

**Exeter Board of Selectmen Meeting
Monday, July 29th, 2013, 7:00 p.m.
Nowak Room, Town Office Building
10 Front Street, Exeter, NH**

BUSINESS MEETING TO BEGIN AT 7:00 P.M.

1. Call Meeting to Order
2. Public Comment
3. Minutes & Proclamations
 - a. Recognition: Exeter High School Baseball Champions
 - b. Regular Meetings: July 1st, 2013
 - c. Regular Meetings: July 15th, 2013
4. Appointments – SB163 Commission
5. Discussion/Action Items
 - a. New Business
 - i. Complete Streets Presentation: RPC
 - ii. Jady Hill Area Sewer Project Update
 - iii. Ports Ave Water/Sewer Project Traffic Control Plan
 - iv. Primex Board Goals Report – June 7, 2013
 - b. Old Business-
 - i. Bid Award: Colcord Pump Station Generator
 - ii. Second Reading: Epping Road Extension Parking Ordinance Amendment
 - iii. Social Media Policy
 - iv. Amendment to Commerce Ordinance: Alcohol Consumption on Town Property
6. Regular Business
 - a. Bid Openings/Surplus Declarations
 - b. Tax, Water/Sewer Abatements & Exemptions
 - c. Permits & Approvals
 - d. Town Manager's Report
 - e. Legislative Update
 - f. Selectmen's Committee Reports
 - g. Correspondence
7. Review Board Calendar
8. Non Public Session
9. Adjournment

Don Clement, Chairman
Board of Selectmen

Posted: 7/26/13 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.

EXETER HIGH SCHOOL

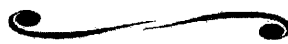
BASEBALL

2013 DIVISION I CHAMPIONS

CHAMPIONS



"CONGRATULATIONS EXETER HIGH SCHOOL BASEBALL
FROM THE TOWN OF EXETER BOARD OF SELECTMEN,
TOWN MANAGER, AND TOWN OFFICIALS
ON YOUR NHIAA DIVISION I CHAMPIONSHIP VICTORIOUS WIN
OVER LONDONDERRY ON JUNE 8, 2013, BY A SCORE OF 3-2."



BOARD OF SELECTMEN: DON CLEMENT, DAN CHARTRAND,
JULIE GILMAN, MATT QUANDT, FRANK FERRARO
TOWN MANAGER: RUSSELL DEAN

Draft Minutes

Exeter Board of Selectmen Meeting

July 1, 2013

1. Non-Public Session

Chairman Clement called the meeting to order at 6:30 p.m. in the Wheelwright Room of the Town Offices. A motion was made to enter a non public session under RSA 91:A:3 exception II c for a hardship fee waiver. Selectman Ferraro spoke about the non public session and gave his reasons for not supporting the motion. After deliberation a roll call vote was taken to enter and results were Ferraro nay, Gilman nay, Chartrand aye, Quandt aye, and Clement aye.

2. Call Meeting to Order

Chairman Don Clement called the 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, Selectman Frank Ferraro, Selectwoman Julie Gilman, and Selectman Matt Quandt. Town Manager Russell Dean was also present.

3. Public Comment

NH Senator Prescott spoke, talking about the state budget. He said the vote was 24-0 on the budget. He spoke about education being a priority and said he wants to make sure people are still attending college in the state. He said they are going to restore monies to secondary education and the hospital situation. The budget also appropriates \$300,000,000 more for full funding for the developmentally disabled waitlist. He said L-Chip fees in NH were a discussion topic and they want to make sure it is used as it is supposed to be used. Overall, Senator Prescott said there has been a growth in the economy and they are working to try to keep tax increases at a minimum. He also told the Board he hopes they know how to get a hold of him if needed and said he would exchange telephone numbers, etc. so he can be contacted.

Vice Chair Chartrand congratulated the Senator on the budget outcome and told him they are doing wonderful things.

Mr. Griset had some issues with the clarity of the agenda. He said there was no packet available online the day of the meeting. He said the Board was not in compliance with the law, saying they did not follow their original agenda therefore violating 91-A. Chairman Clement said the Board took a vote to go into a non-public session. Selectman Quandt mentioned it is up to the Chairman to declare where the non-public meetings are held. Mr. Griset asked the Board why they left the Nowak Room for their non-public meeting. Chairman Clement answered that they are always held in the Wheelwright Room.

Gail Ferraro spoke agreeing with Mr. Griset and said Friday's agenda said the July 1 meeting was at 7:00 in the Nowak Room and there was supposed to be an announcement that they Board was going into a non-public session. She went on to say she felt there were some "shenanigans" going on.

Brandon Stauber spoke saying he printed off the agenda an hour and a half prior to the meeting and agreed that the Board violated 91-A.

4. Minutes & Proclamations

a. Regular Meeting: June 17, 2013

Selectwoman Gilman had an amendment, changing "Chairman Gilman" to "Selectwoman Gilman" on page 4, paragraph 6.

Selectman Ferraro had an amendment, changing page 4, paragraph 2, sentence 2, to read "The first being, on the first bullet, he wanted to specify getting the Board's views known as well as getting others views.

Selectman Ferraro had an amendment the wording under "Permits", paragraph 2, adding "...insurance for extra seating and requiring the placement and maintenance of a trash receptacle...". Also, amending the Motion to read "A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to approve an additional 8 seats for Orange Leaf seating on the sidewalk provided they provide a certificate of insurance and require the placement and maintenance of a trash can."

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to accept the minutes of the June 17, 2013 Board of Selectman meeting, as amended by Selectwoman Gilman and Selectman Ferraro. Motion carried – all in favor.

5. Appointments

No appointments.

6. Discussion/Action Items

a. New Business

I. Discussion: Town Hall Repairs

Chairman Clement said they are working with the insurer on the Town Hall repair project. Russ Dean said they have broken the recovery period up saying the first goal was getting finance back into the building. The second thing was getting the

scope of services for repair. They have to get the scope approved by the insurer first. The town also had lead and asbestos tests done, of which the results have not come back yet. Mr. Dean went on to say Primex has the preliminary estimate from the contractor. He said it will take approximately 90 days to complete work once it starts. Mr. Dean was unsure about when the start would be.

Vice Chair Chartrand said he had to move a scheduled event in May to the Middle School and said how fortunate the town is to have a place like the Town Hall. He went on to say it is unfortunate to not have it now but it has turned into appreciation for the building and getting it up and running again.

Mr. Dean said the work includes putting in new second floor hard wood flooring and some work on the stairs. He said safety is their number one priority in the repairs.

Selectman Ferraro thanked the groups and organizations that have allowed rescheduled events to be held at their place and the town is working together to make sure community events and meeting are still happening.

Chairman Clement said he is disappointed as to where the progress is today. He asked Mr. Dean to push as hard as he can to get this work done.

Mr. Griset spoke, asking what the actual damage was and what was the cause of the excessive damage.

Chairman Clement explained what happened, saying there was a fire in the back room upstairs on the second floor. The sprinkler system went off and put the fire out but the fire fighters still had to come in with their hoses which cause excessive water damage as it went through the floors and down the stairwell. Mr. Dean added saying there is a lot of electrical work that needs to be done too.

II. COAST: Route Changes/Updates

Jeremy Larose, manager at COAST, spoke about the new routes the bus company provides. He started by telling about the service, saying it is a public agency that provides public transportation. He said this is an affordable alternative to driving if you have to travel to a different surrounding town for work, etc. He went on to say that after conducting surveys the past couple years, the company learned that people wanted to add a new route to the schedule which started earlier in the morning and traveled farther then it did before. So the company started new routes in April and Mr. Larose said it is becoming more successful. He went on to talk about where the new routes traveled and said they now have an

earlier route that goes to Portsmouth. Mr. Larose said this route had its strongest month ever in June.

Selectwoman Gilman thanked Jeremy for his update and said she appreciates the work they have done.

The Supervisor at COAST spoke next, saying the company has grown tremendously over the past 10 years. He said that one part that is growing but has not had much support in terms of budget is the ADA program which provides people with disabilities transportation. He said they need a huge increase on budget for 2014 as he expects to see huge growths in this area in the future. He said he would be more than happy to come back and give a detailed presentation to break down the complicated process and explain why this type of transportation is so much more expensive. Vice Chair Chartrand asked how many rides they give annually under the ADA program and the supervisor answered around 14,000, which he said is very few but the cost is very high.

Selectwoman Gilman and Selectman Quandt said they would like to see a presentation. Chairman Clement asked how long the presentation would be and the supervisor answered around 30 minutes. Selectman Ferraro said he would also like to see the presentation and mentioned inviting the budget committee and transportation committee to join. Chairman Clement agreed and thanked COAST for the update.

III. Franklin Street Survey Grant - DHR

Selectwoman Gilman said the Heritage Commission got the grant to do the mapping project. Franklin Street was recommended to do an area survey. The grant was approved at \$14,400 for this survey. She is looking for a motion to accept proposed funding. Selectman Quandt asked how it will benefit Franklin Street. Selectwoman Gilman answered it benefits the town and the town's heritage and it may be useful information to obtain. Chairman Clement said it's not just Franklin Street but the surrounding streets as well.

A Motion was made by Selectman Ferraro and seconded by Selectman Quandt to approve the Certificate of Municipalities and the accompanying exhibits A, B, and C to name Selectwoman Gilman as administrator with the authority to sign all associated documents. Motion carried – all in favor, with the exception of Selectwoman Gilman's abstention.

IV. Discussion: RSA 79-E

Mr. Dean talked about a June EDC meeting where RSA 79-E was discussed. He told the Board about the statute, explaining it is the Community Revitalization

Tex Relief Incentive statute. Exeter has not yet adopted this statute. Mr. Dean said RSA 79-E has been adopted by other communities around the State. He said Newmarket Mills recently asked for relief for a three year period and the law was instrumental in making the project a reality. Mr. Dean went on to say this can be passed by the Town Meeting, but it would need a majority vote.

