association  
and should be mailed to the  
Association at the address  
shown below. We would appreciate  
your prompt attention to this  
matter. Thank you for your  
contribution to the Association.

If you have any questions concerning our request, you may contact me at 807-412-4625 for further information.

Sincerely,

Elizabeth L. ...  
Executive Director

General Association of Women's Clubs  
1000 ...  
... 02233



Russ Dean <rdean@exeternh.gov>

**Fwd:**

**DONALD** <dclement43@comcast.net>  
To: Russ Dean <rdean@exeternh.gov>  
Cc: Anne Surman <annesurman3@gmail.com>

Tue, Sep 19, 2017 at 1:24 PM

Russ. Can we include this in the packet and possibly place the enclosed picture and comments on the web site

Sent from XFINITY Connect Mobile App

----- Original Message -----

From: Anne Surman  
To: Donald Clement, Russ Dean, Daniel W. Chartrand, Julie D Gilman, Kathy Corson  
Sent: September 19, 2017 at 1:12 PM  
Subject: Fwd:

To my fellow Board of Selectman members and the Town Manager,

As you may recall in my Committee meeting report at our BoS meeting of September 11, 2017, I brought up the fact that this stone hobby that has become popular has now caused a problem that fortunately did not harm any living creatures, but did cost the mower a new blade. We must somehow get the word out that these stones are not be placed on the ground where a lawnmower could hit one. Short of getting this in the ENL, I am not sure what the answer is other than educating the public and discouraging this hobby in the Swasey Parkway and frankly any of our town parks. I am not a big fan of signs for this kind of thing, simply because they could easily be missed, but I welcome any viable suggestions

Thank you.  
Anne

Small text block containing metadata or a broken image alt text.



**IMG959244.png**  
41K



STATE OF NEW HAMPSHIRE  
**DEPARTMENT of NATURAL and CULTURAL RESOURCES**  
DIVISION of PARKS and RECREATION  
172 Pembroke Road Concord, New Hampshire 03301  
Phone: (603) 271-3556 Fax: (603) 271-3553  
Web: www.nhstateparks.org

September 15, 2017

Russell Dean, Town Manager  
Town of Exeter  
10 Front Street  
Exeter, NH 03833-3792

**RE: LWCF #33-00594(Brickyard Park), NH Rt 111 Transportation Alternative Program Project**

Dear Mr. Dean,

We have reviewed the proposed Transportation Alternatives Program project to improve parking and pedestrian access on Kingston Road/NH Route 111 along the frontage of Brickyard Park (Land and Water Conservation Fund #33-00594) as described in your letter dated June 22, 2017.

We are pleased to inform you that this office concurs with the above mentioned proposal. We feel that this TAP project is consistent with the intent of LWCF project #33-00594 and should serve to provide enhanced access and safety for the using public. No further action is necessary. Please keep us informed if any significant changes to the project plans occur.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Gegas".

Bill Gegas  
LWCF Program Specialist

cc: 33-00594 Project File

*Town Manager's Office*

SEP 20 2017

*Received*

September 14, 2017

**FROM: Exeter Heritage Commission**

**TO: Don Clement, Chairman Exeter Board of Selectman  
10 Front Street  
Exeter, NH 03833**

**RE: Exeter Heritage Commission  
Public Hearing, 12 Front Street Demolition Request**

Dear Don,

On August 15, 2017 the Exeter Heritage Commission conducted a Public Hearing to consider the request to demolish the rear section of the house at 12 Front Street in Exeter. At this meeting the Exeter Heritage Commission unanimously voted against this demolition request. Meeting minutes and photo attached. You are being sent this notice because your board will be considering other actions on this property.



John W. Merkle  
Chairman, Exeter Heritage Commission





Exeter Heritage Commission

August 15, 2017

Draft Minutes

Members present: Julie Gilman, Pam Gjettum, John Merkle, Chairman, Maura Fay, Kelly Bergeron, Peter Smith

Call meeting to Order: John Merkle called meeting to order at 7:00 pm in the Exeter Town Hall Building at 12 Front Street.

This meeting was a public hearing where residents attended. The commission started by introducing themselves.

This public meeting is to discuss the requested demolition of the carriage house attached to the building at 12 Front Street, known locally as the Gardner House.

Residents who attended: Gregory Colling, John Lyons, Alyssa Murphy, Anne Bushnell, Eric Weinfieb, Ian Rawn, Barbara Rimbunas, Vicki Gies, Ed & Judy Rousin, Paul Vlasich, Ann Schieber

First to speak was Attorney John Lyons from Portsmouth and he represents the owner of the building. He also brought Allyssa Murphy who is the architect for the project. Allyssa spoke about how everyone has the same respect for the building. She stated that the carriage house is not part of the original building and the floor is raised about a foot above the rest of the building. This carriage house is in the back of the building.

Next to speak was the owner, Ann Bushnell. She stated that she has been living in this home for the past 19 years. She has tried for the past five years to sell, but have had no luck.

One of the engineers from Altus engineering, Inc. spoke. He passed out a blue print map to members of the commission. He stated they talked to the Town about the expanding the driveway and they came to the conclusion that the best location would be to move it over to the side. He stated that if they preserve the carriage house, it would prevent making more parking available.

Attorney John Lyons spoke again. He stated that on May 16, 2017, the plan that was in front of the commission was submitted to the Zoning Board. This plan was accepted by the Zoning Board. He stated that the goal is to keep the property as a single family residence. He stated that they met with the Town and came up with this plan. He stated that everyone knows what happens when you convert single family home into multiple units. You can see it up and down in Exeter and also in Portsmouth. There are four or five mailboxes out front. The front of the home has changed drastically. He stated that they do not want this to happen and they have a plan to address this to keep this building as a single family structure. He then stated that what they are asking of a 7,000 ft. square building is to take down 525 sq. feet. He stated that the new building they have on the property is tucked way in the back. They did this on purpose because the back takes a sloop. So, what is more important. Is it more important that the 525 sq. ft. in the back of the building be maintained or the beautiful home as a single family home be maintained. From their perspective, this is an easy question. He stated that the chairman talked about looking at this property and having some historic value. He stated that he is going to disagree with this conclusion. He stated that in 2012, Ann was given permission to take the garage down in the back of her home. It was taken down in August of 2014. Subsequently, a potential purchaser of the property

made an inquiry of the Historic District Commission as to whether or not it pertained to the carriage house. The Historic District Commission reached the conclusion that the carriage house "was a non-contributing" and it could be removed. He then stated that these statements have been verified on the record. He then stated that they inquired at the beginning of this year of the Historic District Commission about what people have been calling the carriage house. He then passed out copies of minutes from the January 19, 2017 Historic District Commission meeting. He highlighted what he wanted the commission to read and he read it. He stated that they know it is not a carriage house because the arches are plywood and it is a foot up off the ground. On closer inspection, the details is that someone was trying to match the details of the house. He then stated that the members of the HDC, independent of us and before we came to you, have verified everything we have talked about. He then stated that he reviewed the taping of this meeting. He made a transcript of the comments and read them to the committee. He stated that they are just asking to take down 525 sq. ft. behind the building so they can preserve the front building. He then stated that he would like the commission to notify the building inspector so the demolition can proceed.

Julie then made a motion to open the meeting to the public regarding 12 Front Street. Maura seconded. All were in favor and public hearing open.

