

DRAFT MINUTES
BOARD OF SELECTMEN MEETING MINUTES MARCH 12, 2012

1. Call Meeting to Order

Vice Chairman Matt Quandt convened The Board at 6:50 p.m. in The Wheelwright Room of the Town Office Building. Other members of The Board present were Selectwoman Julie Gilman, Selectman Don Clement and Town Manager, Russ Dean. Absent Selectman Frank Ferraro.

The Board interviewed Allison Eberhardt for a position on the Conservation Commission then convened upstairs in the Nowak Room.

2. Public Comment - None

3. Minutes and Proclamations

a. Exeter High School Alpine Ski Team Recognition

Town Manager Russ Dean, recognizes the Exeter High School Blue Hawks Girls Alpine Ski Team. Mr. Dean recognizes the alpine ski team for success in their Division I State Championship. He presents them with an achievement plaque.

b. Regular Meeting: February 27th, 2012

Mr. Clement moves to accept the minutes from February 27 as submitted. Ms. Gilman Seconds. Vote: Unanimous

c. Non Public Session: March 5, 2012

Ms. Gilman moves to accept the Non Public Session minutes from March 5 as submitted. Mr. Clement Seconds.

Renee O'Barton comes forward expressing her concern regarding the time The Board convened in Non Public Session. It is conflicting.

Ms. Gilman moves to amend her motion to reflect a change in the time The Board convened in Non Public Session to 8:00 p.m. Mr. Clement amends his Second. Vote: Unanimous

4. Appointments - None

5. Department Reports – Nothing to report

6. Discussion / Action Items

a. New Business

i. Bid Award: Norris Brook Culverts

Jennifer Perry, Director of DPW presents a recommendation regarding the bids received for the Norris Brook Culverts. The DPW recommends the bid be awarded to the low bidder, Brown Industrial Group of Berwick, ME. She advises the Board that funding for this project was authorized by a special Town Meeting on July 12, 2011. Mr. Clement reminds The Board that these improvements will significantly reduce the amount of flooding on Water Street.

Mr. Clement moves to accept the bid for the construction and award it to Brown Industrial. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves that the Board request \$72,000 from the culvert capital reserve fund to be utilized to partially fund the project. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement advises that the capital reserve funds will all The Town of Exeter to purchase the bond at far less than anticipated. Ms. Perry advises The Board that there is an eight (8) week lead-time on the culverts.

ii. Bid Award: WTP Filter #3

Jennifer Perry, Director of DPW presents a recommendation regarding the bids received for the Water Treatment Plant Filter #3. She advises The Board that the carbon that was added to the filter was significantly costly and it does blind quickly. Ms. Perry recommends the carbon be replaced with sand and anthracite. The DPW recommends the bid to the lowest bidder, Waterline Services of Seabrook, NH.

Mr. Clement moves to accept the bid for the Water Treatment Plant filter #3 and award it to Waterline Services. Ms. Gilman Seconds. Vote: Unanimous

iii. HHW Day Collection Application

Mr. Dean presents the annual hazardous waste disposal day for the residents of the Town of Exeter. He asks The Board to vote to accept a certificate of authority to accept the grand funds and authorize the Town Manager to execute the agreement between The Town and Waste Management. Mr. Clement agrees this program is excellent for helping to eliminate hazardous waste.

Mr. Clement moves to approve the Certificate of Authority to move ahead with this household hazardous waste collection application. Ms. Gilman Seconds. Vote: Unanimous

Renee O'Barton, Exeter Resident comes forward to inquire about the date on a letter in the packet. She is concerned that the date on the letter is 2011. Mr. Dean advises the Board that the letter in the packet is a sample for the Board from last year.