Vice Chair Chartrand asked if 79-E would be only for existing buildings. Mr. Dean answered yes, for rehabilitation. Selectman Quandt said he would like for the EDC to look more at this statute and report back. Selectman Ferraro would like to ask the EDC to evaluate 79-E and make some recommendations.

Don Woodward asked if 79-E would help the train station. Chairman Clement said it would not.

Selectwoman Gilman would like to look more into 79-E:4, saying downtown is a historic area and doing work would alter that. Vice Chair Chartrand said he would carry this information back to the EDC. Chairman Clement said they would get more from the EDC about this statute.

iv. Discussion: Social Media Policy

Chairman Clement wants to look and make sure there are good social media rules. He wants to look at the rules and boundaries and make sure the town employees follow the guidelines. He went on to say there is a lot of good to social media. A lot of residents look on the town website, facebook, etc for information. He wants to make sure there is a policy in place to ensure it is being done properly. He is not looking for a policy tonight.

Vice Chair Chartrand said having a policy is fine, but this is not in response to a problem. Since there is no current issue with any social media, he does not think they should be overly restrictive.

Selectman Ferraro thinks it should fall on the department head to make sure their site is done properly. He went on to say he thinks the Chairman should be held responsible for the committees sites.

Mr. Dean wanted to encourage people to "like" all the facebook pages. He said there is no question that social media is getting information out rapidly. People are appreciative and social media is used to get information out into the community. Since the town has been successful at keeping the information relevant, Mr. Dean would advocate that the policy be as light as possible. Mr. Dean talked about the town of Rindge's policy, saying it is a good policy to duplicate. Selectman Quandt said he is comfortable with the content of the Rindge policy.

Brandon Stauber spoke, saying he attended a meeting the prior week where social media was largely talked about and he retained a lot of good information and offered it to the Board.

Chairman Clement asked Mr. Dean to come up with a policy and bring it to the next meeting.

b. Old Business

I. Public Drinking Ordinance

In looking at the different policies for NH communities, Mr. Dean said he managed to find quite a few communities that are doing this. He read a memo that he provided to the Board, which gave examples of multiple towns/cities in NH and their public drinking policies.

Chairman Clement reminded the Board that Selectman Quandt would like the Board to be involved in the waiver process.

Vice Chair Chartrand said he does not think there is a problem and thinks the Board is spending time on something that is not an issue. He is confident in the town officials who permit this.

Selectman Ferraro thinks the Board should be involved in the chain of approval.

Chairman Clement would like to limit it to certain areas of town.

Gerry Hamel, trustee of Swasey Parkway, spoke about the topic. He said the trustees like limiting what can be done. He thinks the Powderkeg Festival was a success and good for the town, but if the town starts opening the floodgates so every event can have this there might be a problem. Mr. Hamel says the trustees do not want everything turning into a party.

Selectman Quandt would like to see a rough draft of a new policy. Selectman Ferraro made the some suggestions for a new policy, adding the BOS in the waiver process.

6. Regular Business

a. Bid Openings /Surplus Declarations

Mr. Dean said there was a request from the IT department to declare 7 pc's surplus for purposes of disposal.

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to declare 7 pc's surplus for the purpose of disposal. Motion carried – Selectwoman Gilman and Selectman Quandt in favor, Selectman Ferraro opposed.

Bid Openings for a 2001 pick-up truck from the Parks and Rec dept.:

BC Kenerson Construction, LLC \$2,002

A Motion was made by Selectwoman Gilman and seconded by Selectman Ferraro to accept the bid. Motion carried – all in favor.

Bid Openings for the Swasey park bench stone pad installation:

Rye Beach Landscaping \$25,480 or \$728 per bench

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to refer this bid to the Swasey Parkway trustees. Motion carried – all in favor.

b. A/P and Payroll Manifests

A Motion was made Selectwoman Gilman and seconded by Vice Chair Chartrand to approve payroll disbursements for checks dated June 26, 2013 in the amount of \$171,686.04. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve payroll disbursement checks dated June 19, 2013 in the amount of \$164,987.26. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve accounts warrant for checks dated July 1, 2013 in the amount of \$2,824,957. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve accounts payable warrant from the capital funds in the amount of \$46,169.55. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve account payable warrant for checks dated June 21, 2013 in the amount of \$355,812.20. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve account payable warrant for checks dated June 28, 2013 in the amount of \$352,394.62. Motion carried – all in favor.

c. Tax, Water/Sewer Abatements and Exemptions

None.

d. Permits

None.

e. Town Manager's Report

Mr. Dean had nothing to report.

f. Legislative Update

Mr. Dean said there is a meeting on July 16 for the Wastewater Grant Program Reinstatement.

g. Selectmen's Committee Reports

Selectman Ferraro attended the Safety Committee meeting. They talked about fire evacuation plans and fire drills. He said it was a good meeting. He also said Planning Board met and said the Lamperts presented their plans. He is looking forward to further meetings with them. He said River Study Committee met. There was a good presentation, but there is still work to be done.

Vice Chairman Chartrand had nothing to report.

Selectwoman Gilman said 375th shirts are in, but not for sale yet. She said the Heritage Demolition Commission met about demo of a porch.

Selectman Quandt recognized Mr. Joseph McCarthy who recently passed and was a member of the Town's Cable Advisory Committee. Mr. McCarthy's nephew gave the town his uncle's flag to hang in his honor as he was a veteran.

Chairman Clement said there was an RPC session at the high school. He also went to the Dam Study meeting last week.

j. Correspondence

Chairman Clement talked about the following correspondence:

- National Joint Powers Alliance about bid requirements
- Legislative Bulletin
- A Webinar July 17 about Right to Know Law
- A Letter from Wendy Parker
- BSR Ordered Return of 2010 Surplus
- An update about HB630

7. Review Board Calendar

Chairman Clement said the next meeting is July 15. They are going to use that meeting to consider deeding properties that are liened, so the agenda will be kept light. Selectman Ferraro would like to have someone from Mitchell Law Firm come speak. Mr. Dean said he will check their availability

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to adjourn the meeting at 9:25 pm. Motion carried – all in favor.

Respectively submitted,

Nicole McCormack
Recording Secretary

Draft Minutes

Exeter Board of Selectmen Meeting

July 15, 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 Comment

Brian Griset spoke about tax deeds and asked the Board if they were aware some of the locations noted as "unknown" probably belong to the abutters. He asked the Board to investigate that before they take action on those locations. He also had an issue with the July 1 BOS minutes. He asked what the minutes process was and Mr. Dean explained. He had an issue with what was stated under Public Comment. He said he did not use the word "clarity" he in fact said "violation of the law". He said three major points were missing from the minutes. He would like the following points to be on the minutes:

- The Board left the notice location and without notice to the public proceeded to the downstairs meeting area at 6:30

- Mr. Griset asked Chairman Clement if the Board would revote on issues discussed downstairs illegally and Chairman Clement refused.

- Mr. Griset asked a question regarding changing the geographical location of the publically noticed meetings and Chairman Clement said he could hold meetings at any location he wished.

Chairman Clement asked Mr. Griset to submit his clarifications to him. Mr. Griset said he would submit them to Mr. Dean the next day.

Selectman Ferraro spoke in front of the Board. He stated the Selectmen's oath of office. He went on to say that nowhere does it say to perform duties agreeable to the rules and regulations of the law of the State of NH if it is convenient or if he agrees with them. He was speaking to address the public meeting that proceeded the public session of the July 1 BOS meeting. He said the notice of date and time of a public meeting should be posted in 2 appropriate places at least 24 hours prior to said meeting. All public notices said the meeting would begin at 7:00 in the Nowak Room. Selectman Ferraro said that the Board was in violation of RSA 91-A:II. He said the Board ignored the RSA and the public's Right to Know law.

He apologized to the public. Selectman Quandt asked when he became aware of the meeting. Selectman Ferraro answered when he became aware when he received an email from Mr. Dean. Selectman Ferraro said he suggested notifying the public of the meeting and no one agreed. Vice Chair Chartrand commented he went to the Wheelwright Room out of practice.

3. Minutes & Proclamations

a. Regular Meeting: July 1, 2013

A request was made by Brian Griset for more accurate minutes. Chairman Clement said as soon as he receives Mr. Griset's suggested corrections he will get them out to the Board.

A Motion was made by Chairwoman Gilman and seconded by Selectman Quandt to table the minutes of the July 1, 2013 meeting. Motion carried – all in favor.

4. Appointments

No appointments.

5. Discussion/Action Items

a. New Business

I. Groundwater Plant Design Update

Jennifer Perry, Public Works Director, gave an update of the Groundwater Plant Design. She said they are 75% done with the design of the project. This project was approved at a meeting in late 2012. Ms. Perry said they signed a contract with Weston & Sampson in January. She said there has been no slide in the schedule. She then introduced Jeff McClure, project manager from Weston & Sampson. He gave a detailed walk through of the project design. Mr. McClure got to a point where he was talking about the first floor plan. He went through the layout and functionality. Chairman Clement asked if the fourth filter was part of the \$6.5 million budget and Mr. McClure answered if is not. Mr. Clement asked the price of the fourth filter and Mr. McClure answered \$150,000 plus a fee.

Mr. McClure continued going through the layout. Selectwoman Gilman asked about the translucency above the doors. Selectman Ferraro mentioned he only saw one exhaust and asked if there are going to be more and confirmed there will be a mechanical dehumidification system. Mr. McClure answered there is no need for more exhausts, and answered there will absolutely be a mechanical dehumidification system. Selectman Quandt asked if the undercut is through bedrock and Mr. McClure answered no there is no bedrock.

Ms. Perry said there is an existing pipe at Gilman Park but it is being abandoned.

Chairman Clement asked when construction will start on the plant. Ms. Perry answered early spring of 2014 and will go through 2014 into 2015. She said the new plant will be open in May or June 2015.

Chairman Clement asked if the DES permitting is all lined up. Ms. Perry said yes and that they are working on quite a few permits.

Selectman Ferraro asked if they are still on track for state funding. Ms. Perry said yes. She said she had a conversation with the town planner about permits and going in front of the Planning Board. She said they are getting close to go in front of the Planning Board.