First to speak was Greg Collins who is an architect. He stated that he just wanted to make some comments on his experience. He stated that the concept of putting nine units on this property seems outrageous. Four units would be more appropriate. He stated that to build another structure on a historic property would be problematic to this town. This structure is part of our community and part of downtown. He stated that he also spoke to the State Architectural Historian James Garvin. He stated that communities in new Hampshire are losing these types of out buildings. Greg then stated that he thinks something else can be done in preserving this house.

Next resident was Vicki Geis who had a question about whether this commission is authorized to approve. She then asked if it is just the tearing down of the building or does it include the nine units in the back. John Merkle, Chairman, stated that the Heritage Commission is an advisory commission. Attorney John Lyons stated that the nine units have been approved by the ZBA. Vicky then stated that if they sell nine condo units in the back, this changes the historical property in our community. Pam then spoke and stated that she was appalled at what they were doing. Attorney Lyons then asked the Chairman if Pam was a voting member on the board. He then asked for Pam to recuse herself. On the record, she just indicated that she was appalled at what they were doing and on the record indicated that she would not tell truth if she knew what they were doing. Attorney Lyons then stated that they were not here about the nine units, they are here about the carriage house. Pam did not leave. John Merkle, Chairman then stated that the commission is dealing with the demolition of the carriage house. They have no jurisdiction over the nine units. They are here about the carriage house.

Judy then spoke about the carriage house and with zoning there are only so many spaces for parking. Julie then stated that this is a zoning issue and not for the Heritage Commission. She then asked what other commissions or committees will be hearing this. She then stated that John Merkle stated that he does not think the HDC will be hearing this. Julie stated that they have had legal counsel on this in the past with other projects that have come before the HDC and got an opinion on one that said the building in whole or in part, is within the historic district. She then stated that according to their own plans, the 200 ft. is back past the carriage house, which we are talking about, is within the historic district. Judy then stated that this needs to go before the Selectmen, HDC and the Planning Board.

Julie stated that the different boards have different roles in this. The selectmen are only going to be talking about the easement from the parking lot into the property and how they want to solve that



situation. The Planning Board will deal with the whole project. The HDC is only going to talk about the demolition and what replaces it.

Next to speak was Ian Rawn. He stated that part of the heritage of Exeter is the place, the environment and the historic buildings. He mentioned the landscaping with trees and grass. He respects the rights of the owner, but he thinks that nine units and 12 parking spots is excessive. Something smaller would be better. He then stated that he just wanted to express his reservations about this.

John then asked if there was anyone else from the public who would like to speak. There was no one. Barbara from the Historical Society spoke. She stated that what they know about the Gardner House at 12 Front Street is that it was built over the period of 1826 – 1827. The house cost almost \$7,000 to build. It was built for John Gardner. She gave information about the home and who lived there.

Alyssa Murphy the architect spoke again. She stated the building is old and not sure what contributing value it has to the home and is hoping everyone is trying to accomplish the same thing.

Next to speak was Peter Smith. He stated that the federal construction build a water system in the carriage house. This is why the floor is not the same. He feel that this is an original part of the house. He feels that historic places are being chipped away piece by piece.

John Merkle, Chairman then asked if there was anymore public input. Attorney Lyons spoke to Peter to thank him for referencing the inside of the house. This is one of the biggest reasons Ann wants to keep it as a single family house. He then stated that they are all trying to get to the same place. He stated they are trying to preserve this building the best way they can. He stated that they have the right to put a building back there and put multiple units in it. The option is, do they then put units into the front building. Trees are going to come down, but the goal is to make this house a single family residence. He then stated that the only way to maintain this house is to defer the cost.

Judy then spoke again. She stated that as an owner of historic property and putting thousands of dollars into it, she can appreciate what they are saying. She is not in favor of the demolition.

The owner, Ann Bushnell spoke again. She showed several photos of her home and none showed the carriage house. She also brought a historical architectural book that does not mention carriage houses. Julie made a recommendation against demolition of the rear section of the house at 12 Front Street. Maura seconded. All were in favor and recommendation accepted.

John stated that he does not remember a Heritage Commission meeting in January. Maura stated that they did not meet in January and there was no reference made to the Heritage Commission being approached before. She stated that they were approached about this a couple of months ago as far as she is aware. Julie then stated going with the HDC request for an opinion, but again she knows it is in the minutes, but there was no vote taken on anything and it was an opinion or a discussion and not a decision. Julie then stated that one of the things they have heard is that people are looking at this building and you can see this from the street. Not having them mentioned in books, does not mean that they are not important. She had a map of 1884 and it shows the three sections. She is not sure if that is the original part they are looking at now.

There were no other public comments, so Julie made a motion to close the public hearing. Kelly seconded. All were in favor and public hearing closed.

The HDC discussed the Town Sign with the Town Engineer, Paul Vlasich. They looked at slides of signs with different colors. The options were blue, yellow and white. After picking the color, next is the

wording. Julie stated that whatever wording is decided upon, the DHR has to approve. The commission likes the blue with white wording. The Historic Society will check dates for the wording on the sign. Paul stated that he needs a decision before the HDC's next meeting. A few HDC members will meet on Thursday at 10:30 at the Historical Society to make the final selections.

Paul had brought a poster of what the etched glass would look like. He also passed out pictures of the library windows so the commission could see how it would look from different spots.

John asked about the Winter Street Cemetery. Julie stated that the condition survey was going to be done 8/21/17. John also asked about the Master Plan and Pam stated that they will be meeting tomorrow morning at 8 am.

With no further business, Julie made a motion to adjourn at 9:30 pm. Kelly seconded. All were in favor and meeting adjourned.

Respectfully submitted,

Elizabeth Herrick  
Recording Secretary

Quentin E. Gilman  
1309 NW Summer Beach Lane  
Silverdale, WA 98383

SEP 18 2017

*Received*

September 12, 2017

Town of Exeter  
Board of Selectmen  
10 Front Street  
Exeter, NH 03833

Dear Board of Selectmen

I would like to bring to your attention that Randy Daley, Supt. Exeter Cemetery, has informed me Mark Gilman has authorized the Nicholas Gilman (b.1755 d. 1814) Tomb Stone in the Exeter Cemetery to be replaced. The next steps are to confirm cost of replacement, approve and pay that cost, place the stone, then schedule a ceremony for the New Stone & Honor the Signer of the US Constitution. I am going to try and Coordinate this event with the American Independence Museum so that it occurs during the American Independence Day Celebration event. I already have the American Legion on board for an Honor Guard and 3 Gun Salute. I also hope to get DAR and SAR units involved.

The project to find the actual burial sight and location of the VA Stone of Nicholas is still in progress.

Sincerely,



Quentin E. Gilman

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156 Water Street, Exeter, NH 03833  
Tel. 603-778-0885 ♦ Fax: 603-778-9183  
[email@rpc-nh.org](mailto:email@rpc-nh.org) ♦ [www.rpc-nh.org](http://www.rpc-nh.org)

September 8, 2017

Don Clement, Chairman  
Board of Selectmen  
10 Front Street  
Exeter, New Hampshire 03833

**RE: Dues Request for 2018**

Dear Mr. Clement:

I am writing to thank you for Exeter's continued support and membership in the Rockingham Planning Commission and to provide you with updated information as you budget for membership for the coming year. Our services are available to Exeter and the other towns in the region through continued financial support in the form of dues paid by our member communities. Local dues provide our most important source of funding. They support the core operation of the agency and allow us to match grant funding from other sources.

