

**Exeter Board of Selectmen Meeting
Monday, June 3rd, 2013, 6:50 p.m.
Nowak Room, Town Office Building
10 Front Street, Exeter, NH**

BUSINESS MEETING TO BEGIN AT 6:50 P.M.

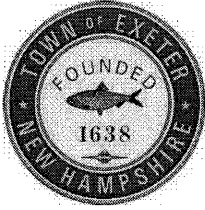
1. Call Meeting to Order
2. Board Interview: Planning Board (6:50 p.m.)
3. Public Comment
4. Minutes & Proclamations
 - a. Regular Meetings: April 29th, 2013
 - b. Regular Meetings: May 6th, 2013
 - c. Regular Meetings: May 20th, 2013
5. Appointments – Exeter Housing Authority, ZBA (full members to alternates)
6. Discussion/Action Items
 - a. New Business
 - i. Sign 2013-2015 Fire Agreement
 - ii. Connie Road: Emergency Lane Designation
 - iii. Update on Town Hall
 - iv. Fogge-Rollins Cemetery Report
 - v. Letter of Support: Green Infrastructure Funding
 - b. Old Business-
 - i. Bid Award: Line Marking
7. Regular Business
 - a. Bid Openings – Wastestream Reduction Project
 - b. A/P and Payroll Manifests
 - c. Tax, Water/Sewer Abatements & Exemptions
 - d. Permits
 - e. Town Manager's Report
 - f. Legislative Update
 - g. Selectmen's Committee Reports
 - h. Correspondence
8. Review Board Calendar
9. Non Public Session
10. Adjournment

Don Clement, Chairman
Board of Selectmen

Posted: 5/31/13 Town Offices, Town Hall, and Departments

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.

interview 6/3 @ 6:50



Town of Exeter Boards, Commissions & Committees Appointment Application

Committee Selection:

1st Choice: Planning Board 2nd Choice: _____

Name: Christina Hardy

Address: 5 Sterling Hill Lane #538, Exeter, NH 03833

Email: titchhardy@yahoo.com

Phone: _____ Cell: 603 380 8090

Please describe your interest in serving on this committee.
As a business owner of 20 years and a commercial property owner of 10 years (2 Continental Drive), and a resident, I am interested in being a part of the continued development of the Town.

Please provide any background information that would be of interest to the Board when considering your application, including previous committee service or other relevant experience. (resume can be attached)

Are you aware of any conflicts that could arise affecting your service on this committee?
No

Are you aware of the meeting schedule and able to commit to attending regularly? YES NO

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

Signature: C. Hardy Date: 05-16-13

Please submit to: Town Manager, Town of Exeter 10 Front Street Exeter, NH 03833

Draft Minutes

Exeter Board of Selectmen Meeting

April 29, 2013

1. Call Meeting to Order

Chairman Don Clement called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chairman Dan Chartrand, Selectman Frank Ferraro, Selectwoman Julie Gilman, and Selectman Matt Quandt. Town Manager Russell Dean was also present.

2. Public Comments

Gerry Hamel, from Little Pine Lane, talked about elderly exemptions. He said there have been a lot of articles about this in the newspapers lately and he has been following it. He said there are a lot of elderly people in this area and the exemptions are needed. He is trying to gather more information about it. He spoke in front of the Board to ask if the town would like to join him to see if they could get something going on this matter. The Board asked Mr. Hamel to gather more information and come back when he does so and he said he would.

3. Minutes and Proclamations

a. Regular Meeting: April 15, 2013

Russell Dean said finance told him there was a warrant that the Board approved, that was dated April 5, 2013, that was left off and suggested holding the minutes until that was added.

The following amendments will be made to the minutes:

- Page 5, last paragraph, change "Planning Department" to "Conservation Commission"
- Page 1 under the Public Comments, third paragraph, change "residence" to "residents"
- Page 8 under Permits, fourth paragraph, change "FGWC" to "EGWC"

A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to accept the minutes as amended. Motion carried – all in favor.

Russell Dean stated they were going to wait on proclamations.

4. Appointments

No appointments.

5. Discussion/Action Items

a. New Business

I. **2013 Town Warrant Article 35**

Chairman Clement gave an explanation as to what Article 35 was and opened the discussion up for public comment.

Dennis Brady spoke on behalf of Mrs. Gail Ferraro. She asked him to urge the Board of Selectmen to honor the 944 votes cast in favor of reopening this position.

Don Woodward said he thinks it is a great idea and it would be a great benefit to cross-train someone for the position.

Harry Thayer of the Budget Recommendations Committee gave a history of the clerk position. He talked about some options Russell Dean had previously given. He said the Budget Recommendations Committee voted yes on moving the receptionist to the finance office, saying it would save money. He thinks it is the right decision and urged the BOS to stay the course.

Mr. Baillargeon does not think the town is doing well. He talked about how during the snow storm this past winter his roads were very slippery. He called Public Works and the town office multiple times only to get an answering machine. He stated he does not know why his street is treated so badly.

Brian Griset gave figures saying 59% of the town's voters voted yes on Article 35. He said these voters should not be ignored.

Chairman Clement closed the public comment and brought the discussion back to the Board.

Chairman Clement talked about different tasks in the town and who does them, i.e. trash bags are sold by Department of Public Works, etc. He went on to say the Collection Specialist is a full-time position, so one individual cannot do both sets of duties. Chairman Clement does not say yes to this Article.

Vice Chairman Chartrand said he would approach Article 35 in a "humble mode". He said he thinks the employees of the town should listen to the voters; however he regretfully rejects the solution offered.

Selectwoman Gilman said she has reservations to the solutions offered. She stated she agrees with Chairman Clement and does not support Article 35.

Selectman Ferraro said he has been waiting for this issue to come up. He corrected Chairman Clement stating the collection specialist is actually a part-time position. He went on to give some history of the positions and relay some information from prior minutes. He quoted the town manager in saying that there would be “no additional cost with this change.” Selectman Ferraro said the sole purpose of the Board of Selectmen, and all town employees, is to serve the town. He says the townspeople communicate with the town in all different ways. He said the most powerful thing that the residents have is the ability to vote. It has been mentioned before that not many residents vote because they don’t feel their votes really matter. Selectman Ferraro moved to immediately implement Article 35. Lack of second. Motion failed.

Selectman Quandt suggested improving customer service to the residents. Chairman Clement said they are going to keep making improvements. Vice Chairman Chantrand said he appreciates the way the clerk’s office has been giving customer service and interacting with the public.

II. Remedial Action Plan Update – Sportsmen’s Club

Mr. Ken Berkenbush, Assistant Fire Chief/Health Officer, talked about a water quality testing project. He said he has \$6,500 in the budget to complete this project and he is going to run out of money before it is over. He provided a handout with a proposed scope of work, breaking into three sections. He showed a map to this effect for all. This map was pointing out all the places that have not been tested for lead and/or has a high concentration of lead. Mr. Berkenbush informed the Board that he will have enough money to do the actual testing, but does not have enough for surveying and gridding the areas.

Chairman Clement asked if this testing could be done before the fishing derby next month. Mr. Berkenbush replied that he has sent a letter to URS so he was hoping to have it done before then.

Mr. Berkenbush said the working estimate for surveying is \$3000. He said by using a company that he has used before should save money and time because they already have information and are familiar with the area.

Mr. Berkenbush is asking the Board to provide funds for surveying.

Mr. Dean provided a memo to the Board explaining where the funds could be taken from.

A Motion was made by Selectman Ferraro and seconded by Selectman Quandt to move \$1,000 from the Boards Consulting Line and \$2000 from the Planning Studies Project into the water testing line. Motion carried – all in favor.

Joe Kenick Jr., President of the Exeter Sportsmen's Club, stood in front of the Board to give his opinion about the testing. He said there has been no change to the area since he became President. He gave a history of land. He said that in 2003 wells were put in at the club. He suggested looking at the results, stating there was bad science in the results. He went on to tell the Board they should take a hard look at whether or not these tests need to be done. He gave many examples saying no test has shown lead in the water. He talked to the Board as a taxpayer asking if all this money needed to be spent on this, and as a club owner saying it may be beneficial.

III. Quarterly Financial Report – Finance Department

Doreen Ravell, Finance Director, spoke about the town's finances. She gave a clarification of accruals on the books. She then gave a report on the revenues of the town, saying the general fund was 6% in at this point. She reported that the sale of deeded property has brought in \$108,978 in the first quarter. She said property taxes will be billed soon and those revenues will be on her next report. She said the water fund revenue is in 23% at \$540,000 and the sewer revenues are in 23% at \$531,837.

Ms. Ravell then spoke about the revolving funds, reporting that the cable tv fund has an expected revenue of \$108,000 for this year. She said there has been a change in the recreation revolving fund, reporting that the parks and recreation director asked her to add \$85,000 because of the Powder Keg Festival.

Ms. Ravell went on to report that the Ambulance Revolving Fund was projected at \$449,000 for the year. Selectman Ferraro asked what the revenue was last year. Mr. Berkenbush answered that it was around \$439,000. Selectman Ferraro said that this year's revenue was sort of a low ball of revenues. He said he was told it would be a much higher revenue and stated that it has not increased much. He went on to say he doesn't like seeing numbers coming in that are "easy gets". Vice Chairman Chartrand stated that in budgeting he hopes they strive for accuracy.

Ms. Ravell went on to give the year-to-date expenses, saying the general fund was at \$3.514 million, water fund is 16.97% expended, and the sewer fund is 18.31% expended, totaling \$4.382 million. She reported that the Portsmouth Avenue monies will come in in late July.

Ms. Ravell said the water and sewer receivables are coming down from 24% to 20%, so that has been doing well over the last year. Selectman Ferraro informed that there is one account that accounts for most of this figure. Ms. Ravell agreed and Mr. Dean stated he has reached out to this account in a more aggressive manner.

Chairman Clement asked if they were on track. Ms. Ravell replied that they are tracking better.

IV. IRS Mileage Rate 2013

Doreen Ravell talked about employee mileage rate. She asked the Board to talk about mileage at least once a year.

Chairman Clement talked about increasing the mileage rate.

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to increase the reimbursement rate to 56.5 cents per mile. Motion carried – all in favor.

b. Old Business

I. Bid Award- Sewer Vector Truck

Mr. Dean asked to delay because there was no one in attendance from Department of Public Works. Chairman Clement concurred.

II. Public Health Grants

Ken Berkenbush passed out a handout about the Regional Public Health Network Service grant. He said the Town of Exeter has been getting this grant for about 10 years. He said the grant has changed. He informed the Board that DHHS is trying to create a Public Health region. In order to receive the grant he also had to take on Substance Misuse. United Way has been doing this for years so he talked with them about it. So he put the grant in jointly with the Town of Exeter as the fiscal agent. He went on to say there are two divisions. The first is Public Health Emergency Preparedness with a grant total of \$86,071 of which the town would receive 11%. The second is the Substance Misuse Prevention Program with a grant total of \$65,380 of which the town will get \$3,000 in indirect funds. The yearly annual total is \$151,451.

Mr. Dean said a few years back when they first entertained this grant he wasn't sure how long it would last. He is happy to see it succeeding.

Mr. Berkenbush said he would like to push through for the next two years. A Motion was made by Vice Chairman Chartrand and seconded by Selectman Quandt that the Town of Exeter accepts the Regional Public Health Service Grant for 2013-2014 and 2014-2015. Each year's annual total shall be \$151,451 with 11% or \$8,500 from the Public Health Preparedness section for indirect costs. And that \$3,000 dollars for

indirect costs come from the Substance Misuse Prevention and Related Promotion section. The grant total for both years shall be \$302,902. Motion carried – all in favor.

III. Committee Appointments 2013

Cable TV Advisory Committee

A Motion was made by Vice Chairman Chartrand and seconded by Selectman Quandt to appoint Nancy Belanger for term ending April 30, 2016. Motion carried – all in favor.

Conservation Commission

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Peter Richardson, Kevin Keaveney, Alyson Eberhardt, Jason Gregoire, and Robert Field for term ending April 30, 2016. Motion carried – all in favor.

Council on Aging

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Diane Kollmorgen for term ending April 30, 2016. Motion carried – all in favor.

Exeter Arts Committee

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Karen Noonan for term ending April 30, 2016. Motion carried – all in favor.

Exeter Economic Development Commission

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Len Benjamin, Barry Sandberg, and Cynthia Tokos for term ending April 30, 2016. Motion carried – all in favor.

Exeter Housing Authority

No appointment. Mr. St. Amour is stepping down. Mr. Sherman was put forward as a candidate. This will be scheduled for another meeting.

Exeter River Study Committee

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Peter Richardson and Frank Patterson for term ending April 30, 2016. Motion carried – all in favor.

Heritage Commission

A Motion was made by Vice Chairman Chartrand and seconded by Selectman Quandt to appoint Peter Smith for term ending April 30, 2016. Motion carried – all in favor.

Historic District Commission

A Motion was made by Vice Chairman Chartrand and seconded by Selectman Quandt to appoint Wendy Bergeron, Nicole Martineau, and Fred Kollmorgen, to term ending April 30, 2016. Motion carried – all in favor.

Planning Board

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Kenneth Knowles, Gwen English, Langdon Plumer, and Kelly Bergeron for term ending April 30, 2016. Motion carried – all in favor.

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Pete Cameron for the term ending April 30, 2015. Motion carried – all in favor.

Rockingham Planning Commission

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Langdon Plumer for the term ending April 30, 2016. Motion carried – all in favor.

Zoning Board of Adjustment

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Hank Ouimet for the term ending April 30, 2016. Motion carried – all in favor.

Water and Sewer Advisory Committee

A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to appoint Paul Scafidi and Jim Tanis for the term ending April 30, 2016. Motion carried – all in favor.

6. Regular Business

a. Bid Openings – Baggage Building Appraisal, Fire Ladder Truck

Mr. Dean reported he did not receive any baggage building proposals. He said he reached out to 6-8 of them but did not receive anything.

Chairman Clement proceeded on to fire ladder truck bids. The following are a list of bids in order of opening:

1. Seagrave Fire Apparatus, LLC	No bid
2. Dinghy Machine Company	\$853,797
3. RGB Inc.	\$803,965
4. Lakes Region Fire Apparatus	\$730,900 or \$697,900 w/trade-in
5. Lakes Region Fire Apparatus	\$746,900 or \$713,900 w/trade-in
6. NE Fire Engine Apparatus	\$763,000 or \$733,000 w/trade-in
7. KME Fire Apparatus	\$827,848 or \$821,848 w/trade-in
8. Greenwood Emergency Company	\$837,100 includes trade in for a 1994 aerial

A Motion was made by Selectman Quandt and seconded by Vice Chairman Chartrand to refer all bids to the fire department to make a recommendation. Motion carried – all in favor.

b. A/P and Payroll Manifests

A Motion was made by Selectwoman Gilman and seconded by Vice Chairman Chartrand to approve accounts payable warrant for checks dated April 19, 2013 in the total amount of \$114,439. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chairman Chartrand to approve town payroll warrants for week ending April 14, 2013 in the amount of \$162,099.49. Motion carried – all in favor.

In accounts payable warrants, a Motion was made by Selectwoman Gilman and seconded by Vice Chairman Chartrand to approve disbursements dated April 26, 2013 in the amount of \$355,611.45. Motion carried – all in favor.

c. Budget Update

Mr. Dean informed about a letter he received from the Meals on Wheels program through Parks/Recreation requesting to clear out some old furniture and such from a corner of the senior center to make it more usable. There was a list of items they wish to declare surplus, including an old organ of which there was a discussion about. Selectman Ferraro asked if the organ is working. Mr. Dean said he would have to explore that.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to declare the items listed in the memo dated April 19, 2013 surplus. Motion carried – all in favor.

d. Tax Abatements and Exemptions

Selectwoman Gilman reported there were no abatements.

A Motion was made by Selectwoman Gilman and seconded by Selectman Ferraro to approve the following elderly exemptions in the amount of \$152,251 each:

- Map 32, Lot 12, Unit 14
- Map 74, Lot 54
- Map 95, Lot 64, Unit 187
- Map 95, Lot 64, Unit 353
- Map 64, Lot 65

Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chairman Chartrand to approve an exemption in the amount of \$183,751 for Lot 104, Map 79, Unit 13. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Ferraro for denial of an exemption at Map 61, Lot 4. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Ferraro for approval of two disability exemptions in the amount of \$125,000 each for Lot 95, Map 64, Unit 85 and Map 32, Lot 12, Unit 23. Motion carried – all in favor.

e. Water/Sewer Abatements

No water/sewer abatements to report,

f. Permits

Mr. Dean talked about a request for Bedford Off Broadway to use a town facility for the purpose of a theatrical performance. The performances will be in the late afternoon/evenings of July 14-July 21.

A Motion was made by Vice Chairman Chartrand and seconded by Selectman Quandt to approve the request for Bedford Off Broadway to use town hall for a theatrical performance. Motion carried – all in favor.

g. Town Manager's Report

Chairman Clement asked if Mr. Dean could first update the Board on town hall. Mr. Dean reported that things look better. They can't move back over there until they receive a Certificate of Completion which was expected today (April 29). Once that certificate is received they can move finance back in to town hall. Mr. Dean said there was no other update this week on town hall.

Mr. Dean presented the Board with a deed. The deed is for 49 Lindenshire Ave. it is a late sale tax property and he hopes the Board is amendable to it. He got a \$50 bid on it. It hasn't had any bidders for a long time. A Motion was made by Vice Chairman Chartrand and seconded by Selectwoman Gilman to accept the offer of \$50 for Mao 95, Lot 64-386. Motion carried – all in favor.

Mr. Dean reminded the Board that they have closed out their Volunteer of the Year applications and he does have three for consideration of the Board. He will have a recipient sometime in May.

h. Legislative Update

No legislative update to report.

i. Selectmen's Committee Reports

Selectman Ferraro reported the only committee that met with the Planning Board. He was unable to attend but he said the predominant issue was a presentation on the University of New Hampshire climate change project.

Selectwoman Gilman said she attended the Historic District Commission meeting and the major discussion was they reached a decision to allow the Chamber of Commerce sign to be hung at the Major Blake Hotel next to the hotel's sign. She said she hopes it can now be seen.

Vice Chairman Chartrand deferred his report.

Selectman Quandt said he had nothing to report.

Chairman Clement talked about the Exeter Arts Committee and informed the Board that there are lots of exciting art shows coming up. He also talked about Comcast Care Day, saying it was a great turn out.

j. Correspondence

Chairman Clement went talked about the following correspondence:

- A letter from Seacoast Family Promise thanking the Board for the gift they provided
- A letter from residents expressing their opinions in favor of Article 35 and hoping that the voters of Exeter to be honored
- A letter from Comcast explaining a price adjustment
- A letter to Chief Kane from Rep. Donna Schlachman thanking him for attending a Senate Hearing on the use of cannabis for therapeutic purposes
- A letter from NAMI thanking Chief Kane and officers at the Exeter Police Department for their active role in promoting suicide prevention
- A Facebook picture displaying the Ride to School winner
- A memorandum from Kristen Murphy about a proposal that was given at the previous Conservation Commission meeting about an exchange of land and the purposes thereof
- A Letter from residents expressing opinions about a proposal of the town's to "grind a straight line and repave from side to side" at the end of their driveway
- A newspaper article "Unitil looks to tear up town roads to replace gas lines"
- A notice from the town clerk to all Exeter dog owners about licensing laws

7. Review Board Calendar

There are two scheduled meeting for the month of May: May 6, 2013 and May 20, 2013. A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to adjourn the meeting at 9:45. Motion carried – all in favor.

Respectively submitted,

Nicole McCormack
Recording Secretary

Draft Minutes

Exeter Board of Selectmen Meeting

May 6, 2013

1. Call Meeting to Order

Chairman Don Clement called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. This followed a non public session at 6:50 p.m. to discuss a fee waiver.

Other members present were Vice Chairman Dan Chartrand, Selectman Frank Ferraro, Selectwoman Julie Gilman, and Selectman Matt Quandt. Town Manager Russell Dean was also present.

2. Public Comments

No public comment.

3. Minutes and Proclamations

a. Regular Meeting: April 29, 2013

To be approved at a later date, per the request of Selectman Ferraro.

b. Special Meeting: May 1, 2013

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to approve the minutes for the May 1, 2013 Board of Selectmen meeting. Motion carried – all in favor.

Vice Chair Chartrand spoke about a proclamation involving National History Day. He talked about how National History Day requires students from Exeter High School and Phillips Exeter Academy to choose a theme for the year like performance, documentary, website, and paper. The students competed in the 11th Annual National History Day/New Hampshire Competition at Plymouth State College. Meredith Gilman and Gwenovere Gilman were in attendance and recognized for winning first place in the senior group performance category. Amesley Katz, Ben Paquin, and Chandra Budrow won second place for “No Clear Victor”; and Hojone Kim won first place for his paper. All three groups earned a special certificate for outstanding use of primary resources and are to compete in Maryland in June.