Selectman Ferraro suggested giving a conceptual review to the Planning Board, then the BOS.

Brian Griset had a question about the clarifiers. He thought there were more and asked if there has been a downsize in the plan. Ms. Perry said no there has been no downsizing.

II. Public Hearings: CDBG Grant Meeting Place Phase III

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to open a public hearing on proposed meeting place. Motion carried – all in favor.

Donna Lane read a memo on CDGB grants and had informational packets available, she talked about who they are available to and the dollar amounts available. She talked about the purpose of the grant.

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available on a competitive basis for economic development, public facility and housing projects and emergency activities that directly benefit low and moderate income persons. Up to \$12,000 is available for feasibility study grants.

The purpose of this Community Development Block Grant funding request is a proposed application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds. The majority of the funds, up to \$475,000, or the benefit of those funds, will be subgranted to Berry

Park Housing Corporation for the construction of 39 units of affordable housing at One Meeting Place Drive in Exeter. The CDBG funds will finance site work and/or acquisition costs.

This project conforms with Exeter's Housing and Community Development Plan's Goal of: GOAL – The Town of Exeter should seek to promote an environment within which each resident can secure adequate affordable housing in safe, healthy and attractive neighborhoods, with good quality water and wastewater systems.

Selectmen Clement asked for public comment. There was none.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to close said public hearing. Motion carried – all in favor.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to open a public hearing on Housing and Community Development Plan. Motion carried – all in favor.

No changes to the existing Housing and Community Development Plan are proposed at this time.

This project conforms with Exeter's Housing and Community Development Plan's Goal of: GOAL – The Town of Exeter should seek to promote an environment within which each resident can secure adequate affordable housing in safe, healthy and attractive neighborhoods, with good quality water and wastewater systems.

Selectmen Clement asked for public comment. There was none.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to close public hearing. Motion carried – all in favor.

A **Motion** was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to open a public hearing on the Residential Antidisplacement and Relocation Plan. Motion carried – all in favor.

Ms. Lane stated that although this project does not involve any displacement or relocation of persons (or businesses), if the Town were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

Ms. Lane said every time they ask for CDBG funds this plan has to be adopted.

Selectmen Clement asked for public comment. There was none.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to close public hearing. Motion carried – all in favor.

A **Motion** was made by Selectman Quandt and seconded by Vice Chair Chartrand to readopt the Housing and Community Development Plan. Motion carried – all in favor.

A **Motion** was made by Selectman Quandt and seconded by Vice Chair Chartrand to readopt the Antidisplacement and Relocation Plan. Motion carried – all in favor.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to approve the submittal of the application and vote to authorize the town manager to sign and submit the application and upon approval of the CDBG application, authorize the town manager to execute any documents which may be necessary to effectuate the CDBG contract. Motion carried – all in favor.

III. Public Hearing: NH Charitable Trust Grant

Ken Berkenbush talked about a \$20,000 grant from NH Charitable for the Substance Abuse Prevention Program which was administered by United Way.

A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to accept the grant for \$20,000. Motion carried – all in favor.

IV. Tax Deeding

Chairman Clement said as of 4:00 July 15, there was a list of several properties that were still were in default of tax payments. He said they could either accept tax deeds or waive them. He went on to say some properties have paid since the list went out.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt for the Board of Selectman to accept tax deeds on the following properties:

- Map 52, lot 104-1, owner unknown
- Map 115, lot 9-1, owner unknown
- Map 23, lot 5, owner unknown
- Map 102, lot 2-1, owner unknown
- Map 33, lot 27, owner known. Motion carried – all in favor.

A Motion was made by Selectman Ferraro and seconded by Selectwoman Quandt to accept a tax deed on Map 95, lot 82. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to accept a tax deed on Map 103, lot 13-11. All opposed – motion fails.

Selectman Quandt encouraged the Board to vote no and support a deed waiver. Mr. Dean said these manufactured housing properties add up to about \$214,000 in assessed value. There is no right to enter so can't be sure of inside value. He went on say if the Board is inclined to approve the deed waivers it doesn't relieve the property owner of paying their taxes. It is something to go on file until further notice.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a tax deed for Map 103, lot 15-11. All opposed – motion fails.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a tax deed on Map 104, lot 79-14. All opposed – motion fails.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to accept a tax deed on Map 104, lot 79-302. All opposed – motion fails.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to accept a tax deed on Map 95, lot 64-263. All opposed – motion fails.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a tax deed on Map 95, lot 64-379. All opposed – motion fails.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to accept a tax deed on Map 95, lot 64-251. All opposed – motion fails.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a tax deed on Map 95, lot 64-42. All opposed – motion fails.

Chairman Clement then moved on to deed waivers. Mr. Dean read what a deed waiver is.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 103, lot 13-11. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 103, lot 15-11. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 104, lot 79-14. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 104, lot 79-302. Motion carried – all in favor.

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A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 95, lot 64-251. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 95, lot 64-42. Motion carried – all in favor.

Selectman Ferraro talked about putting some properties out to bid, saying some adjacent property owners might be interested. Chairman Clement said it was something to look into. He will ask the Conservation Commission if they have any interest.

Gerry Hamel spoke, asking if there is any way the town could set up a process for abutters to add to their properties. He said he would like a list to go out consisting of parcels of land for sale. Selectman Ferraro said property owners can go to the assessor's office to see if land is town owned. Chairman Clement said there are only a few pieces of land available.

V. Bid Award – Ladder Truck

Ken Berkenbush said the bid went to Bulldog Fire Apparatus of Woodsville, MA for the amount of \$824,097. He went on to talk about the truck, saying it has more features, higher ladder rails, driverside airbags, the most ground ladders, and a 5 year warranty. He said it will take 300 days to deliver. It will fit in the existing station and will be in service until 2034. Chairman Clement asked if it was below budget and Mr. Berkenbush answered it is.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to award the ladder truck bid to Bulldog Fire Apparatus for the amount of \$824,097. Motion carried – all in favor.

VI. Parking Regulations: Epping Road Extension

Mr. Dean said he got a call from Winter's Automotive. Mr. Winter is asking the town to reconsider parking on both side of the road on Epping Road Ext. He would ask that there be no parking allowed as it does not allow any parking for his business. Mr. Dean went on to say there needs to be three hearings on this so he would like to get it on the next agenda. Selectman Quandt said that would not be a problem.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept the first reading to remove parking on the Epping Road Extension. Motion carried – all in favor.

Mr. Dean said Chief Kane will be in to discuss this further.

b. Old Business

I. Sportsmen's Club Update

Ken Berkenbush gave an update on the Sportsmen's Club. He had the results of the soil testing done at the Club. He said there was some lead, but no high levels. He went on to say there were a lot of PHAs as a result of clay shooting done at the Club. He said they are not good but are stable and not moving anywhere. He has proposed the removal to DES but has not heard back. Mr. Berkenbush said he has been in contact with the Club and they are amendable to work with him as best they can as long as it is within their budget. He hadn't pursued much further because he had not heard back from DES. He said 15 inches of topsoil would have to be removed and replaced but he is not sure when this will be done. Mr. Dean said he would look at the regulations. Mr. Berkenbush was worried that the DES would take too long and he would run out of construction time. Mr. Dean said he would write a letter to Mr. Regan to push things along. Chairman Clement said there is no question the Board would like this to move along and is fully supportive.

6. Regular Business

a. Bid Openings /Surplus Declarations

Chairman Clement gave the following bids for the Concord Pump Station:

1.	Gemini Electric Inc.	\$37,950
2.	Weston & Sampson	\$43,567
3.	Sherburne Consolidates	\$39,175
4.	Ewing Electrical Company	\$32,700

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to turn the bids to Public Works to evaluate and make a recommendation. Motion carried – all in favor.

b. A/P and Payroll Manifests

Chairman Clement said they no longer have to read manifests at meetings. However, he would like a list to be in the packet. Selectman Ferraro agreed and asked if the list would be in the Selectmen's office weekly. Vice Chair Chartrand said the list would be available in the town manager's office. Chairman Clement said he would like the list to consist of date/type/total. Mr. Dean said there would be a list in the July 29 packet.

c. Tax, Water/Sewer Abatements & Exemptions

A Motion was made by Selectwoman Gilman and seconded by Chairman Quandt to approve an intent to cut for Map 47, Lot 7, 13-153-01 as assigned by municipality. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve the refund amount of \$1809.22 for Map 81, lot 51. Motion carried – all in favor.

d. Permits and Approvals

Mr. Dean reported no permits.

Mr. Dean talked about getting approval for the Women's Club request to put up a sign as well as signs to advertise for the summer Arts and Crafts Fair.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to approve an A-frame sign and 25 or less road signs. Motion carried – all in favor.

e. Town Manager's Report

Mr. Dean talked about the following:

- The town clerks area of construction is complete. All windows are fully functional. Kudos to all involved.
- Parks and Rec concert series underway.
- Jady Hill project continues. Public Works will give an update at the next meeting.
- Town Hall work
- Chris from the Planning Dept. resigned and Lee from the Clerk's office will be moving into her spot.
- He is working on the social media policy, public drinking, and the cable tv streams sound quality.

Chairman Clement said he would like detailed dates of start/completion of town hall work. Vice Chair Chartrand thanked the town manager for all his work. Selectwoman Gilman asked if they can change the order of construction. Mr. Dean commented the order is the way it is because there is an art gallery show in August. Selectman Ferraro asked why the Art Gallery gets priority. Chairman Clement said the reason the Art Gallery is done first is the floor has to be done but other work will be going on at the same time. He said it is not an either/or situation.

f. Legislative Update

Selectman Quandt said the legislature is in recess, that they usually take the month of July off.

g. Selectmen's Committee Reports

Selectman Ferraro reported he had a Planning Board meeting where they discussed Linden Commons. He said they would be meeting with the developer July 16.

Vice Chairman Chartrand met with Roger Stevenson on CAPE. He said he took a survey and as a result of the survey he agreed to help. He said he had an EDC meeting on July 9. All was cordial and it was a good meeting.