b. Old Business

i. Pawnbroker Ordinance: 2nd Reading

Police Chief Kane presents his proposed changes to the town ordinance relating to Pawnbrokers and Secondhand dealers in the Town of Exeter. Chief Kane feels as though due diligence has been done and this proactive approach will require all businesses to perform and conduct business in a legitimate fashion. This new ordinance would work for second hand stores as well. In his opinion it will immediately relate to new businesses coming to the Town of Exeter. He summarizes the ordinance as a means of checks and balances on what is being sold. Chief Kane expresses his concern that towns without ordinances are likely to have other crimes committed while they are in that town trying to sell stolen goods. This ordinance will allow the Police Department to track goods, not day to day business. While there are no pawnshops in Exeter now, there is nothing to prevent them from opening in Exeter. He feels this ordinance will help to avoid potential problems in the future. There are no issues with the way the second hand stores are currently conducting business. The main objective is to prevent stolen goods from being transferred in the Town of Exeter. In his opinion, this ordinance will help shop owners. Chief Kane reminds the Board that it is the duty of the Police to investigate crimes and return stolen property to its rightful owner. He feels this ordinance would give the Police Department another tool to succeed in their efforts to restore property to its rightful owner. Chief Kane recognizes that there are some parts of the ordinance that may need adjusting such as the portion regarding yard sales or flea markets as these types of sales are not regulated by the Town. He reminds The Board that the Police do not intend to charge the storeowners with possession of stolen property. If a shop owner unwittingly receives or purchases stolen property, the Police are committed to going to the hearings and seeking restitution for the shop owners. Sergeant Tilton presents a PowerPoint presentation to The Board. It summarizes the main focus of the ordinance and points out the various reasons the Police Department believes that it will be beneficial to the Town of Exeter. Vice Chairman Quandt calls for public comment.

Joseph Camrada, storeowner in Exeter comes forward. He owns a used furniture store and his wife owns a consignment shop in Seabrook. Mr. Camrada applauds the efforts of the Police and what this ordinance stands for. Mr. Camrada is concerned that there seems to be a lot of paperwork involved in adopting this ordinance and he wonders who will keep all of these proposed records. Secondhand storeowners will be asked to record every single item that is purchased. He feels this will create a sea of information. He is

concerned at the time this will consume many man-hours and possibly even require a new position. Mr. Camrada feels this ordinance is expensive and unnecessary. Mr. Camrada feels that the justice system is such that if a storeowner is dealing in stolen goods, eventually they will be caught. Mr. Camrada notes that pawnshops are not the types of shops that currently exist in the Town of Exeter. The shop owners are not encouraging criminal activity by the goods that they sell to the best of his knowledge. He feels this type of required paperwork may turn much of his client base away. He also points out that none of the current shops have been cited for dealing in stolen goods. Ms. Gilman points out that this may require more definition in the operating procedure. Chief Kane advises the Board that books and furniture do not apply to this ordinance. Chief Kane agrees that keeping Exeter safe is the main concern. Ms. Gilman asks Chief Kane if there are any current procedures for how the database will be worked. Chief Kane advises that it only takes a few seconds to add to the current database and agrees that it is an extra step for the shop owners. Ms. Gilman inquires if the definition should be changed or added for consignment shops. Chief Kane defines consignment shops as shops that do not purchase anything. Consignment is for taking in goods and selling them on behalf of a third party, the same as thrift stores. Vice Chairman Quandt inquires if the ordinance will require background checks for storeowners and employees. Chief Kane indicates it does apply to both owners and employees. If new storeowners coming into Exeter have criminal convictions it could prevent them from opening a business here. The record of criminal activity would be limited to felony level offenses and stolen goods charges or convictions.

Gerry Hamel, independent contractor, Exeter comes forward to offer his opinion. He admits he would like to see this ordinance enforced but feels it should be written specifically for pawnshops. He advises The Board that as an independent contractor he does not background check every single one of his employees. He feels the idea of categorizing all stolen goods by picture could lead to more crime in that anyone could walk into the Police Department and pick out a random picture from the book of transaction slips. Rewriting the ordinance to exclude second hand dealers and focus primarily on pawnshops could help ease the secondhand community.

Mr. Camrada returns looking for clarification on what the Police Department wants to know exactly. Chief Kane advises that under this statute the Police would want to know where the goods were bought, who sold it to you. The transaction records can then be entered to the database and focus on them will only come if a property has been reported stolen by a Police Department. Mr. Camrada feels that as older people working on retirement, this seems like a lot to take on. Mr. Camrada summarizes a typical transaction in his store including a transaction receipt that is issued at the end. He is concerned the financial burden of transaction history such as this may eliminate him from the business owner pool.