4. Appointments

No appointments.

5. Discussion/Action Items

a. New Business

I. Mike Lambert: Stewart Park Proposal

Mike Lambert spoke on behalf of the Exeter Area General Federation of Women's Club, asking to place a small monument in Stewart Park. The monument is essentially a map of the Great Bay Estuary. Mr. Jeff Gallant will inset the map in granite. Mr. Lambert explained the monument will be kept "fresh" with funding from the Women's Club. He is simply looking for approval to place the monument in this location.

Linda Lambert, of the EAGFWC, added there will be writing on the bottom of the monument saying "Courtesy of het EAGFWC". She said the monument is funded by a cash prize the organization won at a recent convention.

Mrs. Lambert went on to talk about the organizations next fundraiser. It will be in celebration of the club's 60th anniversary. It will be held at the Exeter Inn on June 8 at 7:00 and will include dancing, music, and raffles. All profits will go to their contribution for renovating the Exeter Senior Citizen Center.

Selectman Ferraro thinks this is a great idea. He said it will be nice to see where the river goes. He asked Mr. Lambert if there is going to be any marking on the map showing where the person is, i.e. a "You are here" marking. Mr. Lambert said the project initially started out much larger. He said he kept downsizing and was hoping to rely on the sensibility of the individual to know where they are. Selectmen Ferraro mentioned that visitors who are not familiar with the area will look at the map and not know where they are. He said a label might be helpful. Mr. Lambert replied he would mention something to Jeff Gallant to see if he could sneak something in. Mrs. Lambert disagreed.

A Motion was made by Vice Chairman Chartrand and seconded by Selectman Quandt that the Selectboard give the EAGFWC and Mr. Lambert and Mr. Gallant approval to go ahead with put the marker up with the map and we appreciate that you're thinking about maintaining in the future because that is often an issue. Motion carried – all in favor.

II. Discussion on Town Ordinance 703

Mr. Russell Dean said himself and Selectwoman Gilman had a prior discussion about the issue of having public events that involve alcohol. He went on to discuss multiple venues and events of which alcohol was sold at. He said the public drinking ordinance prohibits drinking unless there is an exemption. Mr.

Dean said he was just trying to start a discussion about how to deal with these proposals in the future.

Selectwoman Gilman said it is a difficult discussion because they recognize prior success at beer events. She said events that have alcohol always make more money.

Selectman Ferraro said it is good that the Board is exploring this. He went on to talk about who has the authority to ok these exemptions. He said there are not just outdoor events, that they have to think about indoor events. Selectman Ferraro thinks the BOS should be involved in approving the exemptions.

Selectman Quandt thinks an amendment should be made to have the Selectmen involved.

Chairman Clement said he would like to see somewhere in the ordinance only before "civic" events. The Board talked about this being a "slippery slope". Basically if one event has alcohol, they all will want it. There was a discussion about whether to make it so broad or limit to civic events. They decided it was something to ponder. Chairman Clement said he's not sure why Parks and Rec. are involved in the approving of the exemptions, and he thinks the ordinance needs some tweaking.

Vice Chairman Chartrand said the Board is searching for a problem that does not exist. He said he does not agree that the ordinance needs to be changed and is comfortable with it the way it is.

Mr. Don Woodward, of the Town Budget Recommendations Committee, said all the town departments had been asked to come up with ideas on how their department could improve the town and that is why the Parks and Rec. have been involved in the events.

Mr. Dean went on to report that Primex says whatever the outcome to make sure to stay within the scope of proper insurance. He reported that Primex says for each event they'd be happy to weigh in on thoughts and concerns and can give good insight.

Selectman Ferraro said he would be willing to take a shot at writing a new ordinance, but would like to hear back from Primex on their liabilities first. Mr. Dean says he will have something for the May 20th meeting. Mr. Dean asked the members of the Board to give him all their suggestions.

Chairman Clement said they would wait to hear back from Primex then take the next step.

III. Discussion: SB197

Mr. Russ Dean talked about SB197. He said it is headed for success. He talked about what SB 197 does, saying a few years ago there began a discussion that the water and sewer funds are voted as part of the operating budget in a single article each year. So the question came up: Shouldn't water and sewer have their own budget article? Mr. Dean went on to say the only problem is there is no provision for default budget for either water or sewer funds. So, SB197 came out of a process through one of the committees to craft amendments to the RSA that would allow now operating in a default budget for the water and sewer funds. Basically, making three separate articles: a general fund portion, a water fund portion, and a sewer fund portion.

Mr. Dean went on to say he just wanted to bring an update. He said there has been a lot of support around the state.

Mr. Dean said this doesn't require the vote of the town to make this happen. He said it is up to the Board to decide the format in the fall.

Selectwoman Gilman commented that she thinks this is a great idea.

Selectman Quandt asked Mr. Dean if he was just looking for an OK from the Board to recommend this legislation. Mr. Dean replied that he is.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to recommend support of the amendment to SB197. Motion carried – all in favor.

Chairman Clement commented the amendment gives a good clarification to the voters.

IV. Discussion: HB617

Mr. Russ Dean started by saying the House passed a version of the Road Toll/Gas Tax Bill that would increase gas tax by four cents a year. The Town of Exeter would see an additional \$816,000 in revenue from this over 10 years for highways. The Senate was to meet on this issue May 7, 2013.

Selectman Quandt said he does not believe this is going to pass the Senate at this time because it is a tax increase. He also mentioned lots of small businesses are against this.

Chairman Clement said Exeter receives a block grant aid based on current gas tax. There was a discussion about last year's revenues they were at about \$250,000 which is applied to the general fund. He said it has been, however, declining over the last few years.

Chairman Clement went on to say he always welcomes additional increased revenue for the state. But he may be a bit ambivalent about raising gas tax over a three year period by 12 cents.

Selectman Quandt said there are two options: either recommend supporting this or recommend not supporting is.

Selectman Ferraro suggested moving on the agenda. No action was made.

b. Old Business

I. Bid Award: Sewer Vector Truck

Mike Jeffers talked about the bid he recommends. He told the Board the bidder he would recommend is C.N. Wood, Inc. with a bid of \$369,000. Mr. Jeffers said he likes this truck. He explained how the truck has a simpler system for dumping and would be easier to fix.

Selectman Ferraro mentioned there is \$5000 worth of spare parts that Mr. Jeffers could use for the vector. Mr. Jeffers agreed and said a lot of the parts are interchangeable.

Selectman Ferraro asked what would be done with the current truck. Mr. Dean said they have not talked about that yet, but will probably put it out to bid. Mr. Jeffers said he was not interested in a trade-in as it needs lots of repairs. He agreed that either a private sale or an auction would be best.

Chairman Clement asked when the new truck would arrive. Mr. Jeffers said they should have it by October or maybe even sooner.

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to award the bid to C.N. Wood Inc. for \$369,000. Motion carried – all in favor.

6. Regular Business

a. Bid Openings

No bid openings.

b. A/P and Payroll Manifests

A Motion was made Selectwoman Gilman and seconded by Selectman Quandt to approve payroll distribution for checks dated May 1, 2013 in the amount of 160,537.32. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve checks dated May 6, 2013 in the amount of \$297,795.46. Motion carried – all in favor.

c. Budget Update

Mr. Dean reported no budget update.

d. Tax Abatements and Exemptions

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve the following abatements:

- Map 47, Lot 4 with a refund of \$996.03
- Map 47, Lot 4 with a refund of \$1021.25

Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve and elderly exemption for Map 104, Lot 79, Unit 225 in the amount of \$152,251. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to collect a Jeopardy Tax in the amount of \$412.13 for Map 87, Lot 14, Unit 9B. Motion carried – all in favor.

e. Water/Sewer Abatements

No water/sewer abatements to report,

f. Permits

Mr. Dean talked about a letter from Phillips Exeter Academy requesting the Town's permission to stop traffic on June 9 on streets close to the Academy for the purpose of graduation exercises. Chairman Clement said he assumes the Police Department is aware of this.

g. Town Manager's Report

Mr. Dean talked about the following:

- An organ the Board had previously declared surplus. He said the estimates of value are coming.
- The history awards presentation. He congratulated the winners and was thankful for his invite.
- Mike Favreau has closed the bathrooms at the rec. parks until park is open for the season due to a vandalism issue.
- Mr. Kirshen will appear at the May 20th meeting to give an update on the climate matters.
- There was a request for a speed limit on a private way. The town, however, does not regulate the speed limits on private ways.
- A note from Mr. Ken Berkenbush saying he expects the survey for work at the Sportsman's Club will go on and the fishing derby will go on as scheduled.

h. Legislative Update

No legislative update to report.

i. Selectmen's Committee Reports

Selectman Ferraro reported no meetings until Planning Board this coming Thursday, May 9.

Selectwoman Gilman said the 375th met. She advised the Board of upcoming events including Seacoast Idol. She said May 17 is National Bike or Walk to Work Day. She said the Heritage Committee meets Wednesday, May 8. She told the Board she walked through the band music room and there are piles of sheet music from 1800's though today that are in good condition. She went on to say she wanted to start going though all the music six years ago, that it is a huge project, but it needs to be taken care of.

Vice Chairman Chartrand attended the meeting of the Tax Increment Finance Work Group last Wednesday, May 1. He reported that the group is developing a document to run by the Planning Board, Historic District Committee, etc., all leading up to a presentation in front of the Board of Selectmen. Vice Chair Chartrand also welcomed back the Farmer's Market.

Selectman Quandt reported the Board of Swazey met.

Chairman Clement the Exeter Housing Authority met. He said there is still landscaping the town needs to provide to finish up the Water Street Interceptor project. He then said the River Study Committee met and they are coming up with two potential alternatives to dam removal. They are leading up to a public presentation in June. He talked about the Unitil Emergency Response Overview and he would leave the essence of the presentation on the Selectmen's mailing box.

j. Correspondence

Chairman Clement went talked about the following correspondence:

- A letter from Mercedes Voorhees about supporting Article 35
- A letter from the Dept of Revenue
- Multiple Comcast correspondence
- A legal notice about the Exeter Planning Board Agenda

7. Review Board Calendar

The next scheduled meeting will be May 20, 2013.

Selectman Ferraro said he will not be in attendance of the May 20th meeting and asked to defer the review/approval of the Minutes for the April 29 and May 6 meetings until his return.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to adjourn the meeting at 8:35. Motion carried – all in favor.

Respectively submitted,

Nicole McCormack
Recording Secretary

Draft Minutes

Exeter Board of Selectmen Meeting

May 20, 2013

1. Call Meeting to Order

Chairman Don Clement called the regular business meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chairman Dan Chartrand, Selectwoman Julie Gilman, and Selectman Matt Quandt. Town Manager Russell Dean was also present. Selectman Frank Ferraro was absent. Chairman Clement said the Board was just coming out of a non-public session regarding a fee waiver and land acquisition. In addition, an interview was held with Vern Sherman for a position on the Exeter Housing Authority at 6:50 p.m..

2. Public Comments

No public comment.

3. Minutes and Proclamations

a. Proclamation: Public Works Week

Selectwoman Julie Gilman read a proclamation about 2013 National Public Works Week. The Town of Exeter Board of Selectmen proclaimed May 19 through May 25, 2013, as "National Public Works Week" in the Town of Exeter.

A Motion was made by Selectman Quandt and seconded by Vice Chair Chartrand to move the proclamation. Motion carried – all in favor.

b. Regular Meetings: May 6, 2013

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to table the minutes from the May 6, 2013 meeting per the request of Selectman Ferraro. Motion carried – all in favor.

4. Appointments

No appointments.

5. Discussion/Action Items

Chairman Clement moved the sequence of the agenda items around a bit to accommodate the employees who were present.

a. New Business

v. Public Works: 2013 Paving Proposal Bell & Flynn

Jennifer Perry, Public Works Director, spoke in front of the Board. She said the town has budgeted for \$650,000 worth of paving in the regular budget and received a \$250,000 warrant article last spring totaling \$900,000 for the road surface management program in 2013. She went on to say there are 9.8 lane miles of paving to be done. The specifics for those areas are available online. She received a proposal from Bell & Flynn. She said they have always provided excellent service. Basically they are going to extend the 2012 contract pricing at \$72.90/ton through August 15, 2013. She went on to say most of the paving should be done by that date, with only a small amount of work becoming subject to price adjustment.

Chairman Clement said Ms. Perry and the Public Works Department has done a good job getting a good price. He said the town is fortunate good relationships with good companies.

A Motion was made by Selectman Quandt and seconded by Vice Chair Chartrand to accept the price of \$72.90/ton for asphalt until August 15, 2013. Motion carried – all in favor.

i. Todd Piskovitz: Lamprey River Watershed Plan

Todd Piskovitz spoke on behalf of the Lamprey Rivers Advisory Committee about the Watershed Plan. He said the main responsibility of this Committee is to create a Watershed Plan. There are 14 towns involved in the watershed. He provided the Board with a plan and asked the Board to review said plan. He also said he was going to make the plan available to town residents.

Chairman Clement thanked Mr. Piskovitz for his work on this Committee. Vice Chair Chartrand asked Mr. Piskovitz was the area is covered by the watershed in Exeter and Mr. Piskovitz said he wasn't sure on the actual area. Mr. Russ Dean said he would be getting this up on the website this week.

Chairman Clement suggested that the plan get submitted to Kristen Murphy, Town Resource Planner, and have her review it.

ii. Paul Kirshen: CAPE Presentation

Michelle Holtshen spoke on behalf of CAPE (Climate Adaptation Plan for Exeter). She is on the project team with CAPE and also part of New Hampshire Listens. She passed out a handout to the Board giving an update on the project. Michelle went on to talk about how certain areas would benefit from certain scientists focusing on that area, i.e. health, safety, infrastructure, etc. She continued going over the handout, summarizing each page. Ms. Holtshen commented it is great that it is Public Works Week because this project goes right along with that.

Steve Miller spoke next on behalf of CAPE. He said he just started a citizen meeting group. He went on to describe the citizen working group and what they do. They work side by side with the scientists. This is a very important group to provide feedback to the scientists. He said they are still looking for more members.

Vice Chair Chartrand asked how often they meet. Mr. Miller said they would hopefully be meeting once a month for a two hour meeting. Vice Chair Chartrand asked when the next meeting is and Mr. Miller answered it is tentatively scheduled for the evening of June 20 which is a Thursday, the time is not yet determined. Mr. Miller said they are still trying to figure out a place to meet, commenting it has been tough to find a good venue. He said they need a place that will hold about 25 people. Mr. Chartrand suggested using the book store. Selectwoman Gilman suggested checking with the mills or the senior center.

Mr. Miller went on to say again that they need more members. He said that there are two high school students in the group.

Chairman Clement commented that he knows this is a very engaged group. He said the high school students were very impressive and mature. He said they need to start thinking about the climate change in Exeter in the future.

iii. Public Health Network – Mary Cook

Mary Cook, Public Health Emergency Preparedness Coordinator, spoke next. She said this is the 7th or 8th year of the public health grant. She said Exeter is 1 of 14 regions in New Hampshire involved in the emergency preparedness. She thanked the Board for being the fiscal agent for this grant. Ms. Cook said this program is governed by mostly EMT's, fire chiefs, hospitals, etc. who meet on a quarterly basis. She said they have a citizen core group who play a very important role in this program, especially when opening shelters and such.

Ms. Cook spoke about an event they put together where they utilized volunteers all over the State of New Hampshire to help in screening over 850 folks for Hepatitis C.

Ms. Cook said this program offers multiple training opportunities for nurses and such to keep up with their licensing. She says her team is required to go through a yearly technical assistance review and was proud to report they received an 87 this past year, being the 4th highest score in the state.

Ms. Cook went on to talk say the Hampton Fire Department asked them to come over and teach a pod training. She also talked about some funding they received talking about two grants; one for \$8000 and one for \$7000 to teach courses at the Seacoast School of Technology.

Nancy Parker spoke next about the emergency preparedness program. She talked about what the volunteers do, giving different times they were involved, i.e. the snow storm Nemo and the Boston bombings. She said she is involved in a lot of workshops.

Ms. Parker said they have monthly meetings which are held at the Exeter Fire Station on the second Wednesday of each month. She said they need volunteers. Three times a year they do Emergency Preparedness courses; right now it is being held at Portsmouth Hospital. All are welcome.

Vice Chair Chartrand asked when the next meeting is and Ms. Parker answered they are having a potluck on June 23 from 6:30-8:30. She said volunteers can come to the potluck or contact Mary Cook at the fire station if they are interested.

Chairman Clement said this is a great thing to be provided to the citizens. He thanked the group for their update.

iv. Loan Agreement: Portsmouth Avenue Water/Sewer Line Replacement

Mr. Dean talked about the article that was passed during the last meeting for the water and sewer replacement on Portsmouth Avenue. He said they would be going through the Bond Bank to meet the financial requirements, with a total cost of \$1.12 million for the project. In order for them to facilitate this, the Board has to read into record the loan agreement required with the date of tonight's meeting (May 20, 2013). Mr. Dean said they are anticipating a 10 year loan term with a 3.25% interest rate. He said the interest rate will not go any high then this it is for guidance only and represents a maximum prior to the debt being sold.

Selectwoman Gilman read the Certificate of Vote Regarding Authorization of Bonds and Approval of Loan Agreement with the New Hampshire Municipal Bond Bank.

A Motion was made by Vice Chairman Chartrand and seconded by Selectman Quandt to adopt the Certificate of Vote Regarding Authorization of Bonds and Approval of Loan Agreement with the New Hampshire Municipal Bond Bank. Motion carried – all in favor.

b. Old Business

I. Fire Department Grants (PHN, Radios)

Ken Berkenbush said he did not word the grant correctly last time he brought it to the Board, so he was there to bring a new set of wording.

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt that the Town of Exeter accepts the Regional Health Services Grant for 2013-2014 and 2014-2015. Each year's annual total shall be \$151,451 with 11% or \$8,500 from the Public Health Preparedness section for indirect costs and \$3,000 for indirect costs come from the Substance Misuse, Prevention and Related Promotion section. The grant total for both years shall be \$302,902. The Board of Selectmen further authorizes the Chairman of the Board of Selectmen to execute any documents which may be necessary to effectuate this contract. Motion carried – all in favor.

All present Board members signed the Radio Grant Agreement.

6. Regular Business

a. Bid Openings

The following are the bids received for the Line Marking:

1. Markings, Inc.	\$20,497.94
2. Property Innovations Seal Coating and Line Striping	\$17,337.07
3. Highway Safety Systems, Inc.	\$19,390.16

A Motion was made by Selectman Quandt and seconded by Vice Chairman Chartrand to send the bids to Public Works for evaluation. Motion carried – all in favor.

Chairman Clement brought up a discussion about putting a directory outside the building. He is asking if the Board thinks it is a good idea and to find out how much it would cost.

Selectman Quandt said he has no problem with it. Selectwoman Gilman also said she had no problem with it. She agreed it is time to replace the old sign and would like to see the town seal in the new one. Vice Chair Chartrand said he absolutely agrees and would like to investigate it. Chairman Clement asked who would look into it and Mr. Dean said his office will probably head this then ask for everyone else's input.

b. A/P and Payroll Manifests

A Motion was made Selectwoman Gilman and seconded by Vice Chairman Chartrand to approve a warrant dated May 10, 2013 in the amount of \$104,513.35. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve a/p warrant checks dated May 13, 2013 in the amount of \$394,542.82. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve payroll dated May 8, 2013 in the amount of \$103,432.48. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve payroll distributions dated May 15, 2013 in the amount of \$162,161.94. Motion carried – all in favor.

c. Budget Update

Mr. Dean reported no budget update.

d. Tax Abatements and Exemptions

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve the elderly exemption for Map 52, Lot 29 in the amount of \$236,251. Motion carried – all in favor.

e. Water/Sewer Abatements

No water/sewer abatements to report,

f. Permits

Mr. Dean said there is an application from the Exeter Photography Group asking to do their monthly meeting in Exeter Town Hall.

Mr. Dean went on to update about Town Hall, saying they had a conference call with Primax last week and an appraiser is working on it. He says they are right on track and this week will tell a lot about where they are. He says the Finance Department is over there and trying to open up their office.