Selectwoman Gilman reminded about the American Independence Festival on Saturday. She said there would be a table with 375th merchandise. She also said the Heritage Committee met. They are almost done finalizing their goals.

Selectman Quandt said he had nothing to report.

Chairman Clement said the Conservation Commission met and they approved an event.

j. Correspondence

Chairman Clement talked about the following correspondence:

- A letter from Dean Eastman giving a project update on the restoration of 1890 baggage building. Chairman Clement asked if anyone can help. Selectman Quandt said there are federal guidelines. Mr. Dean said they run the risk of violating if the rules are not followed. Vice Chair Chartrand said this is an important piece of development.
- A letter from Pennichuck about an Order relative to the Rate Case filed by Pennichuck
- A notification from Exeter Police Dept. about an increase in hourly detail rate
- A letter from Amy Begnoche about the Roads Scholar Program confirming Scott Cook has achieved the status of Senior Roads Scholar. Chairman Clement congratulated Scott.
- A letter from Wendy Lee Parker saying she is in receipt of Mr. Dean's letter requesting LGC HealthTrust refund his group's share of the 2011 HealthTrust medical surplus in the form of a check
- A monthly report from EXTV
- A letter from the Senate about establishing a commission for projected sea level rise
- A letter from Families First thanking the Board for a check received

7. Review Board Calendar

Chairman Clement said the next BOS meeting will be July 29. He would like the following to be on the agenda:

- Draft of the Social Media policy
- Draft of the Public Drinking policy
- Epping Road extension
- Jady Hill update
- Bid award Colcord Pump Station
- Finance quarterly report

A Motion was made by Selectman Quandt and seconded by Vice Chair Chartrand to adjourn the meeting at 9:29 pm. Motion carried – all in favor.

Respectively submitted,

Nicole McCormack
Recording Secretary



The Senate of the State of New Hampshire

107 North Main Street, Senate Chamber, Concord, N.H. 03301-4951

TAMMY L. WRIGHT
Clerk of the Senate

Office 271-3420

TTY/TDD
1-800-735-2964

July 10, 2013

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

Re: Chapter 188, SB 163, Laws of 2013, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

Dear Mr. Dean,

Please accept this letter as official notice for the governing body of the Town of Exeter to appoint a representative of the town to serve on the above-captioned study commission. A copy of the enabling legislation is enclosed for your information and review.

As stated in the legislation, the first-named House member is responsible for calling the first meeting. Members shall elect a chairperson.

Please contact the Senate Clerk's Office in writing as soon as possible with the name, mailing address, phone number, and email address of your chosen representative for contact reference. You may do so via mail or email at:
SenateClerksOffice@leg.state.nh.us.

If you have any questions, please feel free to contact our office.

Sincerely,


Tammy L. Wright
Clerk of the New Hampshire Senate

TLW
Enclosures

CHAPTER 188
SB 163 - FINAL VERSION

03/28/13 1154s
8May2013... 1367h

2013 SESSION

13-0327
08/03

SENATE BILL

163

AN ACT

establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

SPONSORS:

Sen. Watters, Dist 4; Sen. Stiles, Dist 24; Sen. Fuller Clark, Dist 21; Rep. Borden, Rock 24; Rep. Spang, Straf 6; Rep. D. Hooper, Straf 16; Rep. Watrous, Merr 16

COMMITTEE:

Energy and Natural Resources

ANALYSIS

This bill establishes a commission to recommend legislation to prepare for projected sea level rise and other coastal hazards.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 188
SB 163 – FINAL VERSION

03/28/13 1154s
8May2013... 1367h

13-0327
08/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

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

1 188:1 New Chapter; Coastal Risk and Hazards Commission. Amend RSA by inserting after
2 chapter 483-D the following new chapter:

3 CHAPTER 483-E

4 COASTAL RISK AND HAZARDS COMMISSION

5 483-E:1 There is established a coastal risk and hazards commission.

6 483-E:2 Membership and Compensation.

7 I. The members of the commission shall be as follows:

8 (a) Two members of the house of representatives, appointed by the speaker of the house
9 of representatives.

10 (b) Two members of the senate, appointed by the president of the senate.

11 (c) The commissioner of the department of environmental services, or designee.

12 (d) The executive director of the fish and game department, or designee.

13 (e) The administrator of the bureau of public works design and construction, or designee.

14 (f) The commissioner of the department of transportation, or designee.

15 (g) The director of the division of parks and recreation, or designee.

16 (h) The director of the division of historical resources, or designee.

17 (i) The president of the Seacoast Board of Realtors, or designee.

18 (j) The director of the New Hampshire Sea Grant, or designee.

19 (k) A representative of the New Hampshire Public Risk Management Exchange,
20 appointed by the exchange.

21 (l) The director of the office of energy and planning, or designee.

22 (m) The president of the Homebuilders and Remodelers Association of New Hampshire,
23 or designee.

24 (n) The commissioner of the department of resources and economic development, or
25 designee.

26 (o) The president of the university of New Hampshire, or designee.

27 (p) A representative of the New Hampshire Municipal Association, appointed by that

CHAPTER 188
SB 163 – FINAL VERSION
- Page 2 -

1 organization.

2 (q) A representative of the Strafford regional planning board, appointed by that body.

3 (r) A representative of the Rockingham regional planning board, appointed by that body.

4 (s) One representative of each of the following towns, appointed by his or her town's
5 governing body: Rollinsford, Greenland, Stratham, Exeter, Newfields, Newmarket, Portsmouth,
6 Rye, North Hampton, Hampton, Dover, Hampton Falls, Seabrook, Newington, New Castle,
7 Madbury, and Durham.

8 II. Legislative members of the commission shall receive mileage at the legislative rate when
9 attending to the duties of the commission.

10 III. The members of the commission shall elect a chairperson from among the members. The
11 first meeting of the commission shall be called by the first-named house member. The first meeting
12 of the commission shall be held within 45 days of the effective date of this section. Eighteen
13 members of the commission shall constitute a quorum.

14 483-E:3 Duties.

15 I. The commission shall recommend legislation, rules, and other actions to prepare for
16 projected sea level rise and other coastal and coastal watershed hazards such as storms, increased
17 river flooding, and storm water runoff, and the risks such hazards pose to municipalities and state
18 assets in New Hampshire.

19 II. The commission shall review National Oceanic and Atmospheric Administration and
20 other scientific agency projections of coastal storm inundation, and flood risk to determine the
21 appropriate information, data, and property risks.

22 III. The commission shall meet 4 times per year.

23 IV. The commission shall annually report its findings and any recommendations for
24 proposed legislation to the speaker of the house of representatives, the president of the senate, the
25 house clerk, the senate clerk, the governor, and the state library on or before November 1.

26 188:2 Repeal. RSA 483-E, relative to the coastal risk and hazards commission, is repealed.

27 188:3 Effective Date.

28 I. Section 2 of this act shall take effect December 1, 2016.

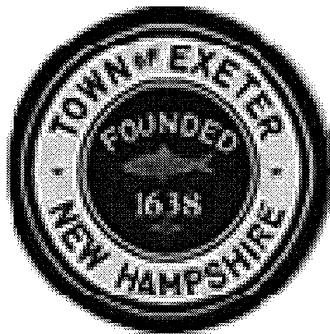
29 II. The remainder of this act shall take effect upon its passage.

30 Approved: July 2, 2013

31 Effective Date: I. Section 2 shall take effect December 1, 2016.

32 II. Remainder shall take effect July 2, 2013.

Town of Exeter



Long Range Planning Session II Summary Report

June 7, 2013

Primex[®]
NH Public Risk Management Exchange

Trust. Excellence. Service.

Table of Contents

▪ Purpose and Intended Results	3
▪ Participants	3
▪ Potential Goal Areas	3

Purpose and Intended Result

The overall purpose of this session with the Board of Selectmen and Town Manager was to assist the Town of Exeter with establishing 2-3 goals to accomplish for the remainder of 2013 (8 months before the next budget cycle). Primex³ was pleased to be a part of this process to assist the Town in this important endeavor.

The report is not intended to be a verbatim account of the discussion, but rather to capture the major points and concepts.

Participants

Donald Clement, Chairman
Dan Chartrand, Vice-Chairman
Julie Gilman, Clerk
Frank Ferraro, Board of Selectmen
Russ Dean, Town Manager

The exercise was facilitated by:

Rick Alpers, Primex³ Member Services Consultant

Potential Goal Areas

The session began with the Board of Selectmen and Town Manager outlining their goals or objectives for the Town of Exeter to accomplish in the next 8 months of 2013. The following are the goal or objectives of each Board of Selectmen and Town Manager.

Dan Chartrand

1. Reduce long term residential real estate tax by enhancing commercial tax base
2. Build commercial base tax base
3. Regionalization
4. Timely upkeep of buildings and infrastructure

Frank Ferraro

1. Control budget spending
2. Set targets

Julie Gilman

1. Regionalization
2. Personnel review

Don Clement

1. Review of Town's Master Plan and update the vision
2. Balanced tax base
3. Regionalization
4. Town facility plan reviewed by outside firm and develop a RFP
5. All boards meeting
6. Economic development position

Russ Dean

1. Economic development resources and process
2. Department heads to report on regionalization needs/opportunities
3. Housing conversation with different boards
4. Town facility plan
5. Personnel review and recommendations

2013 Goals

The Board of Selectmen and Town Manager identified the top 4 goals that they agreed upon as a group for the Town of Exeter to accomplish in the next 8 months, and deadlines were also established.

Goal #1: All boards meeting

The Board of Selectmen and Town Manager agree that a meeting with the following boards within the Town of Exeter needs to be held by **October 1, 2013**. The following are examples of agenda items for the meeting.