Our dues request from Exeter for the coming year will be \$12,423. This is calculated based on the 2016 Office of Energy and Planning population estimate for Exeter of 14,845 and a dues rate of \$1.00 for the first 10,000 in population and \$0.50 per capita for the remainder.

Attached for your information is our adopted work program for the current fiscal year and narrative summary of some of the regional and local projects that we are presently working on.

The dues support we receive is more important than ever. As always, we are grateful for your support and participation in the Commission and eager to assist your town. If you would like to discuss this request or any other aspect of RPC membership or the work we are doing, please feel free to call me at 964-2124, or call Tim Roache, our Executive Director, at the RPC office at 778-0885. We will be pleased to meet with you at your request and convenience.

Sincerely,

A handwritten signature in cursive script that reads "Phil Wilson".

Phil Wilson  
Chairman

cc: Kelly Bergeron, Planning Board Chair  
Dave Sharples, Town Planner  
Russell Dean, Town Manager  
Gwen English, Langdon Plumer, Katherine Woolhouse and Julie Gilman, RPC Commissioners

Encl.



## **Racial Unity Team-Exeter, NH**

[racialunityteam1@gmail.com](mailto:racialunityteam1@gmail.com)

15 Sept 2017

Town Manager,

The Racial Unity Team operating within the First Baptist Church of Exeter, dba The Red Brick Church, wishes to request a waiver of the \$125 rental fee for the use of the Town Hall on October 21, 2017.

The Walk a Mile for Racial Unity event and Art Fest is being supported by the Chamber of Commerce, Philips Exeter Academy and the University of New Hampshire. In-kind donations from various local business are also being sought to support the program.

The program for the day includes the following:

9:00 am – 11:00 am

Walk a Mile for Racial Unity. Visitors can join a group and take a guided walking tour, learning about the racial history of the people of Exeter. After the walk, visitors will be given the opportunity to share their thoughts in small group discussions and by writing a note on the community board.

On-going at the same time will be the Grand Finale Art Fest Culture Keepers | Culture Makers. Visitors will be able to enjoy works of art by individuals who are expressing racial diversity and what racial unity means to them.

Music at the Bandstand provides visitors an opportunity to listen to musicians sing about racial unity, racial diversity and racial inclusion and their hope and desire for the future of our nation.

From 11:00 am to 12:00 noon participants will be asked to join the conversation with renowned artist Richard Haynes as together we explore and search for ways to build a fair and just world for people of all racial identities. It will also be an opportunity to discuss what actions need to be taken to stand strong against racism in our community.

This event is free and open to the public, and no profits will be made by the Racial Unity Team.

Thank you for your consideration and support.

*Ken S Mendis*

Ken Mendis  
Chair Racial Unity Team Exeter

**Our Mission - To advance relationships among people of different racial identities, increase understanding, and reduce bias in our community**

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DG 17-039

NORTHERN UTILITIES, INC.

**Petition for License to Construct and Maintain a Gas Distribution Main  
Across Little River in the Town of Exeter**

**Summary of Order *Nisi* No. 26,053 Granting License**

September 6, 2017

On September 6, 2017, the Commission approved a petition filed pursuant to RSA 371:17 filed by Northern Utilities, Inc. (Northern), requesting a license to construct and maintain a natural gas distribution main under Little River in Exeter, New Hampshire. The Commission's Order granting the license, along with the petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2017/17-039.html>.

The Commission determined that the proposed main is needed to meet the requirements for reasonable and safe service to the public, and that the license could be granted without substantially affecting the public rights in the Little River. Accordingly, the Commission approved Northern's request for a license to cross under the public waters, subject to certain conditions related to the safe construction, operation, and maintenance of the proposed crossing.

The Commission delayed the effectiveness of its approval of Northern's request, to ensure the public receives notice of the Commission's determination and has an opportunity to request a hearing. All persons interested in responding to the Commission's action may submit their comments or file a written request for a hearing, which states the reason and basis for a hearing, no later than September 25, 2017. Any person(s) responding to such comments and requests for hearing shall do so no later than October 2, 2017. Following consideration of any comments and requests for hearing received, the Commission may further extend the final effective date of its order. The Commission's order shall become final and effective on October 6, 2017, unless the Commission orders otherwise.

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DG 17-039**

**NORTHERN UTILITIES, INC.**

**Petition for License to Construct and Maintain a Gas Distribution Main  
Across Little River in the Town of Exeter**

**Order *Nisi* Granting License**

**ORDER NO. 26,053**

September 6, 2017

In this order *nisi*, the Commission grants the request of Northern Utilities, Inc. (Northern), for a license to construct and maintain a natural gas distribution main under the public waters of Little River in Exeter, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested parties receive notice of the Commission's order and have the opportunity to comment or request a hearing before the order becomes effective.

**I. INTRODUCTION**

On March 8, 2017, Northern filed a petition pursuant to RSA 371:17 for a license to construct and maintain a natural gas distribution main under Little River in Exeter, New Hampshire. The new 150-foot natural gas distribution main will replace an existing main that is contained within a culvert crossing the river on Court Street. The petition states that the Court Street crossing is being replaced by a single span bridge that will not be able to accommodate the main. In support of its petition, Northern submitted an excerpt of the Town of Exeter Capital Improvement Plan, an excerpt of a New Hampshire Wetlands Bureau Standard Dredge and Fill Permit Application by the Town of Exeter, and engineering details.



On August 9, 2017, Commission Staff (Staff) recommended that Northern's petition be granted. The petition, its attachments, Staff's recommendation and other docket filings, excluding any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2017/17-039.html>.

## **II. SUMMARY OF PETITION**

### **A. Crossing Location and Construction**

According to the petition and accompanying exhibits, the proposed crossing will be located slightly west of the new Court Street bridge. A trenchless process called Horizontal Directional Drilling (HDD), with a directional drill approximately 450 feet in length, will be used to install the new gas distribution main. The main will be constructed from a 4-inch diameter plastic carrier pipe that is inserted into an 8-inch diameter plastic casing pipe. Approximately 150 feet of the new gas distribution main will be installed below the river. The casing pipe will be at least 12 feet below the river bed.

### **B. Regulatory Requirements and Property Rights**

After reviewing Northern's petition and attachments, Staff determined that the proposed crossing is in compliance with the applicable requirements of N.H. Code Admin. Rules Puc 500 and 49 CFR Part 192. Northern is coordinating with the Town of Exeter to replace the existing gas distribution main in conjunction with the Town's project to replace the Court Street culvert with a bridge. The HDD construction of the new gas distribution main will use temporary entry and exit pits located within the Town of Exeter's municipal right-of-way.

### **C. Necessary for Service to the Public; Effect on Public Rights**

Northern's petition stated that construction of the new gas distribution main is necessary for it to continue providing natural gas service to customers on both sides of the river. In addition, Northern submitted that the license can be exercised without substantially affecting the public rights in the Little River. The HDD process should have no impact on the river, and the new gas main will not impede use of the river or traffic over the new bridge. By installing the carrier pipe inside a casing, Northern will be able to conduct maintenance on the distribution main by removing it from the casing without disrupting the river.