Mr. Dean said he is going to have to hold back on the permit and he will get back to the Exeter Photography Group, but the building is not operating yet. Selectwoman Gilman asked if they can try to accommodate this group at the senior center and Mr. Dean said he has suggested that.

g. Town Manager's Report

Mr. Dean talked about the following:

- Last Tuesday there were representatives from Downeaster here for a study of positive economic impacts of the rail service.
- He met with LGC last week and got up to speed on the latest issues concerning implementing the affordable care act.
- He is getting quotes on the vector truck lease/purchase. He will bring something back to report soon.
- Exeter.nh.gov is up and running – just type in exeternh.gov to get there no www is required.
- Last Friday he did opening remarks at Hawk Fest. Hawk Fest was a sports history event put on by the Exeter Alumni Association. He said it was interesting to learn the history about Exeter sports. This was the first of a now annual event, and he said it was very well put together.

h. Legislative Update

There was a discussion about the Legislative Bulletin, *Water Bill Is Not a Conspiracy*, in particular. Selectman Quandt said he felt this is an important and interesting article.

i. Selectmen's Committee Reports

Selectwoman Gilman attended the Exeter Economic Development Committee and said there was a great presentation made on the TIF being studied. She said Heritage Commission met and discussed a grant. She also attended a subcommittee about sidewalk environments and Transportation Committee about COAST Route 7. She also said the 375th Committee met and said Seacoast Idol was a success. The next event for is June 29. The Memorial Day Parade is scheduled for Monday, May 27 at 10:30 am.

Vice Chairman Chartrand attended the meeting of the Exeter Economic Development Committee. He reported that his group gave a half hour presentation on where they are so far on the TIF project and it was so well received that the Committee voted to give the group a "couple thousand dollars" from their budget to help the group move forward.

Selectman Quandt had nothing to report.

Chairman Clement said he and Selectman Quandt attended the Sportsman's Club Fishing Derby and that 230 kids showed up. He said he had no formal meetings to report but that he went to the Great Bay Estuary Symposium. He said there was discussion about where Nitrogen sources came from, saying it was a very interesting report. He reported that he monument sign has been installed in Stewart Park. He gave kudos to Mr. Lambert, Mr. Gallant, the Exeter Women's Club, and all those involved with the monument. He said Jay Perkins has two auto replacements for DPW. They were purchased at Foss Motors in Exeter. He gave kudos to DPW for using a local business.

j. Correspondence

Chairman Clement talked about the following correspondence:

- A letter from American Independence Museum thanking the Board for its continuous support. This is the Town's membership to the AIM.

7. Review Board Calendar

The next scheduled meeting will be June 3, 2013.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to adjourn the meeting at 8:50. Motion carried – all in favor.

Respectfully submitted,

Nicole McCormack
Recording Secretary

June 3, 2013 Board of Selectmen Appointments

Exeter Housing Authority

Vern Sherman

Term to Expire: 4/30/2018

Zoning Board of Adjustment

Hank Ouimet

Going from voting member to alternate member

Term to Expire: 4/30/2015

David Mirsky

Going from alternate member to voting member

Term to Expire: 4/30/16



Exeter Housing Authority

277 Water Street, Exeter, NH 03833-1719

March 15, 2013

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

Dear Russ:

It was good meeting with you today to discuss the anticipated vacancy on the Exeter Housing Authority's Board of Commissioners.

Chairwoman Barbara Chapman and I have met to consider the two applicants who have expressed interest in filling the vacancy that will come about with the expiring term of Mr. St. Amour. We are both in agreement that Mr. Sherman would be a good fit and should be given strong consideration for the vacancy.

Sincerely,

Antonio Teixeira
Executive Director
Exeter Housing Authority



TOWN OF EXETER
Planning and Building Department
Memorandum

DATE: May 30, 2013

MEMO TO: Board of Selectmen

CC: Russ Dean, Town Manager

FROM: Robert Prior, ZBA Chair *RP*

RE: ZBA Board Appointments

The Zoning Board of Adjustment, at its May 21st, 2013 meeting, discussed the recent appointments to the ZBA made by the Board of Selectmen.

Acknowledging that he had been re-appointed for another three-year term, Mr. Hank Ouimet expressed his desire to change his status to an alternate. There are currently three (3) alternates; Messrs. Steve Cole and Marc Carbonneau had previously expressed their desire to remain as alternates.

Board consensus was to recommend to the Board of Selectmen that Mr. David Mirsky, currently an 'alternate' member, be elevated to the 'regular' member position currently held by Mr. Ouimet (with 4/30/16 term expiration). Subsequently, Mr. Ouimet would then resume Mr. Mirsky's 'alternate' position (with 4/30/15 term expiration).

I would request that this matter be addressed at the Board's earliest convenience. Thank you for your consideration in this matter.

AGREEMENT

between the

**EXETER PROFESSIONAL
FIREFIGHTERS' ASSOCIATION,
LOCAL 3491**

and the

TOWN OF EXETER, NH

2013 - 2015

AN AGREEMENT between the EXETER PROFESSIONAL FIREFIGHTERS' ASSOCIATION, LOCAL 3491, hereinafter referred to as the "Association" and the TOWN OF EXETER, hereinafter referred to as the "Town" and collectively referred to as the "Parties".

ARTICLE 1
Recognition

- 1.1 The Town recognizes the Association as the exclusive bargaining agent within the meaning of RSA 273-A with regard to the following jobs as enumerated in the certification of the Exeter Permanent Firefighters' Association dated September 11, 1978: Firefighters, Lieutenants and Captains.
- 1.2 Reference to the "Association" as exclusive representative of the employees means the Exeter Professional Firefighters' Association and the Town shall not bargain or enter into agreements with any committee, chapter or district organization of the Association in matters covered by this Agreement, unless such persons or bodies are specifically designated by the Association as authorized representatives for such purposes.

ARTICLE 2
Employee Rights and Non-Discrimination

- 2.1 The Parties agree to honor and to be bound by the provisions of RSA 273-A and RSA 354-A, as amended, with respect to the rights of employees and protection from discrimination.
- 2.2 The Town shall furnish each employee who is hired after the signing of this Agreement with a copy of the Agreement.
- 2.3 There will be no discrimination in promotions or selections for positions because of race, sex, color, religion, national origin, age, marital status, membership in or activity on behalf of the Association.

ARTICLE 3
Probationary Employees

- 3.1 All eligible full-time employees who have satisfactorily completed the probationary period shall become permanent employees and shall become members of the bargaining unit.
- 3.2 No permanent employee who is on probation by virtue of a promotion or other change of job class or duties shall be considered to be a probationary employee for purposes of this Article.
- 3.3 Notwithstanding any other provision to the contrary, RSA 273-A:1, IX, (d) shall prevail in the definition of probationary employees.

ARTICLE 4
Management Rights

- 4.1 The Employer retains and reserves all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the laws and Constitutions of the State of New Hampshire and of the United States. All rights which ordinarily vest in and are exercised by public employers which are not specifically relinquished in the Agreement are reserved to and remain vested in the Employer. The Employer possesses the sole right to operate Town government, subject to applicable law, and to exercise managerial policy within its exclusive prerogative, to manage its affairs efficiently and economically including, but not limited to, the use of technology, the Employer's organizational structure, selection, promotion, transfer, assignment, number, direction, and discipline of its personnel. Further, the Employer retains the right to adopt, change, enforce or discontinue any rules, regulations or procedures, to direct employees in their duties, to establish reasonable work rules, to take disciplinary action for just cause, to relieve employees from their duties because of lack of work, to take whatever action is necessary to comply with State or Federal law, to introduce new or improved methods or facilities, to change existing methods of facilities, and to take whatever action is necessary to carry out the functions of the Employer in an emergency situation.
- 4.2 For the purpose of this Agreement, "emergency" is defined as a condition or situation unexpected and out of the ordinary which requires immediate action to avoid danger to life or property.

ARTICLE 5
Association Rights

- 5.1 The Association, or committees of the Association, may be allowed the use of the facilities of the Town for meetings when such facilities are available subject to the approval of the Town Manager under existing policy as determined by the Employer. If the Association wishes to use any of the facilities of the Town, it shall request such use at least one week in advance and the Town shall provide the requested facility, if available.
- 5.2 Staff representatives of the Association may, upon request to the Town Manager, be allowed to visit the work areas of employees during working hours and confer on conditions of employment to the extent that such visitations do not disrupt the work activities of the area being visited.
- 5.3 The Town shall provide reasonable space on bulletin boards in non-public work areas for the exclusive use of the Association in communicating with employees in the bargaining unit.
- 5.4 The Town shall, within thirty (30) days after the effective date of this Agreement, furnish to the Association an alphabetical listing of the names and addresses of the employees in the bargaining unit. Upon reasonable request, the Town shall furnish updated lists to the Association. The Association agrees to limit such request to not more than once per month.

ARTICLE 6
Dues Checkoff and Fair Share

- 6.1 The Town shall deduct the amount of Association dues certified by the Treasurer or authorized officer of the Association from the pay of each member of the Association who has heretofore submitted or who shall hereafter submit to the Town an individual written authorization for such deduction. A deduction of dues shall cover the current pay period in which the said deduction is made.
- 6.2 The Town shall pay to the Association such collected dues and fees once each month and shall include a list of the employees for which dues are being paid and the dates of such payments.
- 6.3 An individual who is not a member of the Association who requests services of the Association in a grievance representation shall be charged the full fair costs to the Association of such representation. The Town shall have no responsibility in the collection of such costs.

ARTICLE 7
Basic Work Schedule

- 7.1 Any current work schedule change shall be subject to two weeks notice, except in an emergency.
- 7.2 For pay purposes, the work week shall begin at 0800 on Monday and end at 0759 the following Monday for all employees.
- 7.3 The hours of work for the Exeter Fire Department shall be forty-two (42) hours a week based on a schedule of the following:
 - (a) Schedule One 24 hour day
 One 24 hour day off
 One 24 hour day
 Five days off
- 7.4 The employer agrees to authorize a staffing level of not less than five (5) Fire Department Personnel available for response as follows: in FY06, nights (the traditional 14 hour night shift), weekends, and holidays, in FY07, 24 hours per day, 7 days per week.
 - 7.4.1 The employer further agrees that should it become necessary to change that number for reasons of economy, lack of personnel or any other such reason, the employer will discuss the matter with the Association. None of the provisions of Section 7.4, Minimum Manning, shall be grievable under Section 19, Grievance Procedure.

ARTICLE 8
Overtime

- 8.1 Hours worked beyond the normal work day or beyond the normal work week shall be paid at time and one-half.
- 8.2 Any person covered by this Agreement shall be required to report for duty when notified. Should such duty constitute work beyond the regular work day or week, compensation shall be at the rate of one and one-half (1½) times the regular rate.
- 8.3 The Parties agree that there shall be no claim for overtime compensation because of part time work in a Town department different from the employee's regular department.
- 8.4 The supervisor shall give as much notice as practicable when overtime will be worked.
- 8.5 Time worked, for the purpose of this Article, shall mean all time an employee is on pay status, subject to the exception set forth in 8.3. Pay status shall mean time worked and paid time off.
- 8.6 Claims for overtime payment should be made in the week in which the overtime is worked, and, to the extent practical, will be paid in the employee's next pay check.

ARTICLE 9
Call Backs

- 9.1 In the event that an employee is called back to work after the end of his/her last regularly scheduled shift, s/he shall receive pay according to the following rates:
 - 9.1.1 For calls between 12:00 midnight and 6:00 a.m., two (2) hours pay at time and one-half.
 - 9.1.2 For calls between 6:00 a.m. and 12:00 midnight, one (1) hour pay at time and one-half.
 - 9.1.3 The minimum call back shall be one hour. Any portion of succeeding hour(s) that exceed ten (10) minutes will be considered to be a full hour. In the case of an extension of a regular shift due to an alarm (a holdover), employees shall be paid overtime in increments of one-half (1/2) hour.
- 9.2 Time calculations for call back shall begin at the tone-out or dispatch for emergency duty. Termination of time period shall be when an individual is released from duty by the Duty Officer or Officer In Charge.
 - 9.2.1 In the event a second alarm comes in while the employee is still in the immediate vicinity of the Public Safety Complex (whether the employee has been dismissed or not dismissed from the first call), the duration of the second call shall be added to the duration of the first, less any time of overlap, to make one continuous call for the purpose of calculating the total time worked.

- 9.3 Mandatory Training call back shall be subject to the provisions of this section.
- 9.4 The Town agrees not to violate the terms of the Federal Fair Labor Standards Act.

ARTICLE 10
Holidays

10.1 The following and any other days designated by the Board of Selectmen or Town Manager are the official holidays for the term of the Agreement:

New Year's Day	Columbus Day
Civil Rights Day	Veterans Day
Presidents Day	Thanksgiving
Memorial Day	Day after Thanksgiving
Independence Day	Christmas
Labor Day	

10.1.1 Employees covered by this Agreement shall work their shift as scheduled regardless of the occurrence of holidays.

10.2 Payment for holidays will be as follows:

10.2.1 Each employee covered by this Agreement will receive in November of each year, in addition to his or her regular pay, an amount that shall be determined by multiplying his or her average hourly pay by an average twelve-hour work shift, and by the number of holidays (listed in 10.1) that have occurred during the employee's term of employment during that current calendar year.

10.2.2 Permanent full-time employees who resign during any portion of a calendar or fiscal year, shall be entitled to payment as defined in 10.2.1 for those holidays occurring during the period they were employed.

10.3 Employees shall be eligible for holiday pay at the date of employment.

ARTICLE 11
Wage and Salary Administration

11.1 Wages:

11.1.1 As per the pay plan attached as Appendix A, effective the first full pay period in July 2013, the pay schedule shall be adjusted by one percent (1%). In addition to this COLA adjustment, effective the first full pay period in July 2013, employees on the pay schedule shall receive a step increase, and employees already at the top of the pay schedule (and therefore not eligible for a step increase) will receive a bonus payment equal to 0.75% of their base pay, which amount will not be added to their base pay.

- 11.1.2 As per the pay plan attached as Appendix A, effective the first full pay period in July 2014, the pay schedule shall be adjusted by one percent (1%). In addition to this COLA adjustment, effective the first full pay period in July 2014, employees at the top of the pay schedule will receive a bonus payment equal to 0.75% of their base pay, which amount will not be added to their base pay.
- 11.1.3 As per the pay plan attached as Appendix A, effective the first full pay period in July 2015, the pay schedule shall be adjusted by one percent (1%). In addition to this COLA adjustment, effective the first full pay period in July 2015, employees on the pay schedule shall receive a step increase, and employees already at the top of the pay schedule (and therefore not eligible for a step increase) will receive a bonus payment equal to 0.75% of their base pay, which amount will not be added to their base pay.
- 11.1.4 In future years, the senior employee positions who received a step increase in 2011 will be designated as the “odd year group” and the employee positions who received a step increase in 2012 will be designated as the “even year group”. A new employee will be placed in whichever group the employee’s position he or she is filling was designated. However, a new employee will be entitled to a one step increase after one year probation and thereafter will be placed in the appropriate group, but in no circumstance shall that employee receive two step increases in the same calendar year.
- 11.1.5 Those stipends being paid by the Town as of January 1, 2013 will remain at the same rate and with the incumbent employee during the term of this Agreement, except that the Town reserves the right, at its sole discretion, to completely eliminate both the stipend and the tasks for which the stipend is being paid, or to shift both the stipend and the tasks for which the stipend is being paid to another Town employee.
- 11.2 Longevity Pay – Full-time employees shall receive longevity pay according to the schedule below for continuous long-term service. Payments shall be made in the first pay period of December annually. Any member who voluntarily leaves the service of the Town prior to December 1, but after their anniversary date, shall receive the annual payment prorated, based on the period served in the current year. Retirees shall be paid in full for the year in which they retire.

After completion of:

5 th continuous year	\$ 250.00 annually	13 th continuous year	\$ 650.00 annually
6 th continuous year	300.00 annually	14 th continuous year	700.00 annually
7 th continuous year	350.00 annually	15 th continuous year	750.00 annually
8 th continuous year	400.00 annually	16 th continuous year	800.00 annually
9 th continuous year	450.00 annually	17 th continuous year	850.00 annually
10 th continuous year	500.00 annually	18 th continuous year	900.00 annually
11 th continuous year	550.00 annually	19 th continuous year	950.00 annually
12 th continuous year	600.00 annually	20 th continuous year	1,000.00 annually
		25 th continuous year	1,500.00 annually

- 11.2.1 Full-time employees hired after January 1, 2006 shall not be eligible for longevity pay.

- 11.3 Payroll checks shall contain an itemization of all payroll deductions for the pay period. The Town and the Association agree that the Town may convert to a bi-weekly pay system at any time with a two-week notice to the Association and will not result in any loss of pay.
- 11.4 Beginning Salary – The minimum rate of pay for a class shall normally be paid upon appointment to the class. However, the Town Manager may make original appointments at a salary above the minimum rate of pay whenever such action is in the best interest of the Town.
- 11.5 Demotion – If an employee is moved into a lower paying position as a result of a reduction in force s/he may be employed at the maximum salary range of the lower class for which qualified, but s/he will receive at least the rate to which his/her length of service would otherwise have entitled him/her to in that class. If the maximum salary of the lower class is the same or higher than the salary of the person who moved into a lower paying position, the salary of that person shall be the same as s/he received prior to the move.
- 11.6 When an employee is promoted s/he shall suffer no loss in compensation.
- 11.7 Temporary Assignment to Higher Position – Employees covered by this Agreement who are required to assume, temporarily, the duties and responsibilities of a higher paid position for one full workweek, will be paid at the higher position classification that equals at least a 5% increase over their regular rate of pay.
- 11.8 Severance Pay – Any employee who retires from his employment with the Town after having given fourteen (14) calendar days' notice either to his Department Head, or to the Town Manager shall be entitled, after one year of service, to one week severance pay, plus any unused portion of annual leave. Any employee who ceases or terminates his/her employment for reasons other than retirement shall not be entitled to any severance pay.
- 11.8.1 Any employee after one year of service who is laid off from his/her employment with the Town shall be entitled to one week's severance pay plus any unused portion of annual leave. Any accrued sick or personal leave shall be forfeited to the Town but shall be restored to an employee who had been laid off upon reemployment with the Town provided such reemployment is within two (2) years of the date of the layoff. The leave restored will be established as that leave which was available to the employee upon their date of layoff.
- 11.9 The Town and the Association agree that all cost items of this Agreement must be approved by the Town at the Annual or Special Town Meeting, and the action taken at such meeting shall be final on all cost items. These cost items will be included by the Selectmen in the annual Town Budget. Also, both Parties agree that the cost items included in this Agreement shall not become effective unless and until appropriate action is taken by Town Meeting.

Until the cost items have been approved or until a revised agreement is reached which is consistent with the action taken at the Town Meeting, the compensation and fringe benefits of employees covered by the Agreement shall be continued in accordance with the previous contract, provided that sufficient funds have been made available by the most recent town Meeting.

- 11.10 Physical Fitness: All department members are required to participate in a Fire Department fitness program. The department values the health and well being of its members so this program will not be punitive in nature. Each member will document a minimum of one (1) hour of physical fitness training during the regular 48 hours worked each week, unless waived and approved by the Chief. (Attendance reports from local gyms (Synergy, Great Bay, etc.) will be accepted as documentation in lieu of the on-duty physical fitness programs. Other individual physical fitness programs will be documented by the training officer and approved by the Chief. To the extent that extenuating circumstances interrupt a regularly scheduled workout session, the officer in charge may waive that day's requirement by notifying the Chief in writing with the reasons. Workouts may be rescheduled during a regular shift to maintain the fulfillment of the requirement outlined in this paragraph. The Town will not enforce the requirements of the physical fitness program if necessary equipment is not functioning or available for the duration the equipment is either not functioning or not available.
- 11.11 Crew Chiefs. Members covered by this Agreement designed by the Fire Chief as Crew Chiefs shall be paid \$1,000 per year, said amount to be paid weekly or bi-weekly in accordance with the Town's payroll.
- 11.12 A Lieutenant also certified as a paramedic shall be paid \$1,000 per year, said amount to be paid weekly or bi-weekly in accordance with the Town's payroll.
- 11.13 Departmental Paid Education:
- a. MANDATORY COURSES: Mandatory courses are courses where personnel are required to attend. Personnel shall be paid time and one-half for all hours attended while off duty. Mandatory courses shall be determined by the Fire Chief and shall be equitably distributed to personnel meeting the prerequisites of the course.
 - b. TIME OFF: Time off for attendance at a course, is not authorized. The Fire Chief may make exceptions on an individual basis when extenuating circumstances exist.
 - c. NATIONAL FIRE ACADEMY COURSES: No overtime or additional time off is authorized for personnel attending classes at the National Fire Academy. The schedule is arranged to allow the day preceding and succeeding the course as travel days. An employee returning from the National Fire Academy will not be unreasonably denied vacation or personal leave for the next duty days.