Town Boards

1. Board of Selectmen
2. Planning Board
3. Zoning Board
4. Conservation Commission
5. Economic Development Commission
6. Heritage Commission
7. Historic District Commission

Examples of Agenda Items

- What is the vision for the Town of Exeter?
- What is the purpose of this meeting?
- Board interaction with each other
- Balancing vision of development and land use
- Impacts of balancing the tax base across all boards

- Feedback
 - What we do well and what we do not
- Review of the Master Plan
- Housing

In addition to the above agenda the list of who to invite needs to be drafted, and establish the purpose and agenda for the meeting.

Goal #2: Develop RFP for facility plan to be issued in the 2014 budget

The Board of Selectmen and Town Manager agreed that a facility review by an outside organization needs to be completed for all of the facilities in the Town of Exeter, and to also include the local school district. This goal is to be completed and finalized by **November 1, 2013**, and to have draft of the RFP reviewed prior to the deadline. This will allow time for the RFPs to be reviewed and be added to the 2014 budget an expense.

Goal #3: Draft Economic Development Position

The Board of Selectmen and Town Manager agree that the position of Economic Development Director is a position that needs to be added to the town staffing For this position to be successfully added a job description and cost need to be established and reviewed prior to this position being added to the budget for 2014. This goal is to be completed by **September 1, 2013**. The following was identified of items that need to be reviewed and completed.

- What is the model for the Town of Exeter?
- Reporting structure from employee
- Job description
- Cost of the position
- Board of Selectmen to discuss in **July of 2013**
 - To develop the framework and finalize the model for the Town of Exeter
- How to engage the EDC?
 - BOS representative and Town Manager to present this to the EDC

Goal #4: Regionalization

The Board of Selectmen and Town Manager agree that the Town of Exeter needs to look at services that could be regionalized. Part of this goal will be for the department heads to provide a brief report of what services that could be regionalized. This is to be completed by **December 31, 2013**. Once this has been completed, the town will look at having a regional meeting with the surrounding towns to offer insight. **This would be completed in 2014, and a target date has not established.**



MEMO

To: Board of Selectmen

Cc: Russ Dean, Town Manager; Jennifer Perry, DPW Director

From: Michael Jeffers, W&S Managing Engineer

Date: July 29, 2013

Ref: Colcord Pump Station Stand-By Generator Bid Recommendation

An RFP was released on June 21, 2013, for the purchase and installation of a diesel stand-by generator and automatic transfer switch for the Colcord Circle sewage pump station. This expenditure was budgeted for FY13, line item # 03-4902-0637-7444 CO-Small Station Generators @ \$35,000. Sealed bids were due by 4:00 p.m., July 15th, with four bids received and opened by the Board of Selectmen that evening. All bidders were qualified.

The results follow ranked in order from lowest to highest bid:

- 1) **\$32,700; Ewing Electric Co., Inc.;** 3 North Road, P.O. Box 370, Deerfield, NH 03037; Ph: (603) 463-8852
- 2) \$37,950; Gemini Electric Inc.; 8 Priscilla Lane, Auburn, NH 03032-3723; Ph: (603) 644-7170
- 3) \$39,175; Scherbon Consolidated, Inc.; 40 Haverhill Road, Amesbury, MA 01913; Ph: (978) 388-3132
- 4) \$43,567; Weston & Sampson CMR; 5 Centennial Drive, Peabody, MA 01960-7985; Ph: (978) 532-1900

The Water & Sewer Department recommends the bid be awarded to the lowest bidder, Ewing Electric, at the sum of \$32,700.

Charter Street	East side of street from Front Street to a point 90 feet south of Vine Street. West side of street between Vine and Myrtle Streets
Chestnut Street	East side of street from Pleasant Street to Jady Hill Avenue and west side of street from 380' north of String Bridge to Jady Hill Avenue.
Clifford Street	East side of Street. Loading zone on west side of street.
Cottage Street	East side of street.
Court Street	East side of street from South Street to Front Street. West side of street from intersection of Front Street to 180' feet south of Maple Street.
Elliot Street	West side from Front Street to Grove Street.
Elm Street	West side of street from 15' north of Gilman House parking lot entrance to 15' south of entrance to Student Center/Library/Dining Hall driveway; 15' north and south of entrance to parking area behind Elm Street dining hall.
Epping Road Extension	Both sides of street the length of Epping Road Extension.
Front Street	South side of street for a distance of 60 feet west of Linden Street and between Elm Street and Post Office driveway. North side from Kossuth Street to B&M Railroad Crossing. From Arbor Street to hydrant across from Inn at Exeter. South side from point approximately 100 feet east of Pine Street for approximately 25 feet in easterly direction. South side from Elliot Street westerly for 50'. South side from Elliot easterly for 220'. South side from Elm Street westerly for 50'. North side from Tan Lane westerly for 50'. North side from Tan Lane intersection easterly for 80'. Northerly side of street from approximately 100 feet west of the PEA arches to Tan Lane.
Garfield Court	Entire side of street.
Gill Street	North side of Gill Street (extension) for a distance of 50 feet from Linden. Entire south side of Gill Street (extension). Entire west side from Front Street.
Gilman Street	Both sides from Court Street to the entrance to the foot-bridge.
Green Street	Southerly side of Green Street, entire length 7:30 a.m. to 3:30 p.m. on school days only. Both sides 100 feet from intersection of Green and Cass Streets.
Hall Court	Both sides of street from High Street to Hall Place.
Hall Place	Both sides of street from Pleasant Street east 340 feet and 100 feet southerly.
Hampton Road	Both sides of street from High Street to Exeter/Hampton town line.
High Street	Both sides of street from Clifford Street to Portsmouth Avenue. North curb line from Portsmouth Avenue to Hampton Road. South curb line from 180' east of Gardner Street to Hampton Road. South curb line from 180' east of Gardner Street to Hampton Road.

**AMEND CHAPTER 1 PARKING REGULATIONS – EXETER TOWN
ORDINANCES**

Add (amendment in boldface type):

101.2 Parking Prohibited on Specific Streets

Epping Road Extension

**Both sides of street the length of Epping Road Extension except
for 50 feet on the west side of the road, off pavement parking
only.**

Signed this _____ day of _____, 2013

Exeter Board of Selectmen:

Don Clement, Chairman

Dan Chartrand, Vice Chairman

Julie Gilman, Clerk

Matt Quandt

Frank Ferraro

Effective Date: _____



EXETER POLICE DEPARTMENT



Memorandum

July 23, 2013

To: Russ Dean Town Manager

From: Chief Kane

Ref: Derek's Auto Request

I met with Mr. Winter at his place of employment Derek's Auto on July 23 2013 and we went over what he was trying to accomplish with a change in the parking ordinance. His business is located on 135 Epping Road Extension which is a small off shoot to Epping road. The street has one residence on it and another business building that currently has no business in it and is for sale. The road is narrow and I agree that there should be parking restrictions in place on the street.

In past conversations Mr. Winter has told me that he has issues trying to park his customers in his lot because both sides of the street are currently no parking. So when his lot is full he has no place for his customers to park. During my visit with him today we looked over a section of the street seen in picture number two that is approximately 50 feet long and across from the entrance to his business. This could hold off the pavement parking for 4-5 vehicles depending on the type of vehicle.

What I would recommend to be changed is the following. In that 50 foot stretch there are 3 no parking signs, remove the middle sign, change the other signs to no parking here to corner with the appropriate arrow. This would allow Mr. Winter to use the space in between for off the pavement parking only.

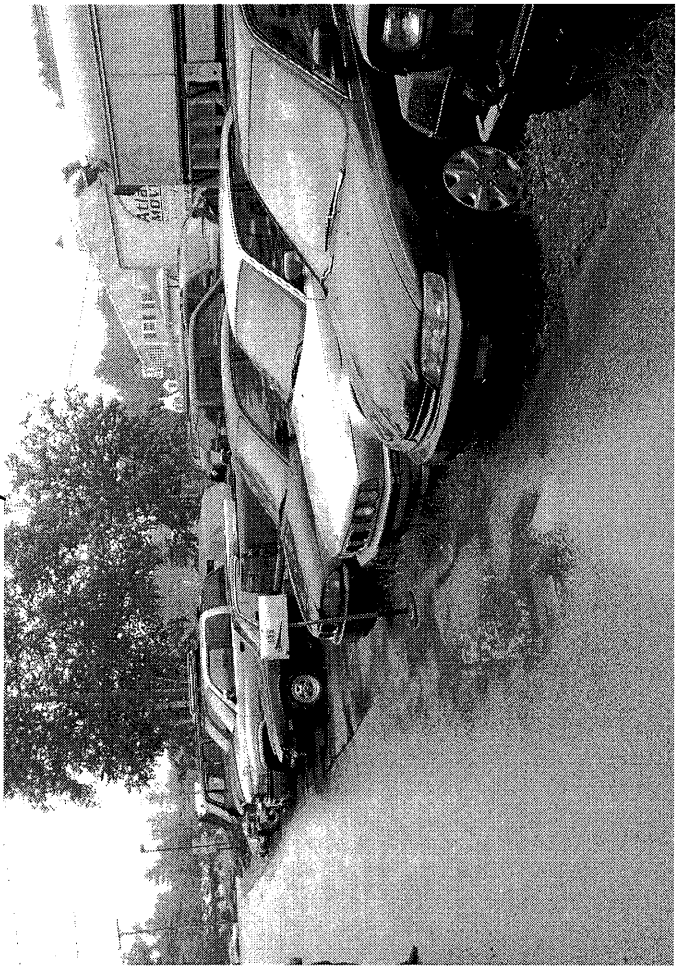
Under the town ordinances section 101.2 Epping Road Extension it would read, No parking on both sides for the length of Epping Road Extension except for 50 feet on the West side of the road, off pavement parking only.

I informed Mr. Winter that no unregistered vehicles can be parked in that section, all vehicles have to be off the pavement and that he would be required to clear the area of snow to make room for the parking. He agreed to all of these requirements.