## **II. SUMMARY OF STAFF REVIEW**

The Commission's Safety Division Staff reviewed Northern's petition and supporting documentation, applicable statutes, rules, the requirements of 49 CFR Part 192, and ownership of the land, as well as public need, safety, and impact. Staff determined that the proposed construction meets the requirements of 49 CFR Part 192, applicable state statutes, and Commission rules. In a memorandum dated August 9, 2017, Robert Wyatt, Assistant Director of the Safety Division, recommended approval of Northern's petition subject to four conditions. First, approval should be limited to Northern's natural gas main under consideration in this docket. Second, Northern must construct, operate and maintain the main, consistent with the requirements of both Puc 506.02 and 49 CFR Part 192. Third, Northern must operate and maintain the crossing in conformance with the latest 49 CFR Part 192 amendments; and all future alterations to the crossing that may impact the public shall conform to the most current 49 CFR Part 192 amendments in effect at the time of submittal of the alteration. Fourth, Northern

must use above-ground pipeline markers for identification of the gas main with appropriate warning and company contact information on each bank of the Little River crossing.

### III. COMMISSION ANALYSIS

“Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a pipeline, cable, or conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state, or over, under or across any of the land owned by this state, it shall petition the commission for a license to construct and maintain same.” RSA 371:17. The Commission is authorized to grant such a license if it “may be exercised without substantially affecting the public rights in said waters or lands.” RSA:371:20.

RSA 371:17 defines public waters to include all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof that the Commission may prescribe. The New Hampshire Department of Environmental Services (NHDES) prepares, maintains and publishes an official list of all public waters in the state. Little River is included on the official list, which is maintained at [http://des.nh.gov/organization/divisions/water/dam/public\\_waters/index.htm](http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm).

Based on the information presented in Northern’s petition and Staff’s recommendation, we find that the proposed crossing is necessary for Northern to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the Little River, as required for approval under RSA 371:20. We therefore approve the petition subject to the conditions contained in the ordering clauses set out below related to ensuring safe construction, operation, and maintenance of the proposed crossing. We issue our decision on a *nisi* basis to provide any

interested person the opportunity to submit comments on Northern's petition or to request a hearing.

We note that Northern is responsible for obtaining all other permits for the construction and installation of the proposed crossing from any federal, state, and local authorities having jurisdiction. Our approval is only for a gas main with the specifications proposed by Northern in this docket. Should Northern wish to make any changes, it must make an appropriate filing. Finally, because NHDES is responsible for maintaining the official list of public waters, we require that notice of the proposed alterations be sent to NHDES. We also require notice to be provided to the Town of Exeter, the Office of the Attorney General, and owners of land bordering the crossing, as required by RSA 371:19.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, Northern is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain a natural gas main under the Little River described in its petition and depicted in its filings; and it is

**FURTHER ORDERED**, that the construction of the main shall be implemented as depicted in the petition documents; and it is

**FURTHER ORDERED**, that this approval is limited to the natural gas pipeline under consideration in this docket, and is conditioned on the requirement that Northern constructs, operates, maintains, and, if necessary, alters the main consistent with the provisions of N.H. Code Admin. Rules Puc 500 and 49 CFR Part 192, as may apply, and as amended from time to time, and all other applicable safety standards in existence at that time; and it is

**FURTHER ORDERED**, that Northern shall submit any future proposed alteration(s) to the crossing license granted herein at least 60 days prior to any such alteration(s); and it is

**FURTHER ORDERED**, that Northern use above-ground markers to identify the gas main, with appropriate warnings and Company contact information, on each bank of the crossing; and it is

**FURTHER ORDERED**, that Northern shall provide a copy of this Order *Nisi* to (i) the Town Clerk of Exeter, New Hampshire, (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19, and (iii) the New Hampshire Department of Environmental Services, no later than September 18, 2017, and to be documented by affidavit filed with this office on or before October 2, 2017; and it is


**FURTHER ORDERED**, that Northern shall cause a summary of this Order *Nisi*, issued concurrently with this Order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than September 18, 2017, and to be documented by an affidavit filed with this office on or before October 2, 2017; and it is

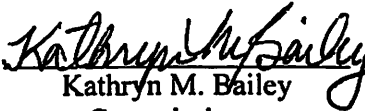
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than September 25, 2017 for the Commission's consideration; and it is

**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than October 2, 2017; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective October 6, 2017 unless Northern fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

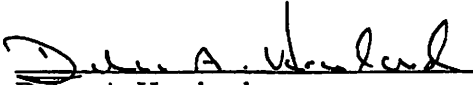
By order of the Public Utilities Commission of New Hampshire this sixth day of September, 2017.

  
\_\_\_\_\_  
Martin P. Honigberg  
Chairman

  
\_\_\_\_\_  
Kathryn M. Bailey  
Commissioner

  
\_\_\_\_\_  
Michael S. Giaino  
Commissioner

Attested by:

  
\_\_\_\_\_  
Debra A. Howland  
Executive Director

**MITCHELL MUNICIPAL GROUP, P.A.**

ATTORNEYS AT LAW  
25 BEACON STREET EAST  
LACONIA, NEW HAMPSHIRE 03246

*Town Manager's Office*

SEP 18 2017

*Received*

WALTER L. MITCHELL  
JUDITH E. WHITELAW  
LAURA SPECTOR-MORGAN  
STEVEN M. WHITLEY

TELEPHONE (603) 524-3885  
FACSIMILE (603) 524-0745

September 14, 2017

Anne Stelmach, Clerk  
Board of Tax and Land Appeals  
107 Pleasant Street  
Concord, NH 03301

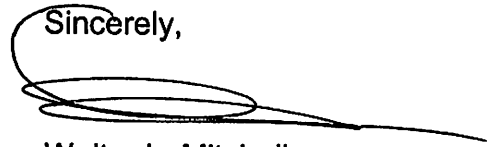
Re: Great Bay Kids Company, Inc. v. Town of Exeter  
Docket No. 28562-16EX

Dear Clerk Stelmach:

Enclosed please find our Appearance for filing with the Board in the above referenced matter.

Thank you for your assistance, and please call if you have any questions.

Sincerely,



Walter L. Mitchell  
[walter@mitchellmunigroup.com](mailto:walter@mitchellmunigroup.com)

WLM/tam  
Enc.

cc: Russell Dean, Town Administrator w/enc.  
Derek R. Durbin, Esquire w/enc.

with the...

Table 1.1

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THE STATE OF NEW HAMPSHIRE

BOARD OF TAX AND LAND APPEALS

**APPEARANCE**

Great Bay Kids Company, Inc.

v.

Town of Exeter

Docket Nos. 28562-16EX

Please enter our appearance:

**MITCHELL MUNICIPAL GROUP, P.A.**

By: 

Walter L. Mitchell, NH Bar# 1778  
25 Beacon Street East  
Laconia, New Hampshire 03246  
(603) 524-3885

As attorneys for:

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
(603) 778-0591

By signing this appearance, the attorney certifies:

- (1) The named party has authorized the attorney to act as the party's agent, including the authority to settle the case;
- (2) The named party has been sent a copy of this appearance;
- (3) The attorney is aware of the restrictions on withdrawing (see Section Tax 201.11); and
- (4) The attorney is aware that the attorney binds the party by the attorney's actions.

**CERTIFICATION**

We certify that a copy of this appearance was mailed postage prepaid, to Derek R. Durbin, Esquire on September 14, 2017.



September 13, 2017

Board of Selectmen  
Town of Exeter  
10 Front Street  
Exeter, NH 03833

**Re: Municipal Emergency Reporting Procedure Reminder**

Dear Chairman and Members of the Board:

In our effort to better assist our municipal customers, we are writing once again to provide you with the emergency reporting procedures for certain outside plant and service problems.