- 11.14 Compensation for such educational and training programs shall be as follows:
- (a) College Credit Programs: Full tuition and books
 - (b) Seminars and Training Programs: Tuition, fees, lodging and travel as required by the type of program and time and location.
 - (c) Reimbursement for course tuition will be paid upon successful completion of an approved job related course with a grade of B or better. The employer shall pay in advance the cost for taking the course, seminar or training program with the compensated employee signing a promissory note obligating that employee to reimburse the employer for all payments in the event the course, seminar or training is not successfully completed with a grade of B or better.
- 11.15 Detail Pay: Employees assigned to a “detail” during their off duty hours shall be compensated at the rate of time and one-half (1.5) of their regular rate for the hours actually worked. A detail shall be defined as any duty assignment less than a duty shift to include court appearances. Employees shall be paid for two (2) hours at the regular rate if the detail is canceled less than eight (8) hours prior to the detail start time.

ARTICLE 12
Uniforms and Safety Equipment

- 12.1 The Town shall determine and provide such safety equipment as necessary for employees to safely carry out their duties.

ARTICLE 13
Leave Administration

13.1 Annual Leave:

- 13.1.1 Unit employees shall be entitled to annual leave with full pay on the basis of the following schedule:

After one (1) year of service – forty-eight (48) hours annually;
After two (2) years of service – ninety-six (96) hours annually;
After five (5) years of service – one hundred forty-four (144) hours annually;
After fifteen (15) years of service – one hundred ninety-two (192) hours annually;
After twenty (20) years of service – two hundred forty (240) hours annually.

- 13.1.2 Except in an emergency, every employee shall be afforded the opportunity to receive at least two consecutive weeks of annual leave if earned leave time is adequate.

13.2 Vacation Administration

- 13.2.1 Vacation Schedule: Commencing on April 1st and on the first of each consecutive month, all employees must submit their vacation requests for that month. Vacation may be canceled provided that the Department has 24-hours prior notice.

13.3 Divided Vacation: A divided vacation may be approved by the Department Head and/or Town Manager provided it is taken within the vacation year. Such a decision will consider the following factors:

- a. Departmental work schedule and/or schedule for shut-down.
- b. The minimum period into which the first two weeks of vacation may be divided will normally be one week.

13.4 Maintenance of Vacation Schedules: Vacation schedule for employees in all departments shall be maintained by the Department Head and should be posted in each department no later than June 1st of the year.

13.5 Upon termination of employment, a permanent employee will be paid for any unused accumulated annual leave at his/her regular rate of pay. In the event of death of an employee, a sum equal to the number of days of annual leave remaining shall be paid to his/her estate.

13.6 Notwithstanding 13.2.1 above, any employee who, by virtue of reaching his/her anniversary date between October 15th and December 31st, earns additional vacation time shall be allowed to carry over such additional vacation time until March 1st of the following year.

13.7 Sick Leave:

13.7.1 Every unit employee shall be entitled to sick leave with full pay on the basis of the formula given below and computed at the end of each completed month of service:

<u>Hours per Month</u>	<u>Hours per Year</u>	<u>Maximum Accumulation</u>
12	144	1440

13.7.2 Sick leave is earned from the first day of employment and, after the probationary period, may be used as earned.

13.7.3 Paid sick leave shall be granted for the following reasons:

- a. personal illness;
- b. noncompensable bodily injury or disease;
- c. exposure to contagious disease, or quarantine;
- d. attendance upon member of immediate family whose illness requires the care of such employee for no longer than one day except that, with prior approval of the Department Head and the Town Manager, an extension may be granted, provided, however, that extensions will not be denied unreasonably.

- 13.7.4 Employees absent for the above reasons shall report such absence to their supervisor immediately together with the reasons for the absence. A statement may be required from a qualified physician (designated by the Town Manager and at Town expense) certifying the condition of the employee or a member of the family who has been reported ill.
- 13.7.5 Whenever a former employee who has been separated from the Town by a reduction in force, or for reasons without prejudice but for the convenience of the Town, is reinstated within two (2) years and had satisfactory work performance, the previously accumulated and unused balance of his/her sick leave allowance not paid shall be returned to his/her credit.
- 13.7.6 In the event of retirement or death of an employee, s/he or his/her estate shall be paid for all unused sick leave time to his/her credit at one-half the employee's regular rate of pay at the time of such retirement or death.
- (a) Retirement means leaving Department employment upon qualifying under a statutory provision, such statutory provision being a period of service ordinarily of twenty (20) years for fire personnel and attainment of age forty-five (45) in anticipation of receiving retirement benefits.
- 13.7.7 Disabilities caused or contributed to by pregnancy, childbirth and recovery therefrom shall entitle the employee to use sick leave.
- 13.8 Bereavement Leave:
- 13.8.1 An employee is entitled to bereavement leave at full pay, not to exceed three (3) working days for a death in the immediate family. For the purpose of administering the provisions of bereavement leave, immediate family shall mean: spouse, parent, grandparent, brother, sister, child, father-in-law, mother-in-law, step-parent, step-child, step-brother, step-sister, or a person living within the household.
- 13.8.2 An employee is entitled to bereavement leave at full pay for one (1) working day for the purpose of attending the funeral of a grandchild, brother-in-law, sister-in-law, aunt or uncle.
- 13.8.3 Special leave of up to three (3) days may be granted by the Department Head to an employee in the event of the death of a person whose death presents special immediate family commitments, not to be added to 13.8.1 or 13.8.2.
- 13.9 Leave of Absence Without Pay: A permanent employee, upon proper application in writing to and upon written approval of the terms by the Town Manager, may obtain a continuous leave of absence without pay for a period not to exceed three (3) months, provided all ordinary leave has been exhausted.

- 13.9.1 Extensions of leave for additional periods may be granted by the Town Manager. No annual leave or sick leave may be accumulated or used during a leave of absence without pay. At the expiration of such leave, or if approved by the Town Manager before the expiration of the leave, the employee shall be reinstated in the same status as he/she held prior to the leave of absence unless arrangements are made to the contrary prior to the granting of the leave of absence. Failure on the part of an employee to report promptly for work after written notice to the last known address provided to the employer by the employee at the expiration of the leave of absence may be cause for disciplinary action, including dismissal.
- 13.9.2 In the case of a request for a maternity leave of absence, such request shall be granted for a period of up to three (3) months. Any full time employee who becomes pregnant shall be entitled to remain employed during said pregnancy, so long as she is able to perform her job adequately.
- 13.10 Definition of leave for the purpose of this section shall mean:
- (a) When requesting a leave of absence for illness, all sick leave and vacation leave shall be exhausted.
 - (b) When requesting a leave of absence for personal reasons, all vacation leave shall be exhausted
- 13.11 Leave of Absence with Pay – The Board of Selectmen may, upon written recommendation of the Department Head and the Town Manager, authorize salary payments to employees whose leaves have been approved in order to permit them to attend school, visit other governmental agencies, or in any other approved manner to devote themselves to improvement of the knowledge or skills required in the performance of their work. Requests under this section must be made to the Department Head in writing. All benefits shall remain in full force and effect during a leave of absence with pay.
- 13.12 Jury Duty – The parties agree to adopt the Town’s policy regarding jury duty and to comply with New Hampshire law.
- 13.13 Military Leave – The parties agree to adopt the Town’s policy regarding military leave and to comply with Federal (USERRA) and New Hampshire law.
- 13.14 Unauthorized Absence – An absence of an employee from duty for a single day or part of a day that is not authorized by a specific grant of leave under the provisions of this Article, will be deemed to be an absence without leave.
- 13.15 Personal Leave – Employees shall be allowed three (3) days of leave in each calendar year for his/her personal use, which shall not be deducted from other leave accruals. Personal leave is not intended to be used as an extension of a holiday or vacation period, but, in the event that circumstances should require such use, the employer may ask the employee for a brief description of the circumstances necessitating such use.

ARTICLE 14
Safety and Health

- 14.1 The Employer shall endeavor to provide and maintain safe working conditions as required by law.
- 14.2 The present safety committee shall continue in operation to bring to the attention of the Town where conditions detrimental to health or safety exist, and make recommendations for the elimination of same.

ARTICLE 15
Promotion, Layoff, Transfer and Seniority

- 15.1 A vacancy or new position shall be filled in the following manner:
 - 15.1.1 The Town shall post all open positions on employee bulletin boards for a period of seven (7) working days. The posted posting shall contain the following:

Title of Job	Job Location
Salary Range	Closing Date of Application
Minimum Qualifications	Job Description

- 15.1.2 Filling of positions will be by selection from among the qualified candidates on the basis of capacity for the position, experience, ability to perform job tasks, and other criteria appropriate for the position to be filled.
- 15.1.3 In the event that two (2) or more applicants for any position appear to be equally qualified preference shall be given to the Town employee for promotion over the applicant who is not already a Town employee.
- 15.1.4 When any two (2) Town employees appear equally well qualified for promotion to any position, preference shall be given to the employee with the greater seniority.
- 15.1.5 Promotions made where the employee has less than five (5) years of continuous employment with the Town of Exeter shall be subject to a twelve (12) month probationary period. If continuous employment has been for five (5) years or longer, the probationary period shall be for a period of six (6) months.
- 15.2 Permanent employees who are promoted and who fail the probationary period shall be returned to the same or comparable position from which they were promoted.
- 15.3 The employer shall give written notice to the employee affected of any proposed lay-off and the reasons therefore, at least fourteen (14) calendar days before the effective date thereof unless circumstances beyond the control of the employer prevent this length of notice.

- 15.4 Seniority shall be the length of continuous service with the Town from the date of hiring, and shall be calculated on the basis of years, months and days of service. Should there be a voluntary interruption or break in service, seniority shall commence as of the date of last entrance into Town service. Should the break in service be due to a reduction in force, prior seniority will be retained upon re-entrance into the Town service. Leaves of absence shall not be considered as breaks in service.

ARTICLE 16
Benefits

- 16.1 Medical Insurance – Benefit-eligible employees shall be eligible to enroll in either the MTB20 10/20/45 plan or the BC3T20 10/20/45 plans. The employer shall pay the following percentages for single, 2-person and family plans: 88%.
- 16.2 Dental Insurance – Employees shall be provided with a dental plan for themselves and their dependents for which the premiums shall be borne by the Town. The benefit level shall be equal to Northeast Delta Dental Option III.
- 16.3 Personal Loss:
- 16.3.1 Employees shall be reimbursed for the verified loss of or damage to personal clothing as a result of their official duties, provided that such loss or damage was not caused by the employee’s own negligence or misconduct. At the Town’s option, such reimbursement may take the form of providing replacement clothing.
- 16.3.2 Employees shall be reimbursed for the verified loss of or damage to any other personal property as a result of their official duties, provided that such loss or damage was not caused by the employee’s own negligence or misconduct. At the Town’s option, such reimbursement may take the form of providing replacement property. For purposes of this section, personal property shall not include money.
- 16.4 Life Insurance – Employees shall be provided, at no cost, with life insurance in the amount of twenty-five thousand dollars (\$25,000.00).
- 16.5 Workers’ Compensation – The Town of Exeter will provide a guaranteed salary for each full-time permanent employee who would be subject to loss of salary due to a job connected injury or disability. This guaranteed salary shall be at the weekly rate currently being paid to the employee at the time of the injury or disability. The Town will pay the employee his or her normal salary until such time as the employee receives his or her first insurance check concerning such disability. The employee shall reimburse the Town for the amount of the insurance paid during the period that the employee received full salary from the Town of Exeter.
- 16.5.1 The term “Unfit for Duty” shall mean that in the opinion of a medical physician and or a specialist with expertise in the type of injury or disability that the member is unable to perform his/her normal job function. If the member has scheduled training or any other job related activities and is unfit for duty, than he/she upon orders from the Fire Chief or

his/her designee shall not participate in those activities until such time a clearance is given by a physician and or specialist and the member is placed to "full duty" or is placed on "light duty" status.

- 16.5.2 The term "light Duty" status shall mean that the member is placed into a role within the Exeter Fire Department in that of a support/staff person. This shall be determined by the Fire Chief and is regulated by the number of hours that the member is cleared for light duty per day/week by a physician or specialist.
- 16.5.3 "Light Duty" status will be assigned based on physical condition and the amount of hours that can be worked. This will be recommended by the employee's physician and approved by the Fire Chief or his/her designee. Light duty hours worked for unit member shall be up to 42 hours maximum per week.
- 16.5.4 Overtime may be granted during light duty only with prior written authorization of the Fire Chief or his/her designee. If a 42 hour work week is exceeded, than the member becomes eligible for overtime status at one and one half times his/her regular rate.
- 16.5.5 The term "Full Duty" of "Fit for Duty" shall mean that the member has been cleared to return to work in his/her normal job function as determined by a physician or specialist.
- 16.6 The Parties recognize the responsibility of the Town to indemnify its employees from claims against them arising from the performance of their duties. The Parties further agree that the action of the 1980 Exeter Town Meeting pursuant to RSA 31:105, 106 and 107 fulfills such responsibility.

ARTICLE 17 Fire Department Provisions

- 17.1 Issued equipment shall be replaced when worn out or destroyed. For replacement, the item must be turned in or reasonable proof provided of its loss or destruction in the line of work.
- 17.2 The Town shall provide the following uniform items, and replace them from time to time due to normal wear and tear. As current uniform items are replaced, the uniform shall conform with NFPA 1975. Initial issue of uniform/equipment shall be of a highly serviceable quality conforming to NFPA 1975 and consist of:
- 1 Firefighter's dress uniform cap with badge;
 - 1 Baseball style cap;
 - 4 Duty uniforms - shirts (long and short sleeves) and pants;
 - 1 black belt;
 - 1 pair black footwear;
 - 1 sweatshirt;
 - 1 all season jacket;
 - 1 pair black leather gloves;
 - 2 name tags;

- 2 coat badges;
- 2 shoulder patches for each shirt and jacket;
- 1 pair collar insignia.

17.3 The Town shall provide the following protective clothing to each full-time member of the Department. Protective clothing damaged during emergencies shall be replaced by the Town.

- 1 Cairns & Brothers 1010 helmet, or leather equivalent to be purchased by the employee, with eye shield and company shield or equivalent; replacement of helmets damaged in the line of duty will be the same as the helmet damaged;
- 1 Complete set of clothing to include a coat, pants, hood and leather gloves
- Employee's choice of 1 set of leather or rubber structural firefighter's boots
- 1 Hand Light
- 1 Emergency Bailout Rope
- 1 SCBA mask with bag
- Safety glasses
- Hearing protection
- Lineman's wire cutters
- Extrication gloves

17.3.1 The Chief of the Department may, following consultation with the President of the Exeter Professional Firefighters' Association, make any changes he deems necessary to improve the quality/safety of the equipment issues. Such changes shall be to NFPA standards or better.

17.3.2 All protective clothing issued to employees shall be used only while on official duty with the Exeter Fire Department.

17.4 Class "A" uniforms shall not be required by the Town.

ARTICLE 18 Discipline and Involuntary Separation

18.1 The Town shall not discharge or take other disciplinary action without just cause.

ARTICLE 19 Grievance Procedure

19.1 The purpose of this Article is to provide the mutually acceptable procedure for adjusting grievances arising from an alleged violation, misinterpretation or misapplication with respect to one or more unit employees, of any provision of this Agreement.

- 19.2 An employee is expected to discuss any grievance initially with his or her immediate supervisor. A written grievance must be filed with the Department Head within seven (7) working days of the alleged violation or of the grievant's first knowledge thereof.
- 19.3 The Department Head shall meet with the grievant and Union representative and provide a written reply within seven (7) working days.
- 19.4 Any appeal from that reply shall be in writing to the Town Manager within seven (7) working days of receipt of the Department Head's answer.
- 19.5 The Town Manager shall meet with the grievant and Union representative and provide a written reply within fourteen (14) days.
- 19.6 If the Union wishes to appeal the grievance to arbitration, it shall request arbitration from the Public Employee Labor Relations Board within fourteen (14) working days after the Town Manager's written reply.
- 19.7 The decision of the arbitrator shall be advisory only. The parties shall share the costs of the arbitrator's services and expenses equally.
- 19.8 The Board of Selectmen shall meet within fifteen (15) working days of receipt of the arbitrator's award to approve, modify, or reject it, and shall so notify the grievant and the Association. Said decision shall be final.
- 19.9 Failure by the grievant or the Union to meet the appeal time limits will constitute acceptance of the last answer. Failure of the employer to meet such time limits will be treated as a denial, thus permitting an appeal to the next step.
- 19.10 Any time limits herein may be extended by mutual agreement.
- 19.11 "Working days" shall mean Monday through Friday, excluding holidays designated in 10.1.

ARTICLE 20
Separability

- 20.1 In the event that any provision of this Agreement at any time after execution shall be declared invalid by any court of competent jurisdiction, or abrogated by law, such decision shall not invalidate the entire Agreement, it being the expressed intention of the Parties hereto agree that all other provisions not declared invalid shall remain in full force and effect.

ARTICLE 21
Notices

- 21.1 Whenever a written legal notice is required to be given by the Town to the Association, such notice shall be given to the Exeter Professional Firefighters' Association, Local 3491, P.O. Box 1003, Exeter, NH 03833.

21.2 Whenever written legal notice is required to be given by the Association to the Town, such notice shall be given to the Exeter Board of Selectmen.

ARTICLE 22
Duration and Re-Opening

22.1 This Agreement as executed by the Parties shall remain in full force and effect ending at 11:59 p.m. on December 31, 2015, or until replaced by a successor agreement.

22.2 Renegotiation of this Agreement will be effected by written notification by one Party as required by RSA 273-A, as amended. Negotiations shall commence within two (2) weeks of receipt of such notice.

IN WITNESS WHEREOF, the Parties hereto, by their authorized representatives, have executed this Agreement on this _____ day of _____, 2013

FOR THE ASSOCIATION:

FOR THE TOWN:

APPENDIX A

Exeter Fire Association Pay Plan - July 1, 2013

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
27,8865	28,5081	29,1437	29,7943	30,4581	31,1374	31,8322	32,5416	33,2674
60,904	62,262	63,650	65,071	66,521	68,004	69,522	71,071	72,656

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
22,8108	23,3198	23,8399	24,3712	24,9152	25,4707	26,0384	26,6192	27,2131
49,819	50,930	52,066	53,227	54,415	55,628	56,868	58,136	59,433
27,8196	28,3196	28,8196	29,3196	29,8196	30,3196	30,8196	31,3196	31,8196

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
20,7376	21,2000	21,6725	22,1558	22,6502	23,1548	23,6716	24,1995	24,7390
45,291	46,301	47,333	48,388	49,468	50,570	51,699	52,852	54,030
25,2902	25,7902	26,2902	26,7902	27,2902	27,7902	28,2902	28,7902	29,2902

Exeter Fire Association Pay Plan - July 1, 2014

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
28,1654	28,7932	29,4351	30,0923	30,7627	31,4488	32,1505	32,8670	33,6001
61,513	62,884	64,286	65,722	67,186	68,684	70,217	71,781	73,383

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
23,0389	23,5530	24,0783	24,6150	25,1643	25,7254	26,2988	26,8854	27,4852
50,317	51,440	52,587	53,759	54,959	56,184	57,437	58,718	60,028
28,0978	28,5978	29,0978	29,5978	30,0978	30,5978	31,0978	31,5978	32,0978

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
20,9449	21,4120	21,8893	22,3774	22,8767	23,3864	23,9083	24,4415	24,9864
45,744	46,764	47,806	48,872	49,963	51,076	52,216	53,380	54,570
26,6957	27,1957	27,6957	28,1957	28,6957	29,1957	29,6957	30,1957	30,6957

Exeter Fire Association Pay Plan - July 1, 2015

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
28,4471	29,0811	29,7295	30,3932	31,0703	31,7633	32,4720	33,1957	33,9361
62,128	63,513	64,929	66,379	67,858	69,371	70,919	72,499	74,116

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
23,2693	23,7885	24,3191	24,8611	25,4159	25,9827	26,5618	27,1542	27,7601
50,820	51,954	53,113	54,297	55,508	56,746	58,011	59,305	60,628
28,3787	28,8787	29,3787	29,8787	30,3787	30,8787	31,3787	31,8787	32,3787

Starting	Min	Step 1	Step 2	1.00% COLA		Step 11	Step 12	Max
				Step 3	Step 4			
21,1544	21,6261	22,1082	22,6011	23,1055	23,6202	24,1474	24,6859	25,2363
46,201	47,231	48,284	49,361	50,462	51,587	52,738	53,914	55,116
26,3742	26,8742	27,3742	27,8742	28,3742	28,8742	29,3742	29,8742	30,3742

MITCHELL MUNICIPAL GROUP, P.A.

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

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

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

May 31, 2013

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

Re: Emergency Lanes

Dear Russ:

You have asked for our input on declaring private and Class VI roads emergency lanes, and specifically on the requests from many residents of Connie Road that the road be graded.

Towns may declare Class VI or private roads to be emergency lanes pursuant to RSA 231:59-a. Such a designation allows, but does not require, the town to spend highway funds on these roads; something which is generally prohibited by RSA 231:59.