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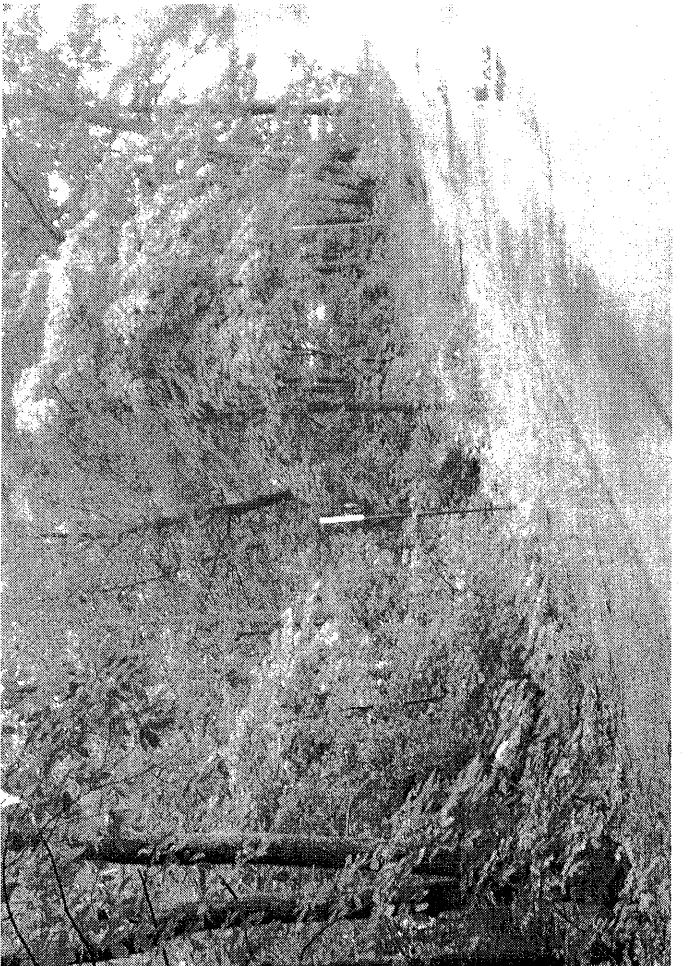
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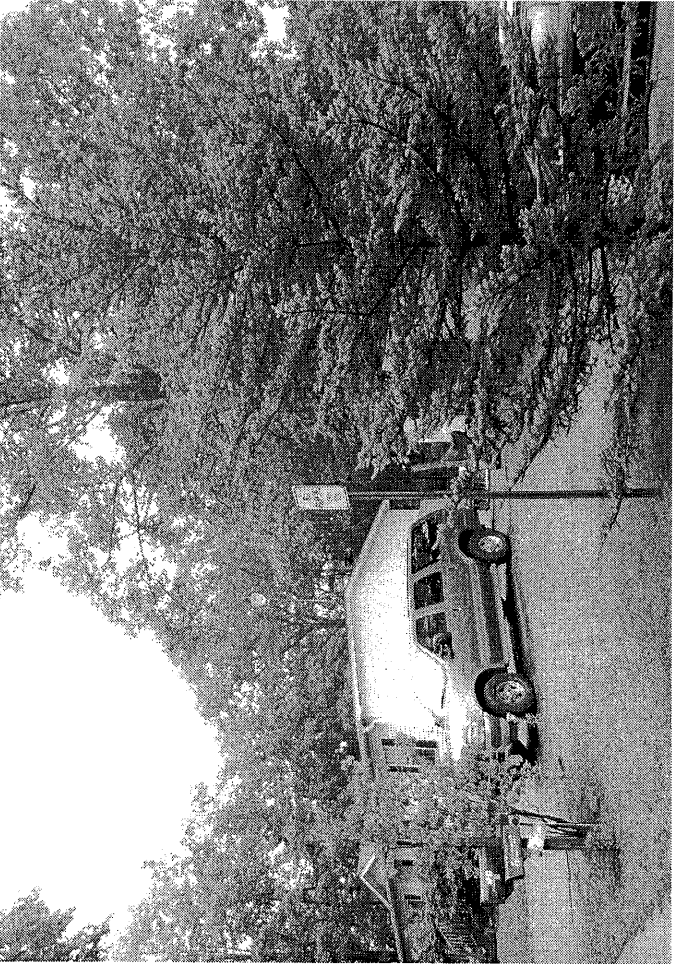
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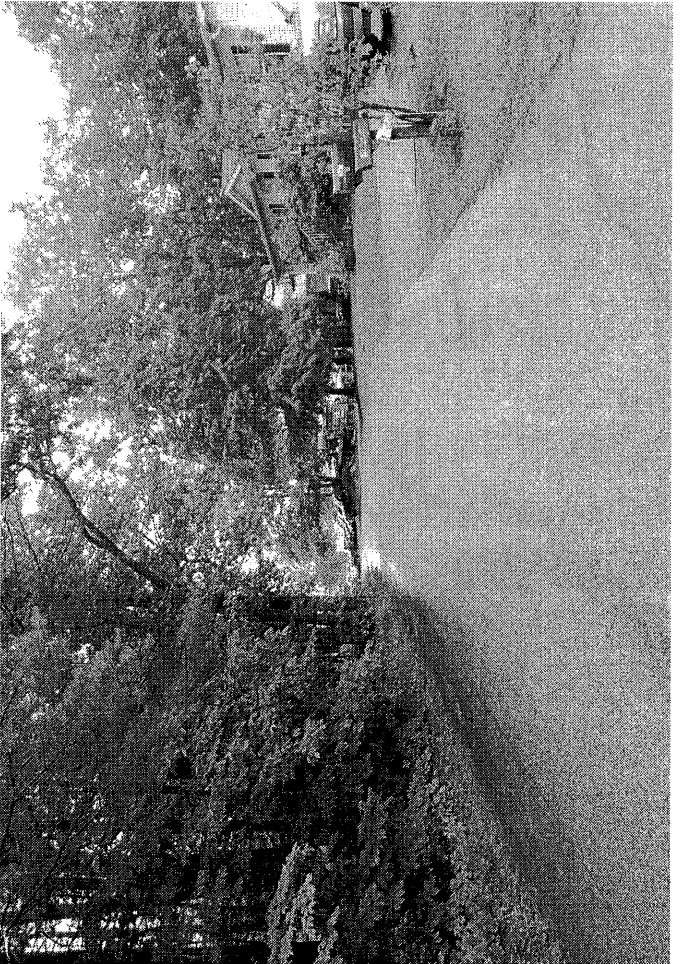
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487



Social Media Policy –DRAFT

Town of Exeter	Policy Number: TBD	Adopted by:
Subject: Social Media Policy	Adoption Date: Effective Date:	Supersedes: None

1.0 Purpose of the Policy:

The purpose of this policy is to set policy guidelines related to Town of Exeter social media sites and applications.

2.0 Departments Affected: All Town Departments, Boards and Committees, except the Exeter Public Library.

3.0 Definitions: None.

4.0 Policy:

It is the policy of the Town of Exeter to ensure that certain standards are set with respect to social media to serve all its constituents in a positive, productive manner. The Town supports the use of social media as a method to communicate information to its citizens regarding its Town government.

5.0 Procedures:

5.1 The primary mission of the Town's social media efforts will be focused on providing information on Town services and programs to the general public. Citizens are encouraged to use social media avenues to communicate with Town Departments on service related issues.

5.2 Town Departments will assign appropriate personnel to manage individual department facebook pages. Service or information requests generated through social media will be referred to the appropriate department for a response.

5.3 Comments. Comments containing any of the following inappropriate forms of content shall not be permitted on Town of Exeter social media sites and are subject to removal by the Town Manager or his/her designees.

- a. Comments not related to the original topic, including random or unintelligible comments.
- b. Profane, obscene, or pornographic content and/or language;

- c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin;
- d. Defamatory or personal attacks;
- e. Threats to any person or organization.
- f. Comments in support of, or in opposition to, any political campaigns or ballot measures;
- g. Conduct in violation of any federal, state or local law;
- i. Encouragement of illegal activity;
- j. Information that may tend to compromise the safety and security of public systems; or
- k. Content that violates a legal ownership interest, such as a copyright, of any party;
- l. Redundant or repetitive comments, with the same or similar content posted multiple times under various posts.

- 5.4 A comment stating an opinion, posted by a member of the public on any Town of Exeter social media site, is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Town of Exeter, nor do such comments necessarily reflect the opinions or policies of the Town of Exeter.
- 5.5 The Town of Exeter reserves the right to deny access to Town of Exeter social media sites for any individual who violates the Town of Exeter's Social Media Policy at any time and without prior notice.
- 5.6 Town of Exeter Department Managers shall monitor their social media sites periodically during normal business hours for comments requesting responses from the Town and for comments in violation of this policy.
- 5.7 Town of Exeter Department Heads, employees and officials may post content on their respective department pages in their official capacity, if authorized to do so by their Department Head. Comments made by individual employees from their personal accounts are personal expressions and not Town representations.
- 5.8 Multiple member Boards, Committees, and Commissions should be sensitive to the use of social media in such a way so as not to inadvertently violate the spirit and intent of RSA 91-A, the State's Right to Know Law, particularly as it pertains to public meetings.
- 5.9 All comments posted to any Town of Exeter facebook site are bound by Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and the Town of Exeter reserves the right to report any violation of Facebook's Statements of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate

and reasonable responsive action. The same applies to Twitter and other social media sites.

5.10 This policy shall be administered through the Town Manager's Office. Specific questions regarding this policy may be directed to the Town's Information Technology Department through the Technology Coordinator, or to the Town Manager's Office.

6.0 Severability:

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

Approved this _____ day of _____, 2013

Don Clement, Chairman

Dan Chartrand, Vice Chairman

Julie Gilman, Clerk

Matt Quandt

Frank Ferraro

**AMEND CHAPTER 8 – COMMERCE REGULATIONS – EXETER TOWN
ORDINANCES**

Add a new section 809:

809 Licensing of Alcohol Use on Town Property

809.1 In accordance with the provisions of sections _____ and RSA 178:22(I), any voluntary non profit organization seeking to serve and offer alcohol for consumption on closed Town streets, in Town buildings, and in Town parks shall first apply for the applicable license with the Town Manager's Office.