In the event that any municipal building experiences problems with downed cable drops, signal transport issues with I-NET or Video Return Lines, Public, Education and Government (PEG) Access channels or to have our technical or construction staff on-site during an emergency, please follow the steps detailed below:

**MUNICIPAL - EMERGENCY/TROUBLE REPORTING PROCEDURES**

*(Please note the XOC telephone number listed below **IS NOT** for public dissemination)*

- STEP 1 Dial: **1-877-359-1821** (24/7 – XOC)
- STEP 2 Select: **Option # 4 - Greater Boston** or Western NE regions
- STEP 3 Select: **Option # 4** - Commercial Accounts, Municipalities, Utilities, Police & Fire
- STEP 4 Reason for call:
  - Option # 1 - Down Wires (will be prompted to enter zip code)
  - Option # 2 - Pole or all other Municipal Issues
- STEP 5 Speak with Rep. and **obtain job reference #**

The above steps will put you in touch with our Excellence Operations Center (XOC), 24-hours a day, and seven days a week. ***Once again, please note this telephone # IS NOT for public dissemination.***

Please do not hesitate to contact me at 603.334.3603 should you have questions.

Very truly yours,

*Jay Somers*

Jay Somers, Sr. Manager  
Government Affairs



September 15, 2017

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

Dear Mr. Dean:

Over the past year, we have frequently heard our Members ask, "When will HealthTrust offer Health Reimbursement Arrangement (HRA) administration?"

We listened!

We are pleased to introduce **HealthTrust Benefit Advantage**, our new HRA and enhanced Flexible Spending Account (FSA) services! HealthTrust Benefit Advantage will provide the opportunity to add integrated HRA administration to the exceptional Member and Enrollee FSA services HealthTrust currently provides. To support this new initiative, we have partnered with Benefit Strategies, an organization based in New Hampshire with more than 25 years' experience in claims processing as well as experience in HRA design and administration.

### **How will this new initiative affect your current HealthTrust FSA services?**

Effective November 1, 2017, HealthTrust will be transitioning your Group's current FSA plan administration to HealthTrust Benefit Advantage's enhanced FSA services, with Benefit Strategies assisting in the processing of FSA claims. HealthTrust will notify Enrollees of this change by mid-October 2017. This exciting transition means your participating employees will have access to several new enhancements while your Group continues to enjoy the administrative excellence you have come to expect from HealthTrust.

### **What will be new?**

- **You and your employees can enjoy a fresh, new, user-friendly web portal**, accessed by clicking the same FSA login button you use now at [www.healthtrustnh.org](http://www.healthtrustnh.org). Beginning November 1, employees and administrators will need to create a new user account on the secure FSA portal. Thereafter, they can simply use the same username and password to access their account.
- **The new HealthTrust Benefit Advantage mobile app** will give your employees the services they need right in the palm of their hand. Beginning November 1, 2017, participants can download the HealthTrust Benefit Advantage app to:
  - View their account balances.
  - Capture and upload pictures of their receipts.
  - Submit and track claims.

Faint, illegible text on the left page of the document, possibly bleed-through from the reverse side.

Faint, illegible text on the right page of the document, possibly bleed-through from the reverse side.

Faint, illegible text on the bottom-left page of the document, possibly bleed-through from the reverse side.

Faint, illegible text on the bottom-right page of the document, possibly bleed-through from the reverse side.

- **Quicker Reimbursements!** Reimbursements will be provided three times a week via direct deposit or check. Participants will now be able to sign up through the portal to have reimbursements deposited directly into their bank accounts. No waiting for a check to arrive in the mail!
- **New HealthTrust Benefit Advantage cards will be sent to current Enrollees in the HealthTrust FSA** in November, 2017. They can start using their new cards as soon as they receive them, but their current “Benny” cards will work until their new cards arrive in the mail.
- **A new email address.** Beginning November 1, 2017, questions related to FSA accounts can be sent to HealthTrust’s new email address at [benefitadvantage@healthtrustnh.org](mailto:benefitadvantage@healthtrustnh.org).
- **Administrative fee invoices** will have a new look and will be sent monthly rather than quarterly. More information will be forthcoming.
- **Claims administration.** Benefit Strategies will work with HealthTrust to process claims. On occasion, you may get a call from a representative at Benefit Strategies. Rest assured, it’s okay! They’re part of the team!

#### What will stay the same?

- **Your HealthTrust Benefits Advisor** and access to our HealthTrust Enrollee Services Representatives. When you call HealthTrust with FSA questions, you will hear the same friendly voices you know and trust.
- **Participants’ current FSA elections** will remain in effect through the end of your plan year.
- **You will continue to send payroll deductions directly to HealthTrust,** as you do now.
- **Your FSA Service Agreement and Plan Documents** will remain the same through the end of the current Plan Year, but will be updated for your next FSA Plan Year renewal.
- **You should continue to use your current FSA materials.** Updated HealthTrust Benefit Advantage materials will be provided prior to your next renewal.
- **HealthTrust will handle the administration** and oversee claims processing with the same efficient and friendly service.
- **Our phone number** (800.527.5001) and fax number (603.415.3099).

#### What is a HealthTrust Benefit Advantage HRA?

Health Reimbursement Arrangements (HRAs) are employer-funded arrangements that reimburse employees for qualified medical expenses not covered by their employer-sponsored medical plan. HealthTrust Benefit Advantage HRAs will be available for January renewal Groups starting January 1, 2018. Details including available plan design and pricing will be forthcoming.

## WHY OFFER HEALTHTRUST BENEFIT ADVANTAGE?

HRAs and FSAs can be valuable tools for controlling rising medical plan costs for both employers and employees. Please refer to the chart for some of the benefits you and your employees may experience when you offer HealthTrust Benefit Advantage.

### Benefits for Member Groups

### Benefits for Participants

<b>Smart plan design and premium savings.</b> When considering a plan with a higher deductible, Member Groups could use a portion of the premium savings to fund the HRA, which minimizes the impact to employees of the higher out-of-pocket exposure, creating a more robust benefits package.	<b>Affordability and savings.</b> Providing access to HRAs and FSAs can help Participants manage out-of-pocket costs. HRA reimbursements are 100% tax-free and are excluded from an employee's gross income. Employees enrolled in a FSA can experience tax savings of 20-35 percent on their contributions (depending on their tax situation).
<b>Increased awareness of healthcare costs and medical consumerism</b> among your employees. Having HRAs/FSAs encourages employees to understand their medical plan, use funds more thoughtfully and adopt healthier lifestyle habits.	<b>Availability of funds.</b> The money in both HRAs and Health FSAs is available to Participants on the first day of a new plan year. In addition, because there are three check runs per week, Participants receive reimbursements more quickly.
<b>The exceptional service and account administration</b> you have come to expect from HealthTrust combined with the experience and expertise of Benefit Strategies.	<b>Convenience.</b> Participants can opt for direct deposit of reimbursements. They can also use the HealthTrust Benefit Advantage mobile app and secure portal for all their account needs.

### Valuable Education and Training

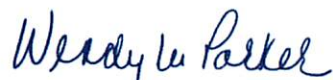
HealthTrust Benefit Advisors can come to your workplace and help your staff understand the advantages of HRAs and FSAs and how they work.

In the coming weeks, HealthTrust will be sending more details about this exciting new service. We are thrilled to offer HealthTrust Benefit Advantage and to be your trusted provider for all your benefit needs. We welcome your questions and feedback about HealthTrust Benefit Advantage or any HealthTrust plan or service as we strive to meet your needs and exceed your expectations.