Several questions have arisen regarding the wisdom and process of declaring Connie Road an emergency lane so that the town may legally spend money grading the road.¹ Let me begin with what an emergency lane is and is not. An emergency lane is merely a designation which allows the town to spend public money maintaining the road. Whether to designate a road an emergency lane is at the "sole and unfettered discretion" of the selectmen, and no person is entitled to damages by virtue of the creation of emergency lanes, the failure to create them, the maintenance of them, or the failure to maintain them. Declaring a road an emergency lane does not alter the classification or legal status of the road.

The process to declare a road an emergency lane is relatively simple. The selectmen must hold a public hearing to declare the road an emergency lane and must make written findings, recorded in the minutes, that there is a public need for keeping the road passable by emergency vehicles which surpasses or is different from private benefits to landowners abutting the road. Connie Road appears to be a private road.² Therefore, if the town seeks to declare it an emergency lane, it must give notice to all persons known to have a legal interest in the way at least 10 days prior to the required public hearing. The emergency lane designation shall not be made if any person with a legal right to deny permission objects. It is our opinion that not every person who has a

¹I understand that at the present time the town plows and sands the road in the winter pursuant to a 1989 town meeting vote.

²Although the town took a tax deed to the road in 2007 from an unknown owner, such deeds give the town questionable title, particularly where it seems clear that in 1978, Chester Simpson owned the road.

Russ Dean, Town Manager
May 31, 2013
Page 2

right to use the road has a right to deny permission. Instead, in this case, it would be the owner of the road who would have that right. Should the selectmen declare Connie Road an emergency lane, that declaration may be rescinded or disregarded at any time without notice.

It has been suggested that prior to designating any road an emergency lane, the town should adopt a policy to govern such designations, as the Town of Nottingham has done. The town is certainly free to do so (although if it does, I have some proposed edits to the Nottingham policy), but is not obligated to do so. RSA 231:59-a is one of the very few statutes which allows the selectmen to act with unfettered discretion.³ Adopting a policy limits that discretion, so if the town does adopt a policy, it will want that policy to be written quite broadly.

It has also been suggested that declaring Connie Road an emergency lane will open the town up to other requests for emergency lane designations, which will increase the town's budget for road maintenance. This may be true; however, the town will retain the right to deny requests for emergency lane status, and, of course, any such designation will require a finding that the designation is in the public interest. Should the town declare Connie Road or other roads to be emergency lanes, it should specify the type and amount of maintenance which will be done and budget for that maintenance accordingly.

Please let me know if I can offer any additional assistance on this, or any other, matter. Thank you.

Sincerely,



Laura Spector-Morgan
laura@mitchellmunigroup.com

³Obviously, this discretion must be exercised in good faith.

TITLE XX

TRANSPORTATION

CHAPTER 231

CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Repair of Highways by Towns

Section 231:59-a

231:59-a Emergency Lanes. –

I. Notwithstanding RSA 231:59 or any other provision of law, a town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which has been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles. A capital reserve fund under RSA 35 or a trust fund under RSA 31:19-a may be established for this purpose.

II. No expenditures shall be made under paragraph I unless the selectmen, following a public hearing, declare the relevant class VI highway, private way, or portion thereof, as an emergency lane, and make written findings, recorded in the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane.

III. In the case of a private way, notice shall be mailed to all persons known to have a legal interest in the way, 10 days prior to the hearing, and the emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission. Neither the appearance nor non-appearance of such persons at the hearing shall prevent such permission from later being denied or withdrawn.

IV. A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance. This section shall not be deemed to alter the classification or legal status of any highway or private way, or to limit or restrict the authority of towns to regulate the use of class VI highways pursuant to such statutes as RSA 41:11, RSA 236:9--13, and RSA 674:41, or to authorize any person to pass over any private way when permission has been denied. This section shall not be deemed to alter the duties or powers of any party under RSA 227-L concerning forest fires.

Source. 1994, 80:1. 1995, 299:12, eff. Jan. 1, 1996.

Street Name	Street Status	Miscellaneous
A STREET	PRIVATE	Exeter & Hampton Trailer Park
ALDER STREET	PRIVATE	Lindenshire
ALUMNI DRIVE	PRIVATE	Hospital Road
B STREET	PRIVATE	Exeter & Hampton Trailer Park
BROOKSIDE DR.	PRIVATE	off Epping Rd
C STREET	PRIVATE	Exeter & Hampton Trailer Park
CAMELOT DRIVE	PRIVATE	Sherwood Forrest
CANTERBURY DRIVE	PRIVATE	Sherwood Forrest
CEDAR ST.	PRIVATE	
CHADWICK LANE	PRIVATE	PEA
CHARRON CIRCLE	PRIVATE	Off of Hall Place
CHERRY ST.	PRIVATE	Lindenshire
COACH RD.	PRIVATE	
* CONNIE RD.	PRIVATE	1989 warrant, provide plow/sand/salt
CORNWALL ST.	PRIVATE	Lindenshire
D STREET	PRIVATE	Exeter & Hampton Trailer Park
DEEP MEADOW LANE	PRIVATE	Deep Meadow Trailer Park
DONNA DRIVE	PRIVATE	Deep Meadow Trailer Park
DOW ST.	PRIVATE	
ERNEST AVE.	PRIVATE	
EXETER HIGHLANDS DRIVE	PRIVATE	
EXETER WOODS	PRIVATE	
FIRST ST.	PRIVATE	Pinecrest Trailer Park
FRIAR TUCK DRIVE.	PRIVATE	Sherwood Forrest
* GILMAN LANE	PRIVATE	PEA
HEMLOCK ST.	PRIVATE	
HILTON AVE.	PRIVATE	Lindenshire
* INDIAN TRAIL ROAD	PRIVATE	1990 warrant, plow and sand
JOANNE COURT	PRIVATE	Deep Meadow Trailer Park
JUNIPER ST.	PRIVATE	Lindenshire
KING ARTHUR'S COURT	PRIVATE	Sherwood Forrest
KING WAY AVE.	PRIVATE	5/28/98 memo (proposed?)
LANE COURT	PRIVATE	
LEXINGTON CT.	PRIVATE	
LILAC AVE.	PRIVATE	Lindenshire
LINDEN FIELDS	PRIVATE	
LINDENSHIRE AVE.	PRIVATE	
LITTLE JOHN	PRIVATE	Sherwood Forrest
MAID MARION	PRIVATE	Sherwood Forrest
MORTON STREET	PRIVATE	Lindenshire
NOTTINGHAM DR.	PRIVATE	Sherwood Forrest
OAK HILL LANE	PRIVATE	
PEACH ST.	PRIVATE	Lindenshire
PECAN ST	PRIVATE	Lindenshire
PINE MEADOWS RD	PRIVATE	
PLUM ST.	PRIVATE	Lindenshire
POPLAR ST.	PRIVATE	Lindenshire

ROBIN HOOD DR.	PRIVATE	Sherwood Forrest
X RUNAWIT ROAD	PRIVATE	1990 warrant, plow and sand
SAGAMORE DRIVE	PRIVATE	
SECOND ST.	PRIVATE	Pinecrest Trailer Park
SEMINARY LANE	PRIVATE	school dept. (town) Aldo St.
SIR LANCELOT DR.	PRIVATE	Sherwood Forrest
X SPLIT ROCK RD.	PRIVATE	1990 warrant, plow and sand
SUMAC STREET	PRIVATE	Lindenshire
VALLEY LANE	PRIVATE	
VINCENT ST.	PRIVATE	Lindenshire
WANDA LANE	PRIVATE	Lindenshire
WAYLAND CIRCLE	PRIVATE	
WILLOW STREET	PRIVATE	Lindenshire
WINDSOR DRIVE	PRIVATE	
X water st behind stores		

TOWN WATER LINE EASEMENT

19180
REC'D ROCKINGHAM COUNTY
70 JUL 14 9:11:47

KNOW ALL MEN BY THESE PRESENTS, That I, L. CHESTER SIMPSON of Exeter, County of Rockingham, State of New Hampshire, for consideration paid, grant to the TOWN OF EXETER, a municipal corporation, in the County of Rockingham, State of New Hampshire, its successors and assigns, the right to construct, reconstruct, maintain, replace, and remove pipes, mains and appurtenances incident to the operation of a municipal water line within and beneath two certain rights of way known as the Stony Water Road and Connie Road, which is also known as the Swasey right-of-way. Stony Water Road and Connie Road are situate in said Exeter and run generally in a Westerly direction from Cross Road, so-called.

The Town of Exeter hereby covenants for itself, its successors and assigns, that in constructing and maintaining said water line it will use diligence and care so as not to disrupt existing facilities for gas, electricity, or other utility which may pass over or under the described premises.

The Town of Exeter shall have the right from time to time to cut, remove and keep removed any trees, undergrowth and any other obstructions that may injure, endanger or interfere with the construction, reconstruction, maintenance, operation or replacement of the water line.

It is agreed that the pipes, mains, or valves and appurtenances of said water line shall be and remain the property of the Town of Exeter, its successors and assigns.

This is not homestead property.

WITNESS ___ hand and seal this 12th day of July, 1978.

Witness:

Donald P. Clark

L. Chester Simpson
L. Chester Simpson

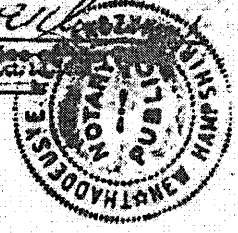
THE STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

July 12, 1978

Personally appeared the above-named L. CHESTER SIMPSON and acknowledged the foregoing instrument to be his voluntary act and deed. Before me,

Thurston W. [Signature]
Notary Public/Justice

My commission expires _____



TOWN WATER LINE EASEMENT

2319-0306

KNOW ALL MEN BY THESE PRESENTS, That I, RICHARD EDISON of Exeter, County of Rockingham, State of New Hampshire, for consideration paid, grant to the TOWN OF EXETER, a municipal corporation, in the County of Rockingham, State of New Hampshire, its successors, and assigns, the right to construct, reconstruct, maintain, replace, and remove pipes, mains, and appurtenances incident to the operation of a municipal water line under the following described parcel of land:

A certain parcel of land situate in Exeter, County of Rockingham, State of New Hampshire, on the northerly side of Connie Road, so-called, also known as the Swasey right-of-way, and on the southerly side of Stony Water Road, so-called, bounded and described as follows:

Beginning at a point on the southerly side of Stony Water Road at the northwesterly corner of the premises of the grantor at land of Orrin Francis Barham-White, Jr. and Marion B. White; thence running southerly a distance of 210 feet, more or less, along land of Orrin Francis Barham-White, Jr. and Marion B. White to the northerly sideline of said Connie Road; thence running easterly along Connie Road a distance of 10 feet to a point at other land of the grantor; thence turning and running Northerly and parallel to the first mentioned boundary a distance of 210 feet, more or less, to the southerly side of said Stony Water Road; thence turning and running westerly along said southerly sideline of Stony Water Road a distance of 10 feet to the point begun at.

The Town of Exeter hereby covenants for itself, its successors, and assigns, that in constructing and maintaining said water line it will use diligence and care so as not to disrupt existing facilities for gas, electricity, or other utility which may pass over or under the described premises.

The grantor reserves for himself, his heirs and assigns the right to use the soil on said easement provided such use does not interfere with or obstruct the rights herein granted and that the Town of Exeter shall have the right from time to time to cut, remove and keep removed any trees, undergrowth, and any other obstructions that may injure, endanger or interfere with the construction, reconstruction, maintenance, operation, or replacement of the water line.

It is agreed that the pipes, mains, or valves and appurtenances of said water line shall be and remain the property of the Town of Exeter, its successors and assigns.

The Town of Exeter agrees that the grantor shall have the right to tie into said water line for purposes of securing public water supply for any dwelling or structure the grantor may erect on the premises owned by him, subject to the water regulations of the Town of Exeter.

The grantor is unmarried.
This is homestead property.

WITNESS my hand and seal this 18th day of August, 1978.

Witness:

Robert Dean Richard Edison

Richard Edison

THE STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

August 18, 1978

Personally appeared the above-named RICHARD EDISON and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me,

Robert Dean
Notary Public Justine J. Pease

My commission expires

*document in the office of town clerk
in book 7, 1077 of 8 of 1977 7th floor 242-2000*

23297
78 AUG 21 4 2: 06
REC'D ROCKINGHAM COUNTY
REGISTRY OF DEEDS

TOWN WATER LINE EASEMENT

2319-0307

KNOW ALL MEN BY THESE PRESENTS, That we, ORRIN FRANCIS BARNHAM-WHITE, JR., a/k/a ORRIN FRANCIS BARNHAM-WHITE, JR., of Exeter, County of Rockingham, State of New Hampshire, and MARION B. WHITE of Boston, County of Suffolk, Commonwealth of Massachusetts, for consideration paid, grant to the TOWN OF EXETER, a municipal corporation, in the County of Rockingham, State of New Hampshire, its successors and assigns, the right to construct, reconstruct, maintain, replace, and remove pipes, mains and appurtenances incident to the operation of a municipal water line beneath the following described parcel of land:

A certain parcel of land situate in Exeter, County of Rockingham, State of New Hampshire, on the northerly side of Connie Road, so-called, also known as the Swasey right-of-way, and on the southerly side of Stony Water Road, so-called, bounded and described as follows:

Beginning at a point on the southerly side of said Stony Water Road at the northeasterly corner of the premises of the grantors at land of Richard Edison; thence running southerly 210 feet, more or less, along land of Richard Edison to the northerly sideline of said Connie Road; thence running westerly along said Connie Road a distance of 10 feet to a point at other land of the grantors; thence turning and running northerly and parallel to the first mentioned boundary a distance of 210 feet, more or less, to the southerly side of Stony Water Road; thence turning and running easterly along said southerly sideline of Stony Water Road a distance of 10 feet to land of Edison at the point begun at.

The Town of Exeter hereby covenants for itself, its successors and assigns, that in constructing and maintaining said water line it will use diligence and care so as not to disrupt existing facilities for gas, electricity, or other utility which may pass over or under the described premises.

The grantors reserve for themselves, their heirs and assigns the right to use the soil on said easement provided such use does not interfere with or obstruct the rights herein granted and that the Town of Exeter shall have the right from time to time to cut, remove and keep removed any trees, undergrowth, and any other obstructions that may injure, endanger or interfere with the construction, reconstruction, maintenance, operation, or replacement of the water line.

It is agreed that the pipes, mains, or valves and appurtenances of said water line shall be and remain the property of the Town of Exeter, its successors and assigns.

The Town of Exeter agrees that the grantors shall have the right to tie into said water line for purposes of securing public water supply for any dwelling or structure the grantors may erect on the premises owned by them, subject to the water regulations of the Town of Exeter.

The grantors are unmarried.

This is homestead property.

WITNESS our hand and seal this 10th day of August, 1978.

Witness:

Robert Shea
to bell

Orrin Francis Barnham-White, Jr.
Orrin Francis Barnham-White, Jr.
Marion B. White
Marion B. White

THE STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

August 10, 1978

Personally appeared the above-named ORRIN FRANCIS BARNHAM-WHITE, Jr. and MARION B. WHITE and acknowledged the foregoing to be their voluntary acts and deeds. Before me,

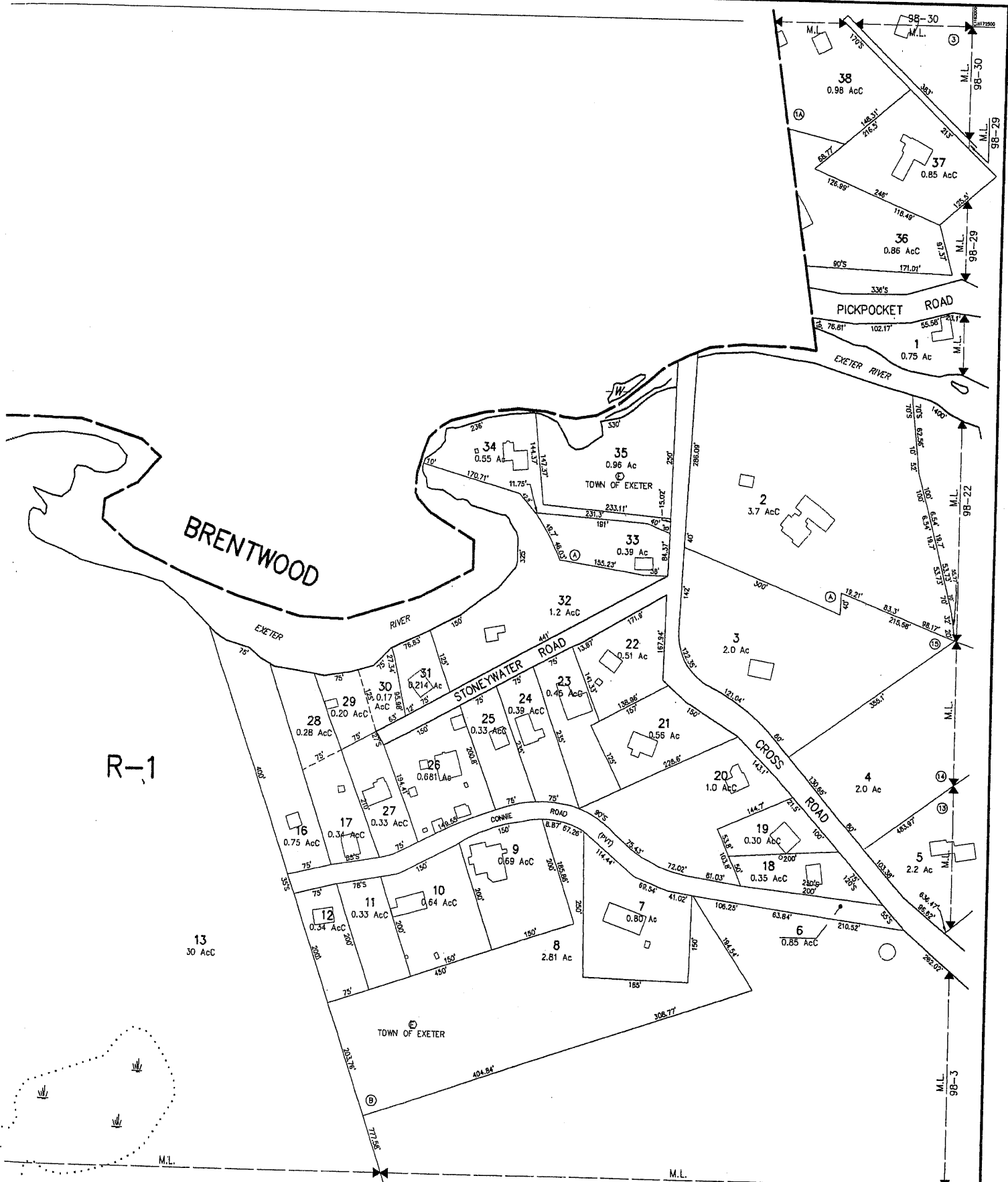
Witness in the office of town clerk in book 71 471 at 8:40 am. Flaminio G. Longo

Robert Shea
Notary Public/Justice of the Peace

78 AUG 21 5 2: 06

REC'D ROCKINGHAM COUNTY
REGISTRY OF DEEDS

23296



LEGEND

- EXEMPT PROPERTY
- SUBDIVISION LOT NO.
- ZONE LIMIT
- RIGHT OF WAY
- COMMON OWNERSHIP
- BUILDING
- WETLANDS

SCALE 1" = 100'