Mrs. Camrada comes forward to ask if the ordinance is limited to goods purchased by storeowners from private parties, or are goods purchased from other storeowners included as well. Chief Kane responds that the Police are only interested in people who come into local secondhand shops and want cash for goods. Mrs. Camrada feels it would be easier on the storeowners for the Police Department to issue a list of stolen goods to them and allow the storeowners to cross-reference that list when goods are presented for purchase. Chief Kane agrees this is a good idea, but it would not be considered by the Police Department as a replacement to the proposed ordinance.

Shirley Pitts, secondhand storeowner expresses her concern that the article the way it is currently written does not exclude consignment shops. She feels the way it's written is overwhelming and she requests some clarification in the language.

Chris McMahon, Architectural Salvage comes forward to express his opinion. As a dealer of household items mostly purchased by the truckload he wonders if he is exempt. He purchases various items from various wrecking companies. He fears that his already heavy work schedule will be compounded by this ordinance. Chief Kane advises him his business would be exempt due to its nature and how the items are purchased.

Mike Schidlovsky, Exeter Area Chamber of Commerce comes forward to express his concern for retailers. He feels that holding inventory is costly. He applauds the Chief for what he is trying to achieve. He feels as though there are very few existing problems currently. He suggests it could be easier to maintain a database

of known stolen goods that the Police could forward to retailers. Those retailers could quickly compare and manage the transaction recording based on the exception. He feels this ordinance will in essence punish every retailer in a global way for a very small number of events that might be happening.

Janet Rooney, business owner comes forward to express her opinion. She feels that the paperwork alone would put more burden on already strained small businesses. In this exceptionally difficult time there is just no way to comply.

Joe Camrada returns to seek more clarification. If retailers are not making purchases from the streets and they're paying for the goods by check, will that exempt them? Chief Kane summarizes a scenario. If a person comes in and sells you a painting, it will get zero attention from the Police except the form. A true criminal will want to walk in, get cash and leave. If you're paying for goods by check, a criminal will more than likely find somewhere else to get the cash. He reminds the public that the Police are not looking at the transactions aside from the submission of the form.

Priscilla Eddy, resident comes forward expressing some concern regarding the short video at the end of the PowerPoint presentation from the Police Department. She does not feel it's accurate to compare the Town of Exeter to Chattanooga. She feels this type of presentation is more fear mongering than proactive.

Linda Hartson comes forward as a business owner dealing in antiques and collectibles. She and her husband buy and sell antiques and collectibles in traveling road shows. She feels the Police providing the secondhand dealers with a list would be significantly more helpful than them asking the dealers to itemize their inventory. She indicates she is a licensed antique dealer and can have a 6,000 plus inventory. Vice Chairman Quandt inquires what regulations she must comply with when dealing in other states. Ms. Hartson indicates she is required to purchase the space and pay a sales tax. She must register and be licensed, and pay sales tax.

Hal Macomber, Exeter resident and traveling antiques and collectibles dealer also comes forward to express his opinion. He feels this is a typical State law that is trying to be a one item solves all answer. He feels the proposed ordinance needs to be split up with two separate ordinances; one for secondhand dealers and one specifically relating to Pawnshops. He is concerned that the current verbiage in the proposed ordinance mandates his inventory must be sold in the Town of Exeter. Vice Chairman Quandt reminds the Board and the public that this is the first part of the process to induct a new ordinance, it is not the end of the process.

ii. Tattoo Ordinance: 2nd Reading

There is no public comment in regard to the second reading of the Tattoo ordinance.