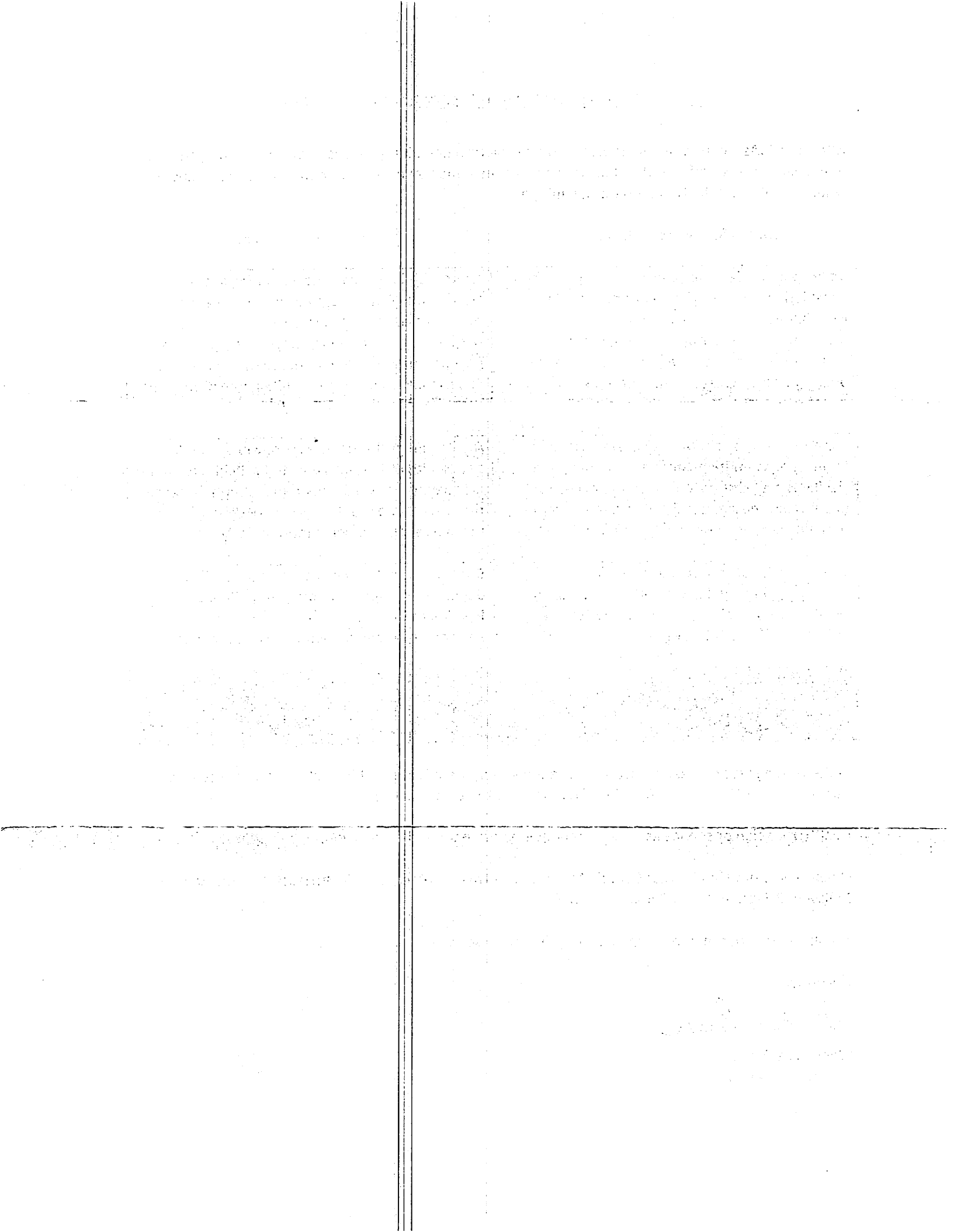
**Questions about HealthTrust Benefit Advantage?** Please contact your HealthTrust Benefits Advisor, Melisa A. Briggs, at 800.527.5001 ext. 3370.

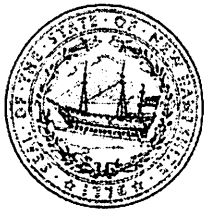
Thank you for your membership. It is our privilege to serve you.

Sincerely,



Wendy Lee Parker  
Executive Director





STATE OF NEW HAMPSHIRE  
DEPARTMENT of NATURAL and CULTURAL RESOURCES  
DIVISION of PARKS and RECREATION  
172 Pembroke Road Concord, New Hampshire 03301  
Phone: (603) 271-3556 Fax: (603) 271-3553  
Web: www.nhstateparks.org

September 15, 2017

Russell Dean, Town Manager  
Town of Exeter  
10 Front Street  
Exeter, NH 03833-3792

**RE: LWCF #33-00594(Brickyard Park), NH Rt 111 Transportation Alternative Program Project**

Dear Mr. Dean,

We have reviewed the proposed Transportation Alternatives Program project to improve parking and pedestrian access on Kingston Road/NH Route 111 along the frontage of Brickyard Park (Land and Water Conservation Fund #33-00594) as described in your letter dated June 22, 2017.

We are pleased to inform you that this office concurs with the above mentioned proposal. We feel that this TAP project is consistent with the intent of LWCF project #33-00594 and should serve to provide enhanced access and safety for the using public. No further action is necessary. Please keep us informed if any significant changes to the project plans occur.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Gegas".

Bill Gegas  
LWCF Program Specialist

cc: 33-00594 Project File

*Town Manager's Office*

SEP 20 2017

*Received*





The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



**REQUEST TO PROVIDE STORMWATER INSPECTION & MAINTENANCE RECORDS**

Date 9/8/2017

Richard Edmunds  
P.O. Box 272  
North Salem, NH 03073

*Town Manager's Office*

SEP 14 2017

RE: Alteration of Terrain Permit: AoT-0375  
Assessors Map 47, Lot 4.1 – Phase Two  
Exeter, NH  
Tax Map/Lot/Block #: Map 47/4.1

*Received*

Dear Sir or Madam:

As part of the issued Alteration of Terrain (AoT) permit for the above referenced project, the Department of Environmental Services (DES) required the development of a long-term maintenance plan for the project's stormwater practices. The long-term maintenance plan included the development of an inspection and maintenance (I&M) manual detailing the inspection frequency, an inspection checklist, and the maintenance of a log to document each I&M activity. At this time DES is requesting, in accordance with NH Administrative Rule Env-Wq 1507.08(c), copies of all records of long-term stormwater I&M activities for the above referenced project. DES is requesting this information to ensure the long-term effectiveness of all approved stormwater practices.

DES records indicate the AoT permit was issued to you. If you are not the responsible party for conducting I&M activities, please provide the name and contact information for the responsible party.