809.2 To qualify for a license under this Chapter, the voluntary nonprofit organization shall obtain a license from the New Hampshire Liquor Commission under RSA 178:22(I).

809.3 The Town shall create a license application process, which shall include standards for issuance of the license to serve and offer alcohol for consumption on Town property.

809.4 No license to serve and offer alcohol for consumption on Town property shall be granted between the hours of 10:00 p.m. and 10:00 a.m..

809.5 Applications for a license under this section may be made at the Office of the Town Manager.

809.6 The Police Chief, Health Officer, and Parks/Recreation Director (where applicable for Town parks) shall review the application for completion and transfer it to the appropriate authority for review and approval as follows:

- a. License to serve alcohol on closed Town streets, submitted by the Police Chief and Health Officer to the Town Manager for review and approval;
- b. License to serve alcohol in Town buildings submitted by the Police Chief and Health Officer to the Town Manager for review and approval;
- c. License to serve alcohol in Town parks submitted by the Health Officer to the Director of Parks and Recreation and Town Manager for review and approval.

809.7 To the extent the applicant meets all of the standards for issuance of a license, the Town Manager may conditionally issue the license, which shall not become valid until the applicant provides the Town Health Officer with an RSA 178:22(I) license from the New Hampshire Liquor Commission for the applicable license issuance time period.

809.8 The fee for said license shall be two-hundred (\$200.00).

809.9 Appeals of a denial of a license under this section may be made to the Exeter Board of Selectmen at a regular public meeting.

Signed this _____ day of _____, 2013

Exeter Board of Selectmen:

Don Clement, Chairman

Dan Chartrand, Vice Chairman

Julie Gilman, Clerk

Matt Quandt

Frank Ferraro

Effective Date: _____

CHAPTER 7 CONDUCT REGULATIONS**700 Purpose**

The purpose of this Chapter is to define the various sections relative to public conduct and action within the geographical limits of Exeter.

701 Unnecessary Noise

It shall be unlawful for any person, firm or corporation to make, create, maintain or simulate any excessive, unnecessary or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect, and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Exeter.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the ordinance, but said numeration shall not be deemed to be exclusive namely:

- 701.1 Radios, Stereos, etc:** The using or operating of any radio receiving set, musical instrument, phonograph or other machine or device for producing or reproducing the sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such between the hours of eleven (11:00) o'clock PM and seven (7:00) o'clock AM in such a manner as to be plainly audible beyond the noisemaker's premises, building, structure or vehicle, as applicable and which is unreasonable and offensive as above described shall be prima facie evidence for a violation of this Section.
- 701.2 Loud Speakers, Amplifiers, Public Address Systems and etc., for Advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, without a permit and only between the hours of 8AM and 7PM.
- 701.3 Yelling, Shouting, etc:** Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11PM and 7AM or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- 701.4 Exhausts and Unloading:** Loading, unloading, opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers

between the hours of 11PM and 7AM.

Open Exhausts: The discharge into the open air of any unmuffled exhaust from any engine, mobile or stationary or any compressor unit that emits a noise level at a distance of 50 feet or greater.

- 701.5 **Construction or Repairing of Buildings:** The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7AM and 10PM except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector should s/he determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10PM and 7AM and if he shall further determine that loss or inconvenience would result to any party in interest, s/he may grant permission for such work to be done within the hours of 10PM and 7 AM upon application being made at the time the permit for the work is awarded or during the progress of the work.
- 701.6 **Schools, Courts, Churches, Hospitals:** The creation of any excessive noise on any street adjacent to any school, institution of learning , church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court.
- 701.7 **Pile Drivers, Hammers, etc:** The operation between the hours of 10PM and 7 AM of any pile driver, shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise
- 701.8 **Exemptions:** Public Works and Public Safety equipment required for the effective delivery of public services shall be exempt from the provisions of this Section.
- 702 **Loitering**
Two or more persons shall not loiter, assemble or congregate on any public way or sidewalk, or in any public place in the Town of Exeter, in such a way as to impede the progress of, or cause annoyance to any person, nor shall any person remain upon any public street after being ordered by a Police Officer to move on. Violation of this Section shall be deemed disorderly conduct.
- 703 **Public Drinking**
No person shall consume any alcoholic beverage, or have in his/her possession any open container of alcoholic beverage, while upon any public park, playground, sidewalk, commons, town-owned property or any public way within the geographic limits of Exeter.
- 703.1 No person shall consume any alcoholic beverage, or have in his/her

possession any open container of alcoholic beverage while in any vehicle or while upon a public park, playground, sidewalk, common, town-owned property or any public way within the geographical limits of Exeter.

703.2

Exemptions to this section may be granted by the director of Parks and Recreation and/or the Chief of Police of the Town of Exeter provided, however, that application for same is made in writing fifteen (15) days prior to the scheduled event.

shall not apply to events permit licensed under Section 809 of the Exeter Town these ordinances.

705 Discharging Firearms

No person shall discharge any cannon, pistol or other firearms on the property of GTE Osram/Sylvania located on Portsmouth Avenue in Exeter.

705.1 No person, firm or corporation shall fire or discharge any cannon, gun pistol or other firearm, rocket or squibs within the compact area of the Town of Exeter.

No person, firm or corporation shall, while on the property of another, fire or discharge any cannon, gun pistol or other firearm, rocket or squib within three hundred (300) feet of a dwelling, building or person.

705.2 Compact Area Defined:

Compact area shall mean the area bounded by the Department of Public Works and Highways compact zones.

705.3 Discharge of firearms on town property:

Notwithstanding the provisions of 705.1 above, no person, except a Law Enforcement Officer in the proper execution of his duties, firm or corporation shall fire or discharge any cannon, gun, pistol or other firearm, rocket or squibs upon any property owned or leased by the Town of Exeter except that at the following locations the following activities shall be permitted:

- a. A designated firing range approved by the Board of Selectmen upon recommendation of the Chief of Police with the concurrence of the Town Manager at which instruction in the use of firearms shall be allowed as part of the Police Department's training procedures;
- b. The Sportsman's Club maintained on the Water Works property, so-called, off Portsmouth Avenue, at which Sportsman's Club, the Club members shall be allowed to carry out their customary firearms activities;
- c. The following properties under the supervision of the Exeter Conservation Commission, on which property hunting for birds and mammals according to New Hampshire State Law shall be allowed:

Oaklands Town Forest

Little River Conservation Area
Smith-Page Conservation Area

- 706 Standard of Conduct – Municipal Officers
No Town officer, employee or agent shall solicit or accept any gratuity, favor or anything of monetary value from any contractor or potential contractor with the Municipality relative to the procurement of any State and/or federal grant funds; and the offering and/or giving of any such matter of monetary value by such a contractor or their agents to any Municipal Officer, employee or agent is hereby prohibited. In addition to any penalties which may be provided by law, any appropriate disciplinary action including, in the case of an officer, removal from office; in the case of employees, termination of such agency.
- 707 Use of Waterways
The purpose of this ordinance is to regulate the activity on Town property associated with bodies of water under the Town's control.
- 707.1 Areas affected:
Water Works Pond
Pickpocket Dam Pond
Brickyard Pond
Colcord Pond
Clemson Dam
- 707.2 Fishing allowed:
Fresh water line fishing will be allowed on these areas provided all persons conform to NH Revised Statutes Annotated and Fish and Game Regulations.
- 707.3 Prohibited Acts:
No person, firm or corporation shall operate any boat, float, canoe, raft or kayak with a motor on these water ways.
- 707.4 Prohibited Areas for Health & Safety Concerns:
Dikes, dams, berms, sewer lagoons, holding ponds and the structures of any spillways shall be prohibited areas for persons fishing. Persons found in violation of this Section shall be considered trespassing.
- 707.5 Other Laws Prevail:
Town and State laws and regulations governing littering, liquor laws, health and open lewdness shall prevail and will be strictly enforced.
- 708 Use of Water Works Pond
- 708.1 No person, firm or corporation shall operate any vehicle on the open or ice covered waters of the Water works pond, so-called.

- 708.2 No person, firm or corporation shall kindle a fire of any kind on the shores of or on the ice covering of the Water Works pond.
- 708.4 No person shall fish within 300 feet of the Water Works Pond dam.
- 708.5 No person, while fishing, shall litter the waters of Water Works pond.
- 708.6 No recreational use of the public water supply known as "Water Works Pond" is permitted with the exception of fishing from the shore of the Pond where not excluded by other ordinance(s).
- 709 Smelt Shack Regulations
- 709.1 During temporary ice loss on the River, smelt shacks may be removed to the Town parking lot adjacent to the landing. Such shacks shall be allowed to remain there for no more than twenty-four (24) hours, at which time they shall either be placed back on the ice or removed from the lot.
- 709.2 Smelt shacks not removed from the Town parking lot adjacent to the Town landing within twenty-four (24) hours, will be removed to Town custody. Smelt shacks will be released to their owners only upon payment of the penalty described in 710 below, and costs assessed by Public Works.
- 709.3 Smelt shacks shall not be launched onto or removed from the ice from any town-owned or maintained property with the exception of Stewart/Waterfront Park Boat Ramp.
- 709.4 Smelt shacks shall not be anchored or affixed to any town-owned or maintained property.
- 710 **Penalties**
Any person violating any provision of Chapter 7 shall be punished by a fine of not more than one hundred (\$100) dollars for each offense.
- 711 **Town Conservation Land**
No person shall operate a motorized vehicle on posted Town Conservation Land without the written permission of the Town Manager. Human powered wheeled vehicles (such as bicycles) are permitted only on well-established, marked trails where noted. Off trail biking is prohibited.
- 712 **Drug Paraphernalia**
It shall be a violation of this section for any person to retain or possess Drug Paraphernalia with the intent to use, sell, employ or allow the same to be used, sold or employed for an unlawful purpose. An Unlawful purpose shall mean any act prohibited pursuant to RSA 318-B:2.

Drug Paraphernalia means any tool, equipment, product or implement adapted or designed to make, store, dispense, ingest or conceal a controlled substance. The definition of Drug Paraphernalia includes all equipment, products and materials as described by RSA 318-B:1, X-a.