7. Regular Business

a. Bid Openings - None

b. A/P Payroll Manifests

Mr. Clement moves to approve a payroll warrant for checks dated 3/7/2012 in the amount of \$168,063.98. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an accounts payable warrant for checks dated 3/9/2012 in the amount of \$20,887.37. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an accounts payable warrant for checks dated 3/9/2012 in the amount of \$254,868.15. Ms. Gilman Seconds. Vote: Unanimous

c. Budget Updates

There are no budget updates to report. Mr. Dean wishes to remind the public that the budget articles are up for adoption tomorrow, 3/13/2012. He wishes to remind the public to come out and vote.

d. Tax Abatements & Exemptions

Mr. Clement moves to approve an elderly exemption for map 87, lot 14/18A in the amount of \$152,251. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an elderly exemption for map 104, lot 79/118 in the amount of \$152,251.00. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 76 lot 5 in the amount of \$887.33. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 96 lot 16 in the amount of \$856.99. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 55 lot 53 in the amount of \$379.20. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 55 lot 52 in the amount of \$361.50. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 84 lot 12 in the amount of \$1,178.05. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 114 lot 3 in the amount of \$1,356.04. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 87 lot 19 in the amount of \$2,060.32. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 104 lot 76 in the amount of \$2,179.14. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to approve an abatement for map 72 lot 102 in the amount of \$568.80. Ms. Gilman Seconds. Vote: Unanimous

Mr. Clement moves to deny an abatement for map 86 lot 4.2. Ms. Gilman Seconds. Vote: Unanimous

e. Water and Sewer Abatements - None

f. Permits

The Girl Scouts of Green and White Mountains applied to use the Town Hall on May 25th from 6:00 to 9:30 p.m., for a Rope Runners Derby.

Ms. Gilman moves to approve the application of the Girl Scouts of the Green and White Mountains. Mr. Clement Seconds. Vote: Unanimous.

Peter Datillo submitted his annual permit to vend food and beverages from March 1, 2012 through December 31, 2012. Currently he wishes to vend his hotdogs at Stewart Park and will move to Swasey Park when it reopens.

Mr. Clement moves to approve the vendors permit. Ms. Gilman Seconds. Vote: Unanimous

g. Legislative Updates – None

h. Town Managers Report

Mr. Dean wishes to extend his gratitude to everyone involved in helping to prepare for the elections. There is a lot of work that goes on behind the scenes of an election and he wishes to extend his personal thanks to

anyone who has helped with this event. Mr. Dean urges the community to come out and vote. Mr. Dean also wishes to recognize Youth Art Month. The drop off is Wednesday from 2-6:00 p.m. The opening is scheduled for March 17th and will continue for the following two weekends. There will be music and refreshments available.

i. Selectman's Committee Reports

Ms. Gilman reports having attended a Heritage Commission seminar. She is also looking forward to and upcoming Historic District Commission Meeting and an EDC Meeting.

Mr. Clement has nothing to report.

Vice Chairman Quandt has nothing to report.

j. Correspondence

A letter from the New Hampshire Division of Historical Resources regarding the Winter Street Cemetery. The Cemetery is eligible for listing in the New Hampshire State Register of Historic Places.

A notice from Xfinity regarding new price adjustment information.

A letter from The Sexual Assault Support Services thanking the Town of Exeter for their generous donation.

A notice from Mimi Becker indicating the Public Meeting scheduled for April 18th needs to be postponed.

A notice from the New Hampshire DOT indicating the project for Expansion of Exeter Railroad Station Parking has officially closed. Mr. Dean reminds The Board that the letter is a formality. Without it, the Town can not move forward with the grant.

A legal notice from the Town of Newmarket informing the Town of Exeter, as a legal property abutter that Verizon Wireless has proposed a change to their current cellular towers.

A legal notice from the Town of Hampton informing the Town of Exeter, as a legal property abutter that several improvements, changes or modifications will be subject to public hearing

8. Review Board Calendar

The Board will meet on Monday, March 19th, at 7:00 P.m. with new members. An election for Chairman and Vice Chairman will be held that evening.

9. Non Public Session - None

10. Adjournment

Ms. Gilman moves to adjourn. Mr. Clement Seconds. Vote: Unanimous

The Board stood adjourned at 8:52pm.

Respectfully Submitted,
Jennifer Pond
Recording Secretary.