In order to learn more about required maintenance activities for specific stormwater treatment practices, please refer to Chapter 5 of the New Hampshire Stormwater Manual, Volume 2, which can be found on our website at:

<http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-08-20b.pdf>

**Please submit electronic copies (in PDF format) of all I&M activity logs, along with representative photographs, to the following email address within the next 30 days.** Please be sure to include the permit number in your response to this request. Email all responses and questions to:  
**[AoT-InspectMaint@des.nh.gov](mailto:AoT-InspectMaint@des.nh.gov)**

Sincerely,

Ridgely Mauck, PE, Administrator  
Alteration of Terrain Bureau

cc: Community Planning Board

Chief Executive Officer

2017

2017



The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



**REQUEST TO PROVIDE STORMWATER INSPECTION & MAINTENANCE RECORDS**

09/08/2017

Steve Bouchard  
Continental Microwave and Tool Co, Inc.  
11 Continental Drive  
Exeter, NH 03073

RE: Alteration of Terrain Permit: AoT-0335B  
Building and Parking Lot Expansion  
Exeter, NH 03073  
Tax Map/Lot/Block #: 46/5

Dear Sir or Madam:

As part of the issued Alteration of Terrain (AoT) permit for the above referenced project, the Department of Environmental Services (DES) required the development of a long-term maintenance plan for the project's stormwater practices. The long-term maintenance plan included the development of an inspection and maintenance (I&M) manual detailing the inspection frequency, an inspection checklist, and the maintenance of a log to document each I&M activity. At this time DES is requesting, in accordance with NH Administrative Rule Env-Wq 1507.08(c), copies of all records of long-term stormwater I&M activities for the above referenced project. DES is requesting this information to ensure the long-term effectiveness of all approved stormwater practices.

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**Please submit electronic copies (in PDF format) of all I&M activity logs, along with representative photographs, to the following email address within the next 30 days.** Please be sure to include the permit number in your response to this request. Email all responses and questions to: **[AoT-InspectMaint@des.nh.gov](mailto:AoT-InspectMaint@des.nh.gov)**

*Town Manager's Office*

SEP 13 2017

*Received*

Sincerely,

Ridgely Mauck, PE, Administrator  
Alteration of Terrain Bureau

cc: Community Planning Board

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

(603) 271-3503 • Fax: 271-2867 • TDD Access: Relay NH 1-800-735-2964

<p>1. The first part of the document discusses the importance of maintaining accurate records of all transactions.</p> <p>2. It is essential to ensure that all data is entered correctly and consistently.</p> <p>3. Regular audits should be conducted to verify the accuracy of the information.</p>	<p>4. The second part of the document outlines the procedures for handling discrepancies.</p> <p>5. Any errors identified during the audit process should be reported immediately.</p> <p>6. Corrective actions should be taken to prevent future occurrences.</p>
<p>7. The third part of the document provides a detailed overview of the reporting requirements.</p> <p>8. All reports must be submitted by the specified deadline.</p> <p>9. The format and content of the reports should adhere to the established guidelines.</p>	<p>10. The fourth part of the document discusses the role of the management team.</p> <p>11. Management should ensure that all staff are trained and up-to-date on the latest procedures.</p> <p>12. Continuous improvement should be a key focus for the organization.</p>
<p>13. The fifth part of the document concludes with a summary of the key findings.</p> <p>14. It is recommended that the organization continue to monitor and refine its processes.</p> <p>15. Thank you for your attention and cooperation.</p>	<p>16. The sixth part of the document includes a list of references and additional resources.</p> <p>17. For more information, please contact the relevant department.</p> <p>18. The document is dated 15th October 2023.</p> <p>19. Prepared by: [Name]</p> <p>20. Approved by: [Name]</p>

Chief Financial Officer  
 15th October 2023  
 [Signature]



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1**  
**5 Post Office Square, Suite 100**  
**Boston, MA 02109-3912**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**SEP 19 2017**

Mr. Russell Dean, Town Manager  
Town Office  
10 Front Street  
Exeter, NH 03833

Re: NPDES Permit No. NH0100871  
Administrative Order on Consent Docket No. 13-010

Dear Mr. Dean:

This is a response to the September 14, 2017 letter from Matt Berube to EPA written on behalf of the Town of Exeter requesting an extension of certain compliance schedule deadlines set forth in EPA Administrative Order on Consent Docket No. 13-010 ("Order"). Exeter's letter advised that more time is needed to complete lagoon closure and to substantially complete construction of the wastewater treatment facility upgrade due to unanticipated conditions regarding the amount and location of the sludge in the Sludge Storage Lagoon. Exeter also requested a 15-day extension of the deadline to achieve compliance with the interim limits in Attachment 1a of the Order.

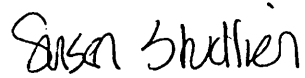
EPA has reviewed Exeter's request and agrees to extend the following Order deadlines of:

- Paragraph IV.A.2 from April 30, 2019 to June 15, 2019, for substantially completing construction of the WWTF; and
- Paragraph IV.B.2 from June 30, 2020 to July 15, 2020 or until 12 months after substantial completion of construction of the WWTF, whichever is sooner, to achieve compliance with the interim limits in Attachment 1.a of the Order.



If you have questions, please contact Joy Hilton of my staff. She can be reached at (617) 918-1877.

Sincerely,

Handwritten signature of Susan Studlien in black ink.

Susan Studlien, Director  
Office of Environmental Stewardship

cc: Jennifer Perry, Public Works Director  
Paul Vlasich, Town Engineer  
Matt Berube, Acting Water & Sewer Managing Engineer  
Tracy Wood, NHDES

Town  
of  
Exeter



Russ Dean <rdean@exeternh.gov>

---

## Gilman Park

5 messages

**Russ Dean** <rdean@exeternh.gov>

Mon, Sep 18, 2017 at 5:02 PM

To: Brian Hart <bhart@seltnh.org>

Hi Brian,

A quick question - we've had a number of residents interested in seeing a dog park installed at Gilman Park. What would be SELT's view of such a venture given the easement?

Thank you,

Russ

---

**Brian Hart** <bhart@seltnh.org>

Mon, Sep 18, 2017 at 5:12 PM

To: Russ Dean <rdean@exeternh.gov>

Cc: Deborah Goard <dgoard@seltnh.org>

Hi Russ,

I've cced Deborah Goard, our Easement Stewardship Director, who will review and get back to you.

It will be a few days as she is out of the office for a few days.

Thanks, Brian

**From:** Russ Dean [mailto:rdean@exeternh.gov]

**Sent:** Monday, September 18, 2017 5:02 PM

**To:** Brian Hart

**Subject:** Gilman Park

[Quoted text hidden]

---

**Russ Dean** <rdean@exeternh.gov>

Tue, Sep 19, 2017 at 6:58 AM

To: Brian Hart <bhart@seltnh.org>

Cc: Deborah Goard <dgoard@seltnh.org>

Brian, my thanks.

This topic comes up quite frequently and many people think the green space at Gilman would make an ideal site for a dog park.

Russ

[Quoted text hidden]

---

**Deborah Goard** <dgoard@seltnh.org>

Wed, Sep 20, 2017 at 10:00 AM



To: Russ Dean <rdean@exeternh.gov>

Hi Russ,

I've heard this from a few people as well in the last year.

The short answer is that having a dog park at Gilman Park is not an allowable use as the conservation easement specifically states in Section 2.L. that "The Grantor shall not designate the Property or any portion of the Property primarily for the benefit of, enjoyment by, and use of dogs."

There is a longer explanation for this of course which is that Gilman Park was protected for water quality, wildlife habitat, the public water supply etc. which a dog park is not necessarily compatible with. But with the term above, it's evident that this was something those involved with placing the conservation easement on Gilman Park clearly did not want to happen.

Thanks for reaching out about this and let me know if there's anything else you need.