FEET: 0, 50, 100, 200, 300
 METERS: 0, 25, 50, 75

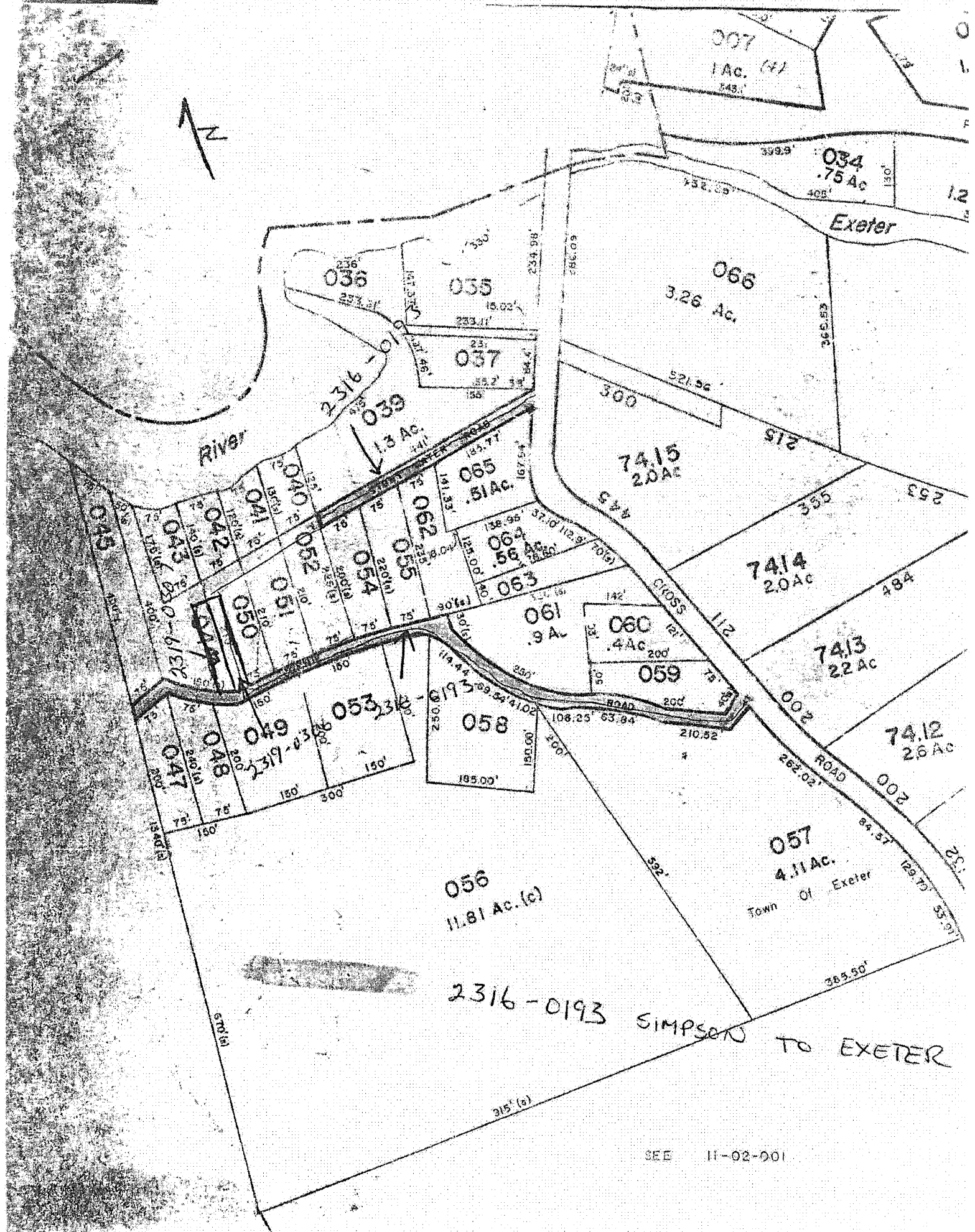
REVISED TO: APRIL 1, 2006

PROPERTY MAPS
EXETER
 NEW HAMPSHIRE

INDEX DIAGRAM

78	79
88	89
100	101

MAP NO. 99



River

Exeter

CROSS ROAD

ROAD

056
11.81 Ac. (c)

057
4.11 Ac.
Town of Exeter

2316-0193 SIMPSON TO EXETER

SEE 11-02-001

Memo

To: Russell Dean, Town Manager
From: Jennifer R. Perry, P.E., Public Works Director
Date: May 31, 2013
Re: Exeter Town Hall, Update on Recovery Efforts

On Wednesday, May 29, the following representatives conducted an on-site inspection and review of the Scope of Work:

Paul Dowling, McLarens Claim Services (adjuster for insurance policy)
David Gogolen, Woodland Claims Services (Primex contract claims adjuster)
Jim Chilson, Young & Assoc. (contract consultant estimator)
Stanley Graton, 3G Construction (restoration contractor)
Kevin Smart, Town of Exeter Maintenance Supt.

Stan Graton of 3G and Jim Chilson of Young & Associates will take all the information from the inspection and Scope of Work and simultaneously develop opinions of cost. When the estimating work is complete, both parties will compare costs. If the pricing differential is within acceptable ranges to the insurance company, a contract will be issued, and a schedule will follow. We anticipate the development and review of costs may take a week to 10 days.



Russ Dean <rdean@town.exeter.nh.us>

Fogg rollins cemetery

Greg Bisson <gbisson@town.exeter.nh.us>

Fri, May 31, 2013 at 10:24 AM

To: Russ Dean <rdean@town.exeter.nh.us>

Hi Russ,

Mike is out today but he wanted me to send you these figures for work at the Fogg Rollins Cemetery.

\$50 (includes pay, benefits, gas, etc) per hour X 1.5 hours once a month X 9 months for a total of \$675 a year to maintain it.

--

Greg Bisson

Assistant Director

Exeter Parks and Recreation

Please note my new address is Gbisson@exeternh.gov

Please Join us on Facebook:<https://www.facebook.com/ExeterParksandRecreationNH>



TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.town.exeter.nh.us

May 28, 2013

Julie LaBranche, Rockingham Planning Commission
Community Implementation Funding
Green Infrastructure for NH Coastal Watershed Communities
156 Water Street, Exeter, NH 03833

Dear Ms. LaBranche:

I am writing on behalf of the Exeter Board of Selectmen in support of the Exeter Planning Departments application for Community Implementation funding through RPC's Green Infrastructure program.

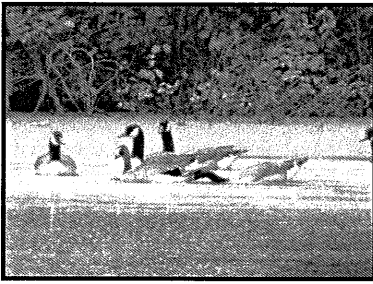
The Town of Exeter has been a forward-thinking community when it comes to open space and water resource protection, yet the majority of our rivers and streams are impaired for one quality or another. Clearly the efforts that we implement need to become not simply a regulatory issue but a new way of approaching how we live at our own homes. We feel this project as proposed, does just that. This idea, which started with a community expressing their concerns about the water quality of Brickyard Pond, has the potential to be a model for other neighborhoods in town for things that can be done in our own yards that can cause a cumulative improvement on water quality.

We appreciate the inclusion of a range of improvements to be demonstrated and the hands-on involvement of this neighborhood in the installation process. In addition, the ability through this program to establish a crew of individuals (staff, volunteers alike) who are able provide guidance to homes throughout town on stormwater management is something that will have resonance on a town-wide level and may serve as an example to other communities in the Great Bay Watershed.

We are hopeful that you will recognize the value in this proposal and support its funding.

Sincerely,

Don Clement
Chair, Exeter Board of Selectmen



Exeter Town Crier, June 2012

Overview of Application for Funding for....

Community Implementation Funding

**Green Infrastructure for
NH Coastal Watershed Communities**

Opportunity: Over the past several years, the condition of Brickyard pond has significantly deteriorated. Now instead of a pleasant destination, each summer the pond is covered with excessive algae growth and has an unpleasant odor.

The residents of the abutting neighborhood (Heritage Way, Colonial Drive) expressed concerns about the pond's condition and were interested in knowing what they could do to determine the cause of the problem and improve the ponds condition. Upon inspection, it was evident that the nearby neighborhood has a variety of opportunities for implementation of Green Infrastructure that would directly contribute to a tangible result for water quality improvement including:

- Numerous storm drains outfalling directly to Brickyard Pond
- Stormwater running directly into neighborhood streams that feed the pond.
- Long driveways, large lush lawns, roof gutters draining to the driveways or other paved surfaces.

Purpose: To initiate a neighborhood-wide stormwater education and green infrastructure implementation program.

Plan: We would establish an "Evaluation team" to visit willing homeowner's properties in this neighborhood and provide guidance on what stormwater management opportunities may be appropriate for their individual circumstances. This evaluation team would be made up of town staff and members from volunteer boards (our Think Blue "crew") with guidance from an experienced contractor. The Think Blue "crew" is a subset of the ConCom and River Study members, DPW and Planning Staff who have adopted Think Blue Exeter as part of the local stormwater outreach/education program. This would be followed by implementation of a variety of green infrastructure items with preference to those homes with a more direct connection to Brickyard Pond.

- **LAWN CARE** - We would establish a Think Blue Exeter environmentally friendly lawn care sign where owner's who have committed to adopt water quality friendly lawn care practices can display small signs in their yards as a testament to this commitment.
- **RAIN BARRELS** - We would offer residents the opportunity to purchase rain barrels at reduced rates and demonstrate their installation at one or two residence.
- **DOWNSPOUT REDIRECTION** - We would demonstrate simple changes such as how to re-direct downspouts to vegetated areas and away from driveways or other impervious surfaces.
- **RAINGARDEN INSTALLATION** - Lastly we would install two demonstration rain gardens at key locations with willing homeowners. Design will be lead by a contractor and the Think Blue Exeter team. Prior to installation we will provide an overview of the design process. This would be followed by installation with guidance from this team, neighbors and other interested volunteers designed as a way for others to gain hands-on experience installing similar infiltration measures on their properties.
- **WATER QUALITY MONITORING** - This series of educational and implementation events would be dovetailed with a water quality monitoring program that monitors the water quality (turbidity, nitrogen, phosphorus, and chloride, chlorophyll-a) of Brickyard Pond itself before implementation during the Spring of 2013 and after implementation in the Fall of 2013 and spring of 2014 as a way to document the effectiveness of the program.

ADVERTISEMENT FOR BIDS

The Town of Exeter, New Hampshire will receive sealed Bids for SWTP Waste Reduction, until 4:00 p.m. Local Time on Monday, June 3, 2013, at the Town Offices, 10 Front Street, Exeter, New Hampshire 03833. All Bids will be publicly opened and read aloud at the Selectmen's Meeting on the same day at 7:00 p.m. Bids submitted after this date will not be accepted.

Each sealed envelope containing a Bid must be plainly marked on the outside with "Bid for SWTP Waste Reduction – Attention Town Manager" and the envelope should bear on the outside the name of the Bidder and its address. If forwarded by mail, the sealed envelope containing the Bid must be enclosed in another envelope addressed to the Town Manager at the above address.

In general, the Work of this project consists of, but it is not limited to, furnishing all necessary labor, materials, equipment and incidentals to reactivate, test and place in service the backwash recycle system, install a pre-purchased skid-mounted pump station, yard piping, controls, electrical and appurtenances, with all related work complete as specified.

A copy of the Contract Documents for the Work may be obtained from Nashoba Blue, Inc., 433 Main Street, #5, Hudson, Massachusetts 01749 upon the deposit of \$50.00 by check or money order made payable to Aquagenics Incorporated. Such deposits will be refunded if the Contract Documents are returned in good condition, postpaid if mailed, within thirty (30) days after the opening of Bids. Contract Documents will be mailed to prospective Bidders upon receipt of a separate check or money order for \$40.00 made payable to Nashoba Blue, which will not be refunded. Deposits and mail fees that are sent to Nashoba Blue by mail, Federal Express, UPS or any type of carrier, shall be addressed to the attention of: "Spec/Plan Request – Exeter".

The Contract Documents may be examined during normal business hours from 7:00 a.m. to 3:00 p.m. at:

Department of Public Works
13 Newfields Road
Exeter, NH 03833

The Contract Documents may be examined during normal business hours at the following locations:

Associated General Contractors
48 Grandview Road
Bow, NH 03304

Construction Summary of NH
734 Chestnut Street
Manchester, NH 03104

Questions regarding Spec/Plan request shall be forwarded to Nashoba Blue, Inc. at Phone: (978) 568-1167.

All technical questions shall be forwarded to:

Lenny MacKoul, P.E.
Aquagenics Incorporated.
Phone: (781) 935-7470

Before submitting a Bid, the Bidder shall visit the site, thoroughly examine existing conditions and acquaint themselves with the level of difficulty and any constraints, and to determine for themselves the level of effort required to successfully perform the work.

A mandatory Pre-Bid Conference will be held at 9:30 AM on Tuesday May 21, 2013 at the Surface Water Treatment Plant 109 Portsmouth Avenue, Exeter, New Hampshire 03833.

Each Bid shall be accompanied by a Bid security in the amount of five (5) percent of the value of the Bid in the form described in the DOCUMENT 00100, INSTRUCTIONS AND INFORMATION FOR BIDDERS.

A Performance Bond and a Payment Bond, each in the amount of one hundred (100) percent of the contract price, will be required in the form described in the DOCUMENT 00100, INSTRUCTIONS AND INFORMATION FOR BIDDERS.

The Contract to be awarded as the result of this Advertisement for Bids will be funded through the State of New Hampshire Drinking Water State Revolving Fund Program. The Contract will be subject to the regulations of this Program.

Bidders' attention is called to the requirements as to conditions of employment to be observed. Federal Minimum Wage Rates as determined by the United States Department of Labor under the Davis-Bacon Act apply to this project.

Bidders on this Work must demonstrate compliance with the United States Environmental Protection Agency's Minority and Women's Business Enterprises (MBE's and WBE's) policy in order to be deemed a responsible bidder. The requirements for Bidders and Contractors covered by this policy are explained in DOCUMENT 00100, INSTRUCTIONS AND INFORMATION FOR BIDDERS.

No Bidder may withdraw his Bid within sixty (60) days (Saturdays, Sundays and legal holidays excluded) after the actual date of the Bid opening.

Complete instructions for filing Bids are included in the DOCUMENT 00100, INSTRUCTIONS AND INFORMATION FOR BIDDERS.

The total time period for completion of all work under this contract is 120 consecutive calendar days using no more than 60 on-site working days. Work performed beyond the 60 on-site working day period or 120 consecutive calendar days will be subject to liquidated damages in the amount specified in the Contract Documents.

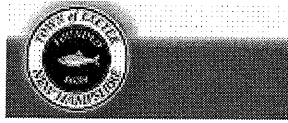
The Owner may waive any informalities or minor defects, or reject any or all Bids if it is in the best interest of the Owner to do so.

**Town Manager
Town of Exeter, New Hampshire**

List for Selectmen's meeting June 3, 2013

Elderly Exemption

<u>Map/Lot</u>	<u>Location</u>	<u>Exemption Amount</u>
104/79/1009	1009 Exeter River Landing	236,251



Sheri Riffle <sriffle@town.exeter.nh.us>

Was not finished with last message

1 message

Tucker Lovering <orangeleaf.tucker@gmail.com>

Tue, May 21, 2013 at 4:28 PM

To: Sriffle@exeternh.gov

My apologies I was not finished composing my last email when I accidentally sent it. Here is the email in its entirety.

My name is Tucker Lovering and I am the General Manager of the Orange Leaf located at 130 Water Street in downtown Exeter. I am writing you because I am seeking permission to add eight chairs to our already permitted eight.

The problem we are having is that since we are a destination for families, our seats are often moved around one or two tables rendering the other tables useless.

Currently permitted 8 chairs 4 tables

Proposed 16 chairs 4 tables

Thank you for your consideration,

Tucker Lovering



Russ Dean <rdean@town.exeter.nh.us>

Senate Finance Committee Restores SAG Funding in FY 2014!

Timothy Fortier <tfortier@nhlgc.org>

Wed, May 29, 2013 at 10:19 AM

To: Aaron Costa <acosta@ci.keene.nh.us>, Anthony Davis <marlowtownoffice@myfairpoint.net>, Barbara Miller <bmillier@grantwritingresource.com>, "Barry Brenner (bbrenner@seabrooknh.org)" <bbrenner@seabrooknh.org>, Ben Moore <bmmoore@comcast.net>, Bill Herman <townadmin@townofauburnnh.com>, Bill Hounsell <wjhounsell@roadrunner.com>, Bradley Benson <bradbenson@ci.derry.nh.us>, Brendan Kelly <adavis@seabrooknh.org>, Bruce Berry <bberry@amherstnh.gov>, Bruce Bowler <bowlerb@comcast.net>, Bruce Temple <btemple@claremontnh.com>, "Carter Terenzini (cterenzini@moultonboroughnh.gov)" <cterenzini@moultonboroughnh.gov>, Chip Chesley <cchesley@concordnh.gov>, Christina Hall <Christina.Hall@lebcity.com>, Craig Dunning <craig@concordha.com>, Daniel Fitzpatrick <dan.fitzpatrick@rochesternh.net>, Danielle Shuler <dshuler@cvillagefd.com>, David Allen <dsallen@cityofportsmouth.com>, David Alukonis <david.j.alukonis@bc.edu>, David Bemier <dbemier@ncwpmh.org>, David Ford <wolfdpw@metrocast.net>, David Owen <wolftwnmgr@metrocast.net>, David Stack <townmgr@bow-nh.gov>, Dean Shankle <dshankle@hooksett.org>, Dean Trefethen <d.trefethen@dover.nh.gov>, Dennis Allen <publicworks@tiltonnh.org>, Dennis Pavicek <townadmin@newburynh.org>, Don MacIsaac <dmacisaac@myfairpoint.net>, Donna Long <donna@newburynh.org>, Donnalee Lozeau <lozeaud@nashuanh.gov>, Doug Steele <d.steele@dover.nh.gov>, Eileen Cabanel <ecabanel@merrimacknh.gov>, Elizabeth Dragon <citymgr@franklinnh.org>, Elizabeth Fox <efox@ci.keene.nh.us>, Frank Rodimon <piermont.highway@gmail.com>, Frank Underwood <fgu@underwoodengineers.com>, Fred McNeill <fmcneill@manchesternh.gov>, "Fred Moody (fmoody@townoflittleton.org)" <fmoody@townoflittleton.org>, Fred Welch <fwelch@town.hampton.nh.us>, Gary R Chandler <gary.lbwp@hotmail.com>, Gina Paight <gp@marlboroughnh.org>, Glenn Smith <gsmith@northfieldnh.org>, Greg Lewis <greg.lewis@lebcity.com>, Gregory Dodge <administrator@townofpepping.com>, Guy Santagate <citymanager@claremontnh.com>, Harold Booth <unity_dpw@surglobal.net>, Harold Judd <hjudd@acciongroup.com>, James O'Mara <jomara@amherstnh.gov>, James Sullivan <jsullivan@hooksett.org>, Jane Ferrini <jferrini@cityofportsmouth.com>, Janine Bean <janineeliza@gmail.com>, Jason Tardiff <jtardiff@allentown.org>, Jeanne LaBrie <selectman@townofjaffrey.com>, Jeffrey Haines <chdpw@metrocast.net>, Jennifer Palmiotto <jpalmiotto@granitestatwater.org>, Jennifer Perry <jperry@town.exeter.nh.us>, Jill Collins <hinsdale.nh@myfairpoint.net>, Jim Fortin <publicworks@belmontnh.org>, Joe Quirk <themajestictheatre@hotmail.com>, Joe Titone <jtitone@seabrooknh.org>, Joel Mudgett <franandjoel1@myfairpoint.net>, John Anderson <johnanderson@ci.derry.nh.us>, John Bohenko <jpbohenko@cityofportsmouth.com>, John Bush <jbush@underwoodengineers.com>, John MacLean <jmaclean@ci.keene.nh.us>, John Starkey <jmstarkey@seabrooknh.org>, Johnny Vantassel <sanborntonhw@metrocast.net>, Jon McKeon <jmckeon@t-n.com>, Jon Pike <belmont@worldpath.net>, Joyce Fulweiler <townadmin@tiltonnh.org>, Julia Griffin <julia.griffin@hanovernh.org>, Karen Falcone <ksott@comcast.net>, Karen Umberger <karenumberger@gmail.com>, Keith Hickey <khickey@ci.salem.nh.us>, Keith Noyes <knoyes@town.hampton.nh.us>, Keith Pratt <kpratt@underwoodengineers.com>, Kenneth Merrifield <kenmfield@metrocast.net>, Kenneth Paul <kpaul@wakefieldnh.com>, Kevin Burns <kburns@hudsonnh.gov>, Kurt Blomquist <kblomquist@ci.keene.nh.us>, Lawrence Konopka <evien@metrocast.net>, Leo Lessard <llessard@hooksett.org>, Lisa Fauteux <fauteuxl@nashuanh.gov>, Mario Leclerc <leclercm@nashuanh.gov>, Matthew Quandt <mjquandt@comcast.net>, Michael Capone <townadmin@townofbristolnh.org>, Michael Faller <mfaller@meredithnh.org>, Michael Fowler <mikefowler@ci.derry.nh.us>, Michael Hartman <mhartman@townofjaffrey.com>, Michael Perreault <mperreault@berlinnh.gov>, "Mike Joyal (m.joyal@dover.nh.gov)" <m.joyal@dover.nh.gov>, Mike Lavalla <mike.lavalla@lebcity.com>, Nancy Brown <brownn@city.laconia.nh.us>, "Pam Brenner (pbrenner@townofpeterborough.us)" <pbrenner@townofpeterborough.us>, Patricia Consentino <sel.consentino@tiltonnh.org>, Patrick MacQueen <city_manager@berlinnh.gov>, Paul Apple <ta@allentown.org>, Paul Brown <select@newportnh.net>, Paul Hebert <finance@amherstnh.gov>, Paul Moynihan <publicworks@city.laconia.nh.us>, Paul Skowron <pittsfieldta@metrocast.net>, Peter Chamberlin <wolffindir@metrocast.net>, Peter Christie <ptchristie@gmail.com>, Peter Kulbacki <peter.kulbacki@hanovernh.org>, Phil Bilodeau <pbilodeau@concordnh.gov>, Phillip Warren

<pwarren@meredithnh.org>, Randall Heglin <rheglin@townofjaffrey.com>, Richard Russell <russell@ci.salem.nh.us>, Richard Seymour <rseymour@merrimacknh.gov>, "Rick Griffin (inquiries@town.hampton.nh.us)" <inquiries@town.hampton.nh.us>, Rick Malasky <rmalasky@newmarketnh.gov>, "Robert Belmore (bbelmore@somersworth.com)" <bbelmore@somersworth.com>, Robert Lang <rlang.selectman@gmail.com>, Rodney Bartlett <rbartlett@townofpeterborough.us>, Roger Coutu <rcoutu@hudsonnh.gov>, Russ Dean <rdean@town.exeter.nh.us>, Russell Galpin <hillsboro@hillsboroughnh.net>, Russell Sullivan <adminassist@townofauburnnh.com>, Sandy LaPlante <slaplante@marlboroughnh.org>, Sarah Silk <sms@metrocast.net>, "Scott Dunn (sdunn@gilfordnh.org)" <sdunn@gilfordnh.org>, Scott Kinmond <skinmond@moultonboroughnh.gov>, "Scott Myers (citymanager@city.laconia.nh.us)" <citymanager@city.laconia.nh.us>, Senator Andy Sanborn <senatorsanborn@gmail.com>, Sheila Glines <lbwprnh@hotmail.com>, Sheldon Morgan <smorgan@gilfordnh.org>, Stephen Elliot <drtwrkr@yahoo.com>, Stephen Malizia <smalizia@hudsonnh.gov>, Steve Parkinson <sparkinson@cityofportsmouth.com>, Teresa Williams <townadmin@wakefieldnh.com>, Thomas Mahon <tmahon@merrimacknh.gov>, Tom Aspell <taspell@concordnh.gov>, Tom Buco <tombuco@yahoo.com>, Tom Willis <twillis@somersworth.com>, Town Administrator <admin@hillsboroughnh.net>, Town of Gilford <selectmen@gilfordnh.org>, Town of Sanbornton <townadministrator@sanborntonnh.org>, Town of Wilton <tow@wiltonnh.org>, Willard Hathaway <unitynh@valley.net>, William McKee <ridgerunner70@myfairpoint.net>
 Cc: Judy Silva <jsilva@nhmunicipal.org>, Cordell Johnston <cjohnston@nhmunicipal.org>, Barbara Reid <breid@nhmunicipal.org>

To All:

We Have Some Really Great News to Report!