**Deborah Goard**

**Southeast Land Trust of New Hampshire**

*Easement Stewardship Director*

P.O. Box 675

6 Center Street

dgoard@seltnh.org

Exeter, NH 03833

(603) 778-6088 (Office)

(603) 658-9721 (Direct)

seltnh.org



**From:** Russ Dean [mailto:rdean@exeternh.gov]  
**Sent:** Tuesday, September 19, 2017 6:59 AM  
**To:** Brian Hart <bhart@seltnh.org>  
**Cc:** Deborah Goard <dgoard@seltnh.org>  
**Subject:** Re: Gilman Park

[Quoted text hidden]

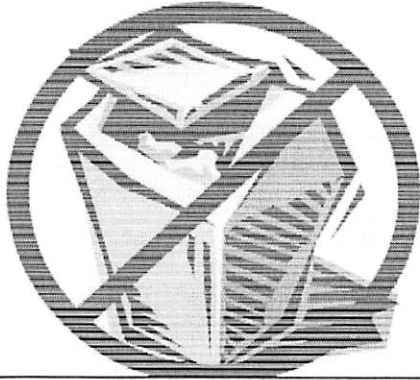
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**Russ Dean** <rdean@exeternh.gov>  
**To:** Sheri Riffle <sriffle@exeternh.gov>

Wed, Sep 20, 2017 at 10:59 AM

For anyone who asks or continues to ask about this...a definitive answer from SELT.

[Quoted text hidden]



# Hazardous Waste in *Your* Home??

Hazardous Waste is not just an industrial problem.  
Many household products contain hazardous chemicals. We are all hazardous waste generators!

## 2017 HOUSEHOLD HAZARDOUS WASTE COLLECTION EXETER, STRATHAM, NEWFIELDS, EAST KINGSTON, EPPING, SEABROOK & SOUTH HAMPTON

**SATURDAY, OCTOBER 21, 2017**

**8:00 am—1:00 pm**

Exeter Public Works Garage, Newfields Road (Route 85), Exeter

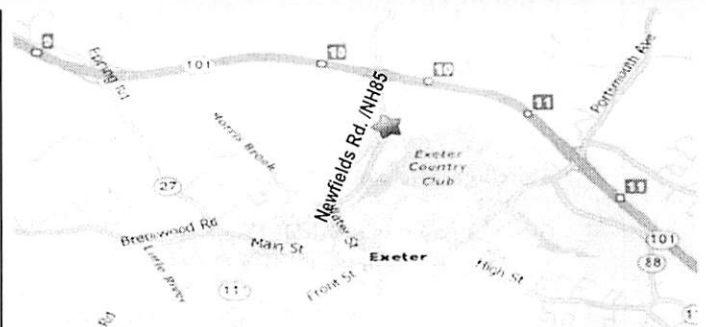
<u>FROM THE YARD</u>	<u>FROM THE GARAGE</u>	<u>FROM THE HOUSE</u>	<u>FROM THE WORKBENCH</u>
Pesticides	Motor Oil	Rechargeable Batteries	Rust Remover
Insect Sprays	Auto Batteries	Drain & Oven Cleaners	Wood Preservatives
Rodent Killers	Antifreeze	Furniture Polish	Paint Thinners
Pool Chemicals	Brake Fluid	Metal Polish	Oil Based Paints
Muriatic Acid	Wax & Polish	Fluorescent Light bulbs	Solvents
No-Pest Strips	Engine Degreasers	Photo Chemicals	Degreasers
Lead sinkers, flashing	Carburetor Cleaner	Mercury Thermometers	Mercury
Creosote	Asbestos (wetted and double bagged)	Fire Extinguishers	

**LIMIT PER HOUSEHOLD: 10 GALLONS or Equivalent  
LATEX Paint and Alkaline Batteries not Accepted (not hazardous)**

**NOTE: Electronic Recycling will not be held at HHW day.**

### IMPORTANT NOTE:

The following wastes **cannot be accepted**:  
Gas Cylinders, Explosive Materials, Ammunition,  
Radioactive Materials, Infectious and Biological  
Wastes, Prescription Medicines/Syringes,  
Esters, and Unknown Materials.  
*Please don't bring them!*



**COLLECTION IS FOR EXETER, STRATHAM, NEWFIELDS, EAST KINGSTON,  
EPPING, SEABROOK & SOUTH HAMPTON RESIDENTS ONLY**

Sponsored by the Towns of Exeter, Stratham, Newfields, East Kingston, Epping, Seabrook & South Hampton.

Organized by Rockingham Planning Commission—778-0885.

For more information: Exeter: 778-0591; Stratham: 772-4741; Newfields: 772-5070;  
East Kingston: 642-8406; Epping: 679-5441; Seabrook: 474-9771; and South Hampton: 394-7696

**\*\*\* A DONATION OF \$5 PER HOUSEHOLD IS REQUESTED TO HELP OFFSET COSTS. \*\*\***

**PLEASE  
NOTE:**

# WE WILL NOT BE COLLECTING ELECTRONICS AT THE 2017 HOUSEHOLD HAZARDOUS WASTE

## TIPS ON TOXICS

### PURCHASE

- ⇒ Read the label. Look for the words "non-toxic" and compare products;
- ⇒ Use non-toxic alternatives. Many times a general household cleaner is just as effective as a specialized product;
- ⇒ Buy only what you need;
- ⇒ Buy products with child-proof packaging;
- ⇒ Buy non-aerosol products. Aerosols produce a fine mist which, when breathed, can settle deep in the lungs. Chemicals are then quickly absorbed into the bloodstream. Aerosol cans can explode if stored near heat or flame.

### USE

- ⇒ Use products in a well ventilated room and avoid breathing fumes. Take breaks and work outside whenever possible;
  - ⇒ Wear protective clothing;
  - ⇒ NEVER mix products. Combining ammonia and chlorine bleach produces deadly chlorine fumes. Mixing chemicals can even cause explosions;
  - ⇒ Use only the recommended amount. Twice as much is not twice as good and may be twice as toxic.
- IF PREGNANT, avoid exposure to toxics;
- ⇒ In case of poisoning call Poison Control at (1-800-562-8236).

### STORAGE

- ⇒ Store in a safe place. Keep all toxics away from children;
- ⇒ Close containers securely. Some products like gasoline, oil-based paint & thinner can evaporate & pollute the air where they are stored.
- ⇒ Keep all products in their original containers.

### DISPOSAL

- ⇒ Use up a product to there is nothing left to dispose; — the simplest of all disposal solutions!
- ⇒ Donate leftover paints and other products to a service organization. Make sure the product is securely packaged and well labeled;
- ⇒ Take motor oil to a recycling center in your area. Some service stations accept used motor oil; many Towns do at their public works garages, including Exeter and Stratham;
- ⇒ Never pour harmful chemicals down the drain or on the ground. These chemicals include pesticides, paints, preservatives, automotive products, home hobby chemicals and cleaning fluids;
- ⇒ Take your household toxics to the household hazardous waste collection. Individuals can take left-over chemicals to a central collection point and the chemicals are disposed of at licensed treatment and disposal facilities;
- ⇒ Take advantage of New Statewide programs for LEAD SINKER AND NiCd BATTERY ⇒ disposal — available year round. For the location of disposal sites in the area contact the NHDES or the Rockingham Planning Commission at the numbers shown below.

### FOR MORE INFORMATION CALL...

NH Poison Control —	1-800-562-8236
NH Dept of Environmental Services —	271-2047
Rockingham County/UNH Coop. Ext.—	679-5616
Rockingham Planning Commission —	778-0885

### WHEN MAKING PURCHASES, AVOID PRODUCTS CONTAINING:

***Benzine, Toluene, Naphthalene, Trichloroethylene, Tetrachloroethylene, Methylene, Chloride, Carbon Tetrachloride***