Yesterday, by a unanimous vote of 6-0, the Senate Finance Committee voted to approve a total of **\$4,522,022** in Fiscal Year (FY) 2014 for the 127 completed and eligible drinking water, wastewater and landfill projects better known as the "delayed & deferred" project list. Ultimately, the Finance Committee voted down party lines (4-2) to approve a \$10.7 billion state budget. If enacted, this means all 127 "delayed and deferred" projects will be fully funded in the next two fiscal years. That's right, the Governor initially proposed a "down payment" of \$3 million for wastewater projects only in FY 15, the House upped the ante by adding another \$1.9 million in FY 15 to fully fund all water infrastructure projects in that year, and **now the Senate Finance Committee has proposed to fully fund these projects in FY 14 by a tune of \$4.5 million.** That's what we call the legislative trifecta.

In addition, last week the Senate Finance Committee voted to eliminate the legislative committee proposed in HB 2 (the trailer bill) designed to study the future financial viability of the State Aid Grant (SAG) program but kept the moratorium in place for any new infrastructure project that did not have local authorization by December 31, 2008 that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A or RSA 149-M. There are two bills (HB 338 and HB 397) currently retained in the House Resources, Recreation and Development Committee that can easily serve as potential policy vehicles for further legislative study, review and consideration of the SAG program.

It's Not Over Until....

There is still much legislative work to be done. The full Senate will vote on its' proposed budget on June 6th, and then return its version to the House. Historically, the House does not always agree with what the Senate has done to its budget bill and will likely call for a committee of conference. By mid-June, appointed Senate and House conferees will begin the task of ironing out the differences between the two chambers' budget versions. The outcome or compromise version of the budget is voted on again by both the House and the Senate and then forwarded to Governor Hassan for her action prior to June 30th. The Governor can either accept the budget and sign it into law, let it simply become law without her signature, or veto it. If the Governor vetoes the budget, the Senate and House must then vote by a two-thirds majority to override the Governor's veto. By law, a budget has to be in place by July 1st.

You Know the Drill - Time to Say "Thank You"

But let us focus on the now. **Now is the time to give thanks where thanks is due.** Please contact members of the Senate Finance Committee to thank them for restoring full state aid grant funding in FY 14. Let them know how much you appreciate this support recognizing the fiscal pressures and competing priorities inherent in any budget-making process. Thank them too for their long hours in putting together this Senate budget and for their overall public service to the State. Remember, receiving a simple "thank you" increases the likelihood of a person's willingness to help again. Most importantly, senators need to hear it from **YOU!**

It is critical that Senate Finance Committee members hear a sincere THANK YOU from YOU! Please don't wait to make this contact!!

Senate Finance Chair, Senator Chuck Morse:
(603) 271-4980

chuck.morse@leg.state.nh.us

Senate Finance Vice Chair, Senator Jeanne Forrester:
(603) 271-2609

jeanie.forrester@leg.state.nh.us

Senate President, Peter Bragdon:
(603) 271-2111

peter.bragdon@leg.state.nh.us

Senator Bob Odell:
(603) 271-2609

bob.odell@leg.state.nh.us

Senator Lou D'Allesandro:
(603) 271-2117

dalas@leg.state.nh.us

Senator Sylvia Larsen:
(603) 271-3207

sylvia.larsen@leg.state.nh.us

It is very important that you keep NHMA staff informed about your outreach activities. Please send us

an email, or make a quick phone call, to let NHMA know of your efforts. Please copy tfortier@nhlgc.org on all communications with these legislators.

Thank you.

Don MacIsaac
Advocate

Selectman, Town of Jaffrey
Association

Tim Fortier, Government Affairs

New Hampshire Municipal

Timothy W. Fortier, Government Affairs Advocate

New Hampshire Municipal Association

25 Triangle Park Drive

PO Box 617

Concord, NH 03302-0617

Telephone: 603.226.1305

Cell: 603.724.9044

Email: tfortier@nhlgc.org

It is critical that Senate Finance Committee members hear a sincere THANK YOU from YOU! Please don't wait to make this contact!!

Senate Finance Chair, Senator Chuck Morse: <u>271-4980</u>	chuck.morse@leg.state.nh.us	(603)
Senate Finance Vice Chair, Senator Jeanne Forrester: <u>271-2609</u>	jeanie.forrester@leg.state.nh.us	(603)
Senate President, Peter Bragdon: <u>271-2111</u>	peter.bragdon@leg.state.nh.us	(603)
Senator Bob Odell: <u>271-2609</u>	bob.odell@leg.state.nh.us	(603)
Senator Lou D'Allesandro: <u>271-2117</u>	dalas@leg.state.nh.us	(603)
Senator Sylvia Larsen: <u>271-3207</u>	sylvia.larsen@leg.state.nh.us	(603)

DELAYED AND DEFERRED WASTEWATER STATE AID GRANTS

Applicant	Wastewater Project	Total SAG Request	Project Type	SAG Application Received Date	SAG Application Received Rank
NHDES, WRBP	Dewatering Improvements Project	\$2,778,857	C	7/10/2008	1
Manchester	Cohas Brook Interceptor Ph 2, Contract 1 (Debt Service Portion)	\$1,191,858	C	7/24/2008	2
Manchester	Sludge Dewatering System Project (SRF Funded Portion)	\$927,737	C	7/24/2008	3
Manchester	Valley St. Pipe Replacement Preliminary Design	\$59,418	R	7/24/2008	4
Manchester	CSO South Main St. North	\$498,138	C	7/30/2008	5
Manchester	South Mammoth Rd. Sewer Extension	\$352,273	D	8/4/2008	6
Hillsborough	Contocook R. Anti-degradation Study	\$7,901	R	8/6/2008	7
Hillsborough	I/I Investigation / Sewer Collection System Repairs	\$8,238	C	8/6/2008	8
Manchester	Cemetery Bk / Penacook St. / Stark Bk CSO Basin Study	\$230,405	R	8/6/2008	9
Swansey	North Swansey Wastewater Improvements Amendment	\$121,071	C	8/22/2008	10
Bristol	Wastewater Treatment Plant Improvements, Contract 2	\$32,469	C	8/29/2008	11
Manchester	Crescent Rd. CSO Project, Design	\$53,766	D	9/3/2008	12
Portsmouth	Pleasant Point Sewer	\$100,988	C	9/4/2008	13
Manchester	Cohas Brook Interceptor Ph 2, Contract 1 & 2, Design	\$97,548	D	9/18/2008	14
Manchester	West Bridge / Lorraine / Brenner (Debt Service Portion)	\$1,313,912	C	9/26/2008	15
Manchester	Clarifier 1 & 2 Mechanism Replacement	\$29,193	D	9/29/2008	16
Concord	Penacook WWTP Modifications	\$868,808	C	10/1/2008	17
Manchester	Beech, Revere & Jewett CSO Study	\$33,798	R	10/14/2008	18
Manchester	Beech, Cheney & Dover Sewer Projects	\$66,204	C	10/14/2008	19
Hanover	Industrial Pretreatment Program	\$15,100	R	10/30/2008	20
Concord	Headworks Improvements, Screening Facility Upgr.	\$266,394	C	11/3/2008	21
Lebanon	CSO, Contract 1	\$147,620	C	11/4/2008	22
Lebanon	CSO, Contract 2	\$298,365	C	11/4/2008	23
Lebanon	CSO, Contract 3 and Design for Contract 4	\$250,417	C	11/4/2008	24
Hinsdale	Canal Street Sewerage Improvements	\$137,958	C	11/5/2008	25
Newmarket	Cedar St. Pump Station Backup Pump	\$4,628	C	11/7/2008	26
Manchester	Sludge Dewatering System (LS Portion)	\$106,048	C	11/19/2008	27
Newmarket	Sewer System Evaluation, I/I Analysis	\$14,180	R	12/1/2008	28
Allenstown	WWTF Capacity Analysis	\$428	R	12/11/2008	29
Allenstown	Intermunicipal Agreement (Allenstown/Pembroke)	\$5,367	R	12/11/2008	30
Allenstown	Canal Street Sewer	\$45,436	C	12/11/2008	31
Allenstown	WWTF Evaluation	\$3,995	R	12/11/2008	32
Amherst	Babooic Lake Ph II, Community Water System	\$127,215	C	12/12/2008	33
Exeter	Meadowood Gravity Sewers	\$62,914	C	12/19/2008	34
Pietmont	WWTF Upgrade	\$192,487	C	2/13/2009	35
Derry	Wastewater Effluent Force Main Upgrade, Contract 1	\$913,204	C	3/4/2009	36
Derry	Wastewater Effluent Force Main Upgrade, Contract 2	\$271,584	C	3/4/2009	37
Salem	Elmwood & Marsh Area Sewer Extension	\$184,573	C	3/12/2009	38
Epping	WWTF Upgrade	\$41,295	C	3/16/2009	39
Littleton	Badger Street and Kelly Lane Sanitary Sewer Replacement	\$90,278	C	4/13/2009	40
Nashua	Infiltration/Inflow Study	\$56,071	R	5/29/2009	41
Nashua	CSO II - East Dunstable Road	\$144,070	C	6/1/2009	42
Nashua	CSO VII - Ledge Street	\$137,428	C	6/1/2009	43
Newport	Guild Pump Station Project	\$132,981	C	6/1/2009	44
Claremont	Water Street Reconstruction: Main Street Sewer Improvement	\$126,269	C	6/25/2009	45
Nashua	CSO V - Sargent's Ave Area	\$62,314	C	7/1/2009	46
Nashua	CSO IV - South Main Street Area	\$423,061	C	7/1/2009	47
Nashua	CSO III - Temple Street Area	\$326,328	C	7/1/2009	48
Manchester	Poor & Schiller St. CSO	\$1,178,800	C	8/31/2009	49
Manchester	West Bridge / Lorraine / Bremer (Lump Sum Portion)	\$4,285	C	8/31/2009	50

DELAYED AND DEFERRED WASTEWATER STATE AID GRANTS

Applicant	Wastewater Project	Total SAG Request	Project Type	SAG Application Received Date	SAG Application Received Rank
Manchester	Cohas Brook Interceptor Ph 2, Contract 3 Design	\$27,064	D	8/31/2009	51
Manchester	Cohas Brook Interceptor Ph 2, Contract 1 (Lump Sum Portion)	\$455	C	8/31/2009	52
Hanover	Pump Station #3 Upgrade Project	\$174,611	C	9/14/2009	53
Hudson	Ottumac Pond Sewer Installation	\$117,892	C	10/26/2008	54
Merrimack	Reed's Ferry Sewers	\$136,073	C	11/23/2009	55
Jaffrey	WWTF Upgrade	\$6,592,045	C	12/24/2009	56
Hanover	New Secondary Clarifier Project	\$382,235	C	12/24/2009	57
Manchester	Poor & Schiller St CSO (Lump Sum Portion)	\$66,389	C	1/19/2010	58
Keene	2007 Infrastructure Project	\$345,529	C	2/19/2010	59
Tilton	Lochmere Village Project	\$1,266,634	C	3/9/2010	60
Hampton	King's Highway/Facility Plan	\$470,037	C	3/10/2010	61
Hampton	WWTF Improvements	\$389,984	C	3/10/2010	62
Manchester	CSO Phase I - Amendments 5 & 6	\$50,671	D	3/24/2010	63
Manchester	Union & Lowell Streets CSO	\$94,139	C	3/24/2010	64
Manchester	Candia Road Sewer - RE & CA	\$22,498	C	5/7/2010	65
Keene	2007 Sewer Manhole Installation Project	\$18,007	C	7/2/2010	66
Keene	2008 Sewer Manhole Installation Project	\$21,751	C	7/2/2010	67
Wolfeboro	WWTF Upgrades	\$2,343,102	C	8/26/2010	68
Newbury	Blodgett Landing Sewer Rehabilitation Project	\$135,977	C	8/27/2010	69
NCWP	Contract 003 - Artist Falls / Cranmore / Village Areas	\$929,651	C	8/27/2010	70
NCWP	Contract 005 - US Rte 302 & NH Rte 16 Water & Sewer Improv.	\$1,099,022	C	8/27/2010	71
NCWP	Depot Rd. & Neighbor's Row Water and Sewer	\$147,237	C	8/27/2010	72
NCWP	Wastewater Master Plan Updates 2006	\$3,750	R	8/27/2010	73
Concord	Hail St. WWTF Grit Facilities Upgrade	\$376,182	C	8/27/2010	74
Manchester	Cohas Brook Sewer Master Plan	\$53,295	R	12/6/2010	75
Amherst	Babooic Lake Phase 3: Community Wastewater System	\$161,214	C	12/14/2010	76
Manchester	Wastewater Facilities Plan, Phases I & II	\$273,826	R	1/13/2011	77
Marlborough	Wastewater Collection System Evaluation & I/I Study	\$7,694	R	2/10/2011	78
Hampton	Beach Area Sewers	\$1,250,788	C	2/16/2011	79
NCWP	Contract 006 - Intervale / Kearsarge Water & Sewer Project	\$1,260,331	C	3/29/2011	80
Wakefield	WWI Facilities Eval. & Septage Disposal Area Permitting	\$14,897	R	5/2/2011	81
Merrimack	HVAC Upgrade Project	\$88,165	C	5/25/2011	82
Conway VIII ED	Ph I & IA Water & Wastewater Improvements & I/I Rehab	\$1,257,424	C	6/14/2011	83
Keene	2008 Infrastructure Project	\$801,490	C	7/1/2011	84
Manchester	Crescent Rd. CSO Separation	\$852,995	C	7/7/2011	85
Manchester	Cohas Brook Interceptor - Phase II, Contract 2	\$934,668	C	7/7/2011	86
Newmarket	Main St. Infrastructure Reconstruction, Phase II	\$79,962	C	12/12/2011	87

Total Value of Delayed and Deferred Grant Requests:		\$36,731,137
Total Number of Delayed and Deferred Projects:		87

KEY:
D = Design Project
R = Report Project
C = Construction Project

Exeter Farms Homeowners' Association, Corporation

May 12, 2013

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

Dear Mr. Dean:

SUBJECT: EXETER FARMS HOMEOWNERS' ASSOCIATION, BOARD OF DIRECTORS & OFFICERS

This letter is to inform the Town of Exeter of the recent changes to the Exeter Farms Homeowners' Association (EFHA) Board of Directors and Officers. BOD members and Officers will serve through April 2014.

The following homeowners have volunteered to represent the Exeter Farms Subdivision.

EFHA BOARD OF DIRECTORS 2013-2014

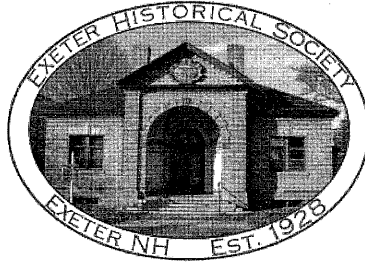
Robert Bilharz, President
Kurtis Virkaitis, Vice President
Joseph Stagnone, Secretary
Erin Anderson, Treasurer
Robert Kizik, Director
Julia Lambert, Director
Matthew Rigatti, Director

The EFHA requests that distribution of this letter be made to appropriate town officials in order that any business regarding the Exeter Farms Subdivision may be addressed with the new directors.

Sincerely,



Robert Bilharz, President
Exeter Farms Homeowners' Association



May 2013

Dear Members and Friends,

Happy 375th Anniversary to the Town of Exeter! We are actively planning our programming for 2013-2014 at the Exeter Historical Society. It has been a busy and productive year. We were proud to be working with the Town of Exeter to celebrate Exeter's 375th anniversary. If you haven't seen the latest History Minute, please check out our website to hear the history of the Wheelwright Deed, the founding document of the town of Exeter. Our Curator, Barbara Rimkunas, presented "The Town of Exeter's 375th Birthday" lecture on April 2 at Exeter's Town Hall, and we displayed the original deed for the public. Through membership support and the efforts of our staff and volunteers, events like these remain free and open to the public.

Through our partnership with the NH Humanities Council, we will be bringing you the story of Deborah Sampson, "Petticoat Patriot: A Woman in the Continental Army" on May 7. This year we hosted lectures on topics ranging from the history of Philips Exeter Academy to the logging industry in Berlin, and we hosted events like a historical Mother-Daughter Valentine's Tea and our annual holiday celebrations. We also partnered with Water Street Bookstore to bring you authors including Walter Stahr's lecture on Seward in conjunction with the release of his book, "Seward: Lincoln's Indispensible Man." From local history to New Hampshire history, the Exeter Historical Society works hard to keep your history alive.

We strive to keep our programming free and open to the public, and we hope you had the opportunity to take advantage of our programs and exhibits this year. As a non-profit, community organization, it takes every membership dollar to meet our mission of bringing Exeter's history to life. That mission is best served through membership support of our exhibits, events, research library, publications, and educational programs. If you are not a member, please join us today. For current members, your renewal is critical to supporting our mission. Our membership benefits include:

- Research & Genealogy Consultations
- Historical Society Calendar featuring historic photos of Exeter and important dates in its history
- Program of Meetings and Our Newsletter
- 10% discount on purchases and discounted admission to paid events
- Knowledge that you are supporting research, education and preservation of Exeter's history.

Please consider a tax-deductible membership to the Exeter Historical Society. Our work depends on your generosity. Thank you for your support of the Exeter Historical Society, and our town's 375-year long history.

Sincerely,

Kate Cook

Vice-Chair, Finance

Exeter Historical Society Board of Trustees

LEGISLATIVE BULLETIN

Bulletin #23

2013 Session

May 24, 2013

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End of the Road for Gas Tax Bill Can't Get There from Here

The Senate on Thursday overturned the Ways & Means Committee's recommendation that **HB 617**, increasing the road toll, be re-referred to the committee and instead voted to "indefinitely postpone" the bill. An indefinite postponement kills a bill, and then some. Senate rules state, "No part of a bill or resolution postponed indefinitely shall be acted on in any way (bill, amendment, resolution, conference report, etc.) for the rest of the biennium." This seems to rule out any possibility that a road toll increase could be revived in a committee of conference on the budget, and it's clear that was the intent.

Combined with the House's killing of the casino bill, **SB 152** (see article below), the Senate's action ensures that there will be no additional revenue this year for municipal roads and bridges, even though almost everyone in both bodies seems to recognize the critical need for such funding. Indeed, there were suggestions that the Senate's vote was in retaliation for the House vote on **SB 152**. This is certainly disappointing—the defeat of the casino bill should have made senators *more* willing to increase the road toll, not less so, since the casino bill had been sold as an alternative means of funding (however remote and speculative) for roads and bridges. With the casino bill dead, the road toll bill was the only alternative. Now, municipalities are left with the same options they've had for years — raise property taxes, or let the roads continue to crumble and keep closing bridges.

Indefinite postponement also prohibits the Senate from considering the same "subject matter" next year (although a mere "inexpedient to legislate" vote would have had the same effect, *see Senate Rule 3-21*). What exactly constitutes the same subject matter is a matter of interpretation, and was discussed at some length on the Senate floor. One senator, speaking in opposition to the indefinite postponement motion, said the subject matter was "roads and bridges" — which would mean an awfully broad area would be off limits next year — but the Senate President said the subject matter was "a 67 percent increase in the gas tax," implying that legislation proposing a different level of increase might be permitted.

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Gas Tax Bill - continued

The chairman of the Senate Transportation Committee, long a supporter of increased funding for infrastructure (although not of **HB 617**), stated during the floor debate:

I believe we're all sent up here to solve problems. . . . I will support the indefinite [postponement] motion only because I have assurances that . . . next year we can have legislation that is different but pertinent to the resolution and solution of our infrastructure needs. I believe our business community and our citizens demand a solution. . . . I will support this motion, but *only* because I believe we will solve this issue *next year*, independent of the budget, independent of anything other than to resolve the issues for our businesses and our citizens, and if we can't do that, then none of us should run again, because our citizens *demand* that we take care of our problems. If we don't solve our problems, shame on all of us. *Next year we'll get this done.*

NHMA members support an increase in the road toll to help solve this obvious problem. It is a shame that it has to wait a year, but municipalities will be watching.

Senate Continues Budget Work

This week the Senate Finance Committee continued work on **HB 1** and **HB 2**, the biennial state operating budget and the trailer bill that will enact statutory changes necessary to implement the budget. As we reported in *last week's Legislative Bulletin*, there is approximately a \$287 million difference in estimated revenues between the House and Senate.

Although the Finance Committee completed review of over 20 state agency budgets this week, the largest agency budget (Department of Health and Human Services) has yet to be fully tackled. Additionally, the committee placed a number of budget items on "hold" pending an analysis by the Legislative Budget Assistant's Office on the net effect of the committee's recommendations so far that both add to and deduct from the House version of the budget. It is expected that this analysis, known as the surplus statement, will be presented to the committee today (Friday), providing an estimate of the budget gap that the committee must still address.

The committee's recommendations for the Senate's spending priorities will be finalized by next Tuesday, for action by the full Senate on June 6. Next week's *Bulletin* will provide a summary of the municipal items contained in the Senate Finance Committee's recommended budget.

Senate Passes Amended Voter ID Bill

The Senate on Thursday passed an amended version of **HB 595**, an **NHMA policy bill** that, as passed by the House, would have repealed “phase 2” of the voter identification law that was passed last year. Phase 2, which is currently scheduled to take effect on September 1 of this year, would reduce the number of identifications that are acceptable to obtain a ballot. In addition, while phase 2 would still allow a voter without an ID to vote by completing a qualified voter affidavit, the moderator or designee would be required to take a picture of the voter and attach it to the affidavit. NHMA supports the repeal of phase 2 because it would impose unnecessary costs and burdens on municipalities and election workers.

The Senate version of the bill, which would take effect this year, merely delays implementation of phase 2 for two years (until September 2015), instead of repealing it. It also allows more forms of identification than phase 2 would allow, but fewer than phase 1 currently allows. A table showing which identifications would be permitted under phase 1, under the Senate's amendment to **HB 595**, and under phase 2, appears in *Legislative Bulletin #21*. A floor amendment adopted by the Senate would essentially amend phase 2 (once it takes effect) by continuing to allow election officials to vouch for the identity of a voter they recognize.

As we indicated previously, this bill is almost strictly a partisan issue, and the Republican-supported Senate version will now go to the Democratic House for consideration. We cannot imagine that the House will concur with the Senate version, so presumably there will be a committee of conference. NHMA's position, as stated in *Legislative Bulletin #21*, has not changed: we prefer the House version of the bill, but we can live with the Senate version. We hope one version or the other will survive.

House Kills Casino Bill

By a vote of 199-164, the House on Wednesday defeated **SB 152**, which would have authorized the establishment of a casino in New Hampshire and taxed the revenue to fund a number of programs, including state and municipal road construction and maintenance. There were many proposed amendments to the bill, but the first motion taken up was the committee's recommendation of Inexpedient to Legislate. After more than two hours of debate, the chamber adopted that motion, thus rendering the proposed amendments moot.

House Gives Final Approval to Municipal Bills

The House this week concurred with Senate amendments to several bills of municipal interest. The House concurrence constitutes final approval of the bills, so each will go now to the Governor. The following bills were approved:

- **HB 134**, which authorizes a town to establish a contingency fund to meet unanticipated needs. The fund would be established annually by vote of the legislative body, and could not exceed one percent of the amount appropriated during the preceding year, exclusive of capital expenditures and amortization of debt.

Municipal Bills - continued

- **HB 138**, which allows a town with the official ballot referendum (a/k/a SB 2) form of town meeting to place a topical description of a proposed ordinance or amendment on the warrant, rather than the full text of the ordinance or amendment. The full text would be required to be on file at the town clerk's office and displayed at the polling place.
- **HB 522, an NHMA policy bill**, which allows the selectmen to sign a manifest “noncontemporaneously” outside a public meeting. The “noncontemporaneously” restriction means that a quorum cannot be convened to sign the manifest without treating it as a public meeting and complying with the Right-to-Know Law. So long as there is not a contemporaneous convening of a quorum, signing the manifest outside a public meeting will be permitted. The manifest would still be a public record and subject to disclosure under the Right-to-Know Law.

The Road from Here

You will notice that there are no House or Senate hearings listed in the calendar section of this week's *Bulletin*. This is because, except for a few bills that still need to go to a second committee, committee hearings are over. Over the next few weeks, committees will finish taking action on bills that have had hearings, and both chambers will be in session next week and the following week to act on remaining bills. The deadline for each body to act on all bills is June 6.

Committees of conference will begin meeting soon. The best place to find information about those meetings is on [the legislature's website](#), which will eventually have a link on the home page to information about each committee of conference. Those meetings are scheduled on relatively short notice, so the *Legislative Bulletin* is not the place to look for information. However, please feel free to contact the Government Affairs staff if you have a question about any bill.

Also, House subcommittees have begun to meet on bills that have been retained in the House, although most of the work on those bills will occur over the summer and in the fall. Watch the *Bulletin* for information about retained bill subcommittee meetings in June.

HOUSE/SENATE CALENDARS

There are no hearings on bills of municipal interest.



HOUSE FLOOR ACTION

Wednesday, May 22, 2013

SB 185, establishing a commission on housing policy and regulation. **Passed with Amendment.**

**SENATE FLOOR ACTION**

Thursday, May 23, 2013

HB 119, relative to voter registration. **Passed with Amendment.**

HB 123, relative to the limitation of liability for negligence regarding public safety officers. **Passed with Amendment.**

HB 124-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system. **Passed with Amendment. Referred to Finance.**

HB 187, relative to cost items in negotiated agreements. **Passed.**

HB 189, extending the commission to study water infrastructure sustainability funding. **Inexpedient to Legislate.**

HB 200, relative to an employer's burden of proof in unemployment compensation hearings. **Re-referred.**

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding. **Passed with Amendment.**

HB 278, relative to voluntary installation of fire suppression sprinklers. **Passed with Amendment.**

HB 342-FN, relative to reporting of compensation paid to retired members of the retirement system. **Passed with Amendment.**

HB 352, relative to sending checklists to the state archives. **Passed.**

HB 364, relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment. **Inexpedient to Legislate.**

HB 442, prohibiting residency restrictions for registered sex offenders and offenders against children. **Passed with Amendment.**

HB 501-FN, instituting a state minimum hourly rate. **Inexpedient to Legislate.**

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances. **Passed with Amendment. NHMA Policy.**

HB 507-FN, relative to the maximum permit application fee for certain municipal dredging projects. **Passed.**

Senate Floor Action - continued

HB 581-FN-L, relative to recovering moneys from a neighboring state for mitigation of flooding. **Passed.**

HB 595-FN, relative to photo identification of voters. **Passed with Amendment. NHMA Policy.**

HB 617-FN-A-L, increasing the rate of the road toll, establishing the New Hampshire state and municipal road and bridge account, and establishing the commission to study revenue alternatives to the road toll. **Indefinitely Postponed. NHMA Policy.**

HB 634, relative to water resource management and protection plans in municipal master plans. **Passed with Amendment.**

HB 655-FN, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property. **Passed.**



**Richie McFarland
Children's Center**

Building Brighter Futures for Children
and their Families

May 17, 2013

Board of Selectmen
Town of Exeter
Attn: Russell Dean, Town Manager
10 Front Street
Exeter, NH 03833

Dear Board of Selectmen,

Our sincerest thanks to you and the residents of Exeter for \$2250.00 in social service funding for the programs offered by the Richie McFarland Children's Center.

As we enter RMCC's 42nd year, we are reminded of the thousands of families whose lives have been touched by this agency. We also can't help but think of the thousands of friends like you, who helped to make it all possible.

Sincerely,

Peggy Small-Porter
Executive Director

LEGISLATIVE BULLETIN

Bulletin #24

2013 Session

May 31, 2013

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Senate Budget Proposal – What’s In, What’s Out, What’s the Same?

On Tuesday the Senate Finance Committee completed work on **HB 1** and **HB 2**, the biennial state operating budget and the trailer bill that enacts the statutory changes necessary to implement the budget. The committee’s budget proposal will go to the full Senate next Thursday, June 6, for debate, consideration of amendments, and ultimate adoption of a “Senate version” of the budget. Since there will be significant differences between the Senate version and the House version of the budget, reflecting the different revenue and spending priorities of both bodies, there will very likely be a committee of conference charged with reconciling and/or compromising on those differences. This committee of conference will have until June 20 to agree on a final version of the budget, which will then go back to both chambers for approval before being forwarded to the Governor for her consideration.

From a municipal perspective, here is what’s in, what’s out, and what’s the same in the Senate Finance Committee’s proposed budget as compared to the House version adopted in early April:

- **Meals & Rooms Tax Distribution:** Both the Senate Finance Committee and the House versions include meals and rooms tax funding at \$58.8 million in fiscal year 2014 and increase the appropriation to \$63.8 million in fiscal year 2015 as a result of the restoration of the statutory catch-up formula (which has been suspended since 2009). **(NHMA Policy.)**
- **State Aid Environmental Grants for Water, Wastewater, and Landfill Closure:** By a unanimous vote of 6-0, the Senate Finance Committee added funding for 2014, increasing by **\$4,522,022** the House appropriation for the 127 completed and eligible drinking water, wastewater, and landfill closure projects on the Department of Environmental Services “delayed and deferred” list. If this change is ultimately enacted, the 60 municipalities involved in these

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Budget Proposal - continued

projects will see full funding for the state share of the debt on these projects beginning in fiscal year 2014, rather than in fiscal year 2015 as the House version provides. The committee proposal retains the provision adopted by the House in **HB 2** which places a moratorium on funding any new infrastructure projects that did not have local financing authorization by December 31, 2008, but eliminates the legislative committee to study the future financial viability of these state aid grants. However, there are two bills (**HB 338** and **HB 397**) currently retained in the House Resources, Recreation and Development Committee that can easily serve as policy vehicles for further legislative study, review, and consideration of the state's future partnership role in these infrastructure programs. **(NHMA Policy.)**

- **Land and Community Heritage Investment Program (LCHIP):** The Senate Finance Committee increased the House appropriation for LCHIP funding by \$3 million over the biennium, placing all of the revenue raised by the real estate transfer tax recording surcharge into the LCHIP trust fund, rather than having a portion of that revenue go to the general fund. **(NHMA Policy.)**
- **Flood Control:** The Senate Finance Committee proposed fully funding payments in lieu of taxes for municipalities with land in flood control compacts, and allowing repeal of the section of current law that limits these payments to only the New Hampshire share (generally 30%) in the event that other states do not pay their share. **(NHMA Policy.)**
- **Highway Block Grant:** The Senate Finance Committee proposal does not include the road toll increase of four cents in each of the next three years which the House adopted in both **HB 617** and **HB 2**, resulting in approximately \$10.5 million less in Highway Block Grant funding over the biennium compared to the House budget.
- **Vital Record Fees:** The Senate Finance Committee proposed increasing the portion of the copying fees for vital records that are retained by municipalities and eliminating the amounts remitted to the state treasurer for deposit into the general fund. (This implements the policy contained in **SB 128**, which both the Senate and the House passed, but which the House amended to delay the effective date until July 1, 2015. The Senate responded by “nonconcurring” with the House, thus killing the bill, on the understanding that the same language would be included in **HB 2**, so the change could take effect immediately.)

The Legislative Budget Assistant Office has state operating and capital budget documents posted on its website, including a [Schedule of State Aid to Cities, Towns and School Districts](#) showing actual state aid for fiscal years 2010 – 2012, budgeted aid for fiscal year 2013, and recommended funding for fiscal years 2014 and 2015 under the Governor's budget, the House adopted budget and the Senate Finance Committee's recommended budget.

Stay tuned. The next act in this budget performance is about to begin.

Background Check Bill Raises Concerns

HB 295, which passed the House and is in the Senate, requires criminal background checks for employees and volunteers at youth skill camps, defined as “a nonprofit or for-profit program that lasts 8 hours total or more in a year for the purpose of teaching a skill to minors[,] includ[ing], but . . . not limited to, the teaching of sports, the arts, and scientific inquiry.” NHMA has followed the bill because of concerns about how it would affect municipalities that sponsor soccer and basketball camps and similar programs.

As passed by the House, the bill contained an exemption for municipalities. However, the Senate removed that exemption. Under the Senate version, “No person or entity shall for profit or for charitable purposes operate any youth skill camp . . . without maintaining an appropriate policy regarding background checks for employees and volunteers who may be left alone with any child or children.” Anyone operating a youth skill camp must certify to the Department of Environmental Services (which, by historical anomaly, is responsible for enforcement of the applicable statute) that no individual has a criminal conviction for any offense involving direct physical injury to any person, or harm of any nature to any child. The certification must be accompanied by a \$25 fee.

The Senate passed the amended bill last week, and it was referred to the Senate Finance Committee for further review. The Finance Committee has recommended passage of the bill a second time, and it is on the calendar for next Thursday’s Senate session.

We have not tried to stop the Senate amendment, in part because it came to our attention rather late in the game, and in part because it is somewhat difficult to argue against requiring background checks for adults who may be left alone with children. We do believe that most municipalities already require background checks for any employees or volunteers who may be dealing with children, so the certification may not be an issue. Although the bill is not entirely clear, we believe, based on discussions with DES, that it would require only one \$25 fee per municipality, not a separate fee for every program the municipality operates.

Still, we have some reservations. Although \$25 is not a lot of money, it is still a new mandate. Even apart from the fee, it is quite possible that there are municipalities for which these new requirements may create a burden. If municipalities have concerns about this bill, we would like to hear about them. There may be an opportunity to make revisions to the bill in a committee of conference. In addition, assuming the bill passes in some form, DES will be adopting rules to implement the new requirements, and we will work to make sure that they do not impose an undue burden on municipalities.

Please contact the Government Affairs staff (and your legislators) if you have concerns about the bill.

House Passes Water/Sewer District Bill

After three weeks of confusion and misinformation, and after almost an hour of debate and parliamentary maneuvers, including a failed motion to table and a failed motion to recommit, the House on Wednesday easily passed **SB 11**, an **NHMA policy bill** that authorizes the creation of water/sewer utility districts. Rejecting continued claims that the bill represents a plot to tax private wells and rain water, the House passed the bill overwhelmingly, by a vote of 254-74. The bill was amended by the House, so it must now go back to the Senate for concurrence, which we are confident will not be a problem.

Subcommittee to Meet on Municipal Charter Bill

On **Tuesday, June 11, at 10:00 a.m.**, in **LOB Room 301**, a subcommittee of the House Municipal & County Government Committee will meet to begin reviewing **HB 422**, an **NHMA policy bill** that has been retained by that committee. The bill would simplify and clarify New Hampshire's unwieldy charter adoption statute, **RSA 49-B**, making it significantly easier for a town to consider adopting a charter, as an alternative to adopting the official ballot referendum (SB 2) form of town meeting.

The House passed a virtually identical bill (HB 379) in 2008 after a unanimous endorsement by the Municipal & County Government Committee. However, that bill met an unfortunate death in the Senate. We are optimistic of a better result this time.

Retained Bills

A number of other bills of municipal interest have been retained in the House, and subcommittees will begin working on them very soon (or in some cases have already begun). Below is a list of the retained bills, by committee. If you are interested in following any of these bills, please check the [House calendar](#) each week, or contact the Government Affairs staff:

Commerce and Consumer Affairs

HB 682-FN, relative to credit card fees.

Criminal Justice and Public Safety

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays.

Election Law

HB 150, relative to inspectors of election at town and school district meetings.

HB 151, relative to duties of inspectors of election.

HB 351, relative to appointment of inspectors of election.

HB 466-FN, relative to determining qualifications of voters.

HB 600-FN, relative to voter registration.

Retained Bills - continued

Executive Departments and Administration

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions.

HB 473-FN, relative to retirement system status for members of the university system police force.

HB 627-FN, requiring unused vacation and sick leave to be converted to service time for purposes of calculating retirement system benefits.

Finance

HB 341-FN, relative to the cost of fiscal analysis of legislation relating to the retirement system.

Judiciary

HB 685, relative to state agency communications under the right-to-know law.

Labor, Industrial and Rehabilitative Services

HB 249-FN, requiring employers to verify an employee's eligibility to work in the United States.

HB 350, prohibiting discrimination against the unemployed.

Municipal and County Government

HB 114, relative to abutter access over subdivided land.

HB 297, relative to the management of trust funds and capital reserve funds.

HB 422, relative to the adoption, revision, and amendment of municipal charters. NHMA Policy.

HB 532, relative to energy efficiency and clean energy districts.

HB 672-FN, relative to the property tax exemption for water and air pollution control facilities. NHMA Policy.

Public Works And Highways

HB 437-FN-A, relative to the road toll.

HB 674-FN-LOCAL, relative to state highway aid.

HB 684, relative to bridge replacement and bridge aid funds.

Resources, Recreation and Development

HB 338-FN-LOCAL, relative to the state contribution for water pollution control.

HB 397, relative to state aid for wastewater and public water supply projects. NHMA Policy.

Science, Technology and Energy

HB 286, relative to broadband infrastructure.

HB 449, relative to the application process for a certificate for an energy facility.

HB 484-FN-LOCAL, requiring public approval prior to issuance of certain site evaluation certificates.

HB 568, requiring new elective transmission lines in New Hampshire to be buried.

HB 569, relative to the placement of all new electric transmission lines in New Hampshire.

HOUSE/SENATE CALENDARS

There are no hearings on bills of municipal interest.



HOUSE FLOOR ACTION

Wednesday, May 29, 2013

SB 11-L, relative to water and sewer utility districts and water or sewer utility districts. **Passed with Amendment. NHMA Policy.**

SB 31, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations. **Passed. NHMA Policy.**

SB 67, establishing a committee to examine the issue of statutory authority for all terrain vehicles, off highway recreational vehicles, and low speed utility vehicles to access public highways for food, fuel, and lodging. **Passed.**

SB 102, relative to the selection of members of the conservation commission. **Inexpedient to Legislate.**

SB 179, clarifying the definition of "renewable generation facility" for purposes of payments in lieu of property tax payments. **Passed with Amendment.**

SENATE FLOOR ACTION

Thursday, May 30, 2013

No action was taken on bills of municipal interest.

NHMA Webinar: Liability, Volunteers and Special Events

Date: Wednesday, June 12, 2013 12:00 PM-1:00 PM

Contact: Christian Pearsall

Email: cpearsall@nhlgc.org

Phone: 603.224.7447 ext. 3320

We will shortly begin the summer season of events such as concerts in the park, summerfests, and Old Home Days. While these events create a sense of community, we must also be mindful that they also present situations where the safety of participants and volunteers are at risk.

Join NHMA Staff Attorneys Paul Sanderson and Christine Fillmore to discuss these safety issues, and techniques to reduce the risk of liability for volunteers and the municipality, liability related to the ADA and recreation programs, and liability related to public use of recreation land.

Register Today!