A controlled substance means any controlled drug or controlled drug analog as defined by RSA 318-B:1, VI and VI-a.

The District Court having jurisdiction may order Drug Paraphernalia forfeited and destroyed in the manner of controlled drugs prescribed by RSA 318-B:17. "

List for Selectmen's meeting July 29, 2013

Abatement

<u>Map/Lot</u>	<u>Location</u>	<u>Refund Amount</u>
47/1/1	156 Epping Road	31,194.72

Warrants

Type	Checks Dated	Amount
AP	7/5/2013	\$267,292.82
AP	7/12/2013	\$267,187.82
Capital Fund	7/12/2013	\$42,848.34
Payroll	7/3/2013	\$185,693.22
Payroll	7/10/2013	\$178,307.24
Capital Fund	7/19/2013	\$442,970.91
Payroll	7/17/2013	\$180,082.11
AP	7/19/2013	\$209,574.04

156 Front Street U111 Calculations:
Calculations as of August 16, 2013

	<u>Breakdown</u>	<u>Totals</u>
Taxes due through August 16, 2013		
Taxes	\$ 20,766.50	
Interest	\$ 9,712.73	
Costs	<u>\$ 121.50</u>	
Total taxes		\$ 30,600.73
Assessed valuation as of 10/31/11 - \$103,200 @ 15%*.975		\$ 15,093.00
Condo fees 11/1/11-8/31/13		
\$285 monthly fee (22 months)	\$ 6,270.00	
Special charge to remove bats & pigeons	\$ 275.00	
Late charges	\$ 180.00	
Legal fees to condo association lawyers	<u>\$ 763.45</u>	
Total condo fees		\$ 7,488.45
Unitil - Electric Service - service through 7/16/13		\$ 50.01
Legal fees - Mitchell Municipal Group		\$ 2,446.00
Tax lien redemptions plus postage		\$ 10.45
Creating deed		\$ 100.00
Recording of deed		\$ 12.00
Mail recorded deed to town		\$ 0.45
Letter sent by Certified mail		\$ 5.75
Letters sent by regular mail		\$ 0.45
Grand Total		<u><u>\$ 55,807.29</u></u>



Colonel Robert L. Quinn
Director

State of New Hampshire

DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner of Safety

Division of State Police

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305



July 17, 2013

Re: NH and FBI Criminal History Record Checks for Hawkers and Peddlers

Dear Municipal Administrator:

In recent communications with the FBI Access Integrity Unit (AIU), the controlling authority to authorize access to the FBI criminal history record database for non-criminal justice purposes, we have been informed that our statutory authority to submit is lacking an additional component referred to as an "umbrella" statute. An umbrella statute delegates authority to identify the specific categories of licensees/employees falling within the scope of the statute to local jurisdictions. In this instance, that statute would be NH RSA 31: 102-a and 31: 102-b, Hawkers and Peddlers, or Certain Vendors.

To bring NH into full compliance to submit future Hawker and Peddler CHRI requests through the FBI criminal history record database, your municipality is required to pass an ordinance which requires background checks on individuals applying for licensure as hawkers, peddlers or certain vendors. A sample draft ordinance is attached for your guidance and consideration; however, a review by your municipal counsel should be in order to ensure compliance with NH law. Once the ordinance is drafted, please submit it to me so that I can forward it to the FBI AIU for their review and acceptance. Once that is completed, then you may again submit CHRI requests under RSA 103-a and 103-b.

The FBI Access Integrity Unit accepts full responsibility and culpability for not articulating the required umbrella component of RSA 31: 102-a and 31:102-b in their authorizing correspondence dated June 25, 2010 (attached).

Should you have any additional questions or concerns regarding Hawkers and Peddlers CHRI checks, I can be contacted at (603) 223-8402 or Jeffrey.Kellett@dos.nh.gov.

Sincerely,

Jeffrey R. Kellett, Chief Administrator
State Police Criminal Records Unit

JRK/i
Enclosures



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Clarksburg, West Virginia 26306

July 8, 2013

Mr. Jeffrey R. Kellett
Chief Administrator
New Hampshire State Police
State Police Criminal Records Unit
33 Hazen Drive
Concord, NH 03305

Dear Mr. Kellett:

Reference is made to our letter, dated June 25, 2010, which approved New Hampshire Revised Statutes Annotated (NHRSA), Section 31:102-a and NHRSA § 31:102-b, pertaining to applicants for licensure as a hawker, peddler, or certain vendors pursuant to Public Law (Pub. L.) 92-544. Reference is also made to a subsequent telephone call between you, M. (Meg) McIntyre Sundin and Lori L. Bokey of the Access Integrity Unit (AIU).

As background, the FBI is authorized to exchange criminal history record information (CHRI) with officials of state and local governments for noncriminal justice purposes pursuant to Pub. L. 92-544, which requires the enactment of an appropriate state statute. These statutes, reviewed by the AIU and found to comply with Pub. L. 92-544 authorize submission of fingerprints to the FBI for criminal history record checks. Since 1972, the FBI, with the assistance of the United States Department of Justice has determined the parameters of Pub. L. 92-544. In order to comply with Pub. L. 92-544 a statute must (a) exist as the result of a legislative enactment; (b) require the fingerprinting of applicants who are to be subject to a national criminal history background check; (c) expressly ("submit to the FBI") or by implication ("submit for a national check"), authorize the use of FBI records for the screening of applicants; (d) identify the specific category(ies) of licensees/employees falling within its purview, thereby avoiding overbreadth; (e) not be against public policy; and (f) may not authorize receipt of the CHRI by a private entity.

A certain type of state statute, known as an "umbrella" statute, may delegate authority to identify the specific categories of licensees/employees falling within the scope of the statute to local jurisdictions. The local jurisdiction must submit an ordinance or resolution for approval by the AIU. The local ordinance or resolution must specifically reference the authorizing umbrella statute. To meet FBI approval, it must also meet the Pub. L. 92-544 criteria listed above.

Mr. Jeffrey R. Kellett

NHRSA §§ 31:102-a and 31:102-b pertaining to background checks for licensure as a hawker, peddler, or certain vendor was approved by the AIU as an "umbrella" statute under which a city, town or village may pass an ordinance which requires background checks on individuals applying for licensure as hawkers, peddlers, or certain vendors. To date, the FBI has not reviewed any New Hampshire ordinances enacted under the authority of this umbrella statute. The AIU is available to review draft ordinances to ensure compliance with Pub. L. 92-544. For additional information, please find enclosed an October 21, 2002, CJIS Information Letter which contains additional information on umbrella statutes under Pub. L. 92-544.

Should you have further questions concerning this matter, please do not hesitate to contact Ms. Bokey at (304) 625-2863.

Sincerely yours,

Christopher B. Chaney / 8/20

Christopher B. Chaney
Unit Chief
Access Integrity Unit
Office of the General Counsel

Enclosure



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Clarksburg, West Virginia 26306

June 25, 2010

Mr. Jeffrey R. Kellett
Chief Administrator
State Police Criminal Records Unit
New Hampshire State Police
33 Hazen Drive
Concord, NH 03305

Dear Mr. Kellett:

Reference is made to your letter dated June 10, 2010, with enclosures, requesting a review of House Bill (HB) 1267, to determine if it meets the standards of Public Law (Pub. L.) 92-544 for access to FBI criminal history record information (CHRI).

The Access Integrity Unit's (AIU's) legal staff has reviewed HB 1267, which amends New Hampshire Revised Statutes Annotated (NHRSA), Section 31: 102-a and NHRSA § 31: 102-b, pertaining to applicants for a license as a hawker, peddler, or certain vendors, and has determined they qualify for access to FBI CHRI under the standards of Pub. L. 92-544.

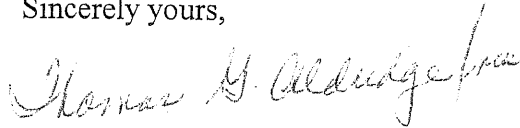
When you begin submitting fingerprints under these new authorities, please ensure that the correct citation and/or reason fingerprinted are clearly indicated in the "Reason Fingerprinted" block of the applicant fingerprint card.

We remind you that access to FBI CHRI is subject to numerous restrictive laws and regulations. Unauthorized dissemination of such information outside the receiving governmental department or related governmental agency to a private entity is prohibited. Further, the exchange of CHRI is subject to cancellation if such unauthorized dissemination is made.

Mr. Jeffrey R. Kellett

Should you have further questions concerning this matter, please contact Paralegal Specialist Kristina D. Warner of the AIU at (304) 625-5429.

Sincerely yours,

A handwritten signature in cursive script that reads "Thomas G. Aldridge".

Thomas G. Aldridge
Unit Chief
Access Integrity Unit
Office of the General Counsel

1 - Ms. Mary Kay MacNichol
New Hampshire State Police
33 Hazen Drive
Concord, NH 03305

Suggested language for a county or local ordinance:

Section _____ (State and national criminal backgrounding of persons engaged in _____)

[¶ number] This ordinance is enacted pursuant to [citation to state umbrella statute] to regulate [the issuance of licenses of/the employment of/those engaged in][name of occupation/profession/activity].

[¶ number] An applicant, employee, or volunteer seeking to engage in [name of occupation] shall submit, if required, two sets of his/her fingerprints taken [by the _____ Sheriff's Department/ _____ Police Department] to [name of receiving office/department in county/municipality], along with appropriate fees.

[¶ number] Upon receipt of the fingerprints and the appropriate fees, the [name of receiving office/department in county/municipality] will transmit both sets of fingerprints [and appropriate fees (unless a satisfactory billing arrangement has been entered into between the county/municipality and the state identification bureau)] to the [state identification bureau]. The [state identification bureau] will compare the subject's fingerprints against its criminal file and, [(1) if no disqualifying conduct is found therein (or) (2) if necessary], submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the [state identification bureau], which will disseminate the state and national results to [the submitting office/department in county/municipality].

[¶ number] If an employer or organization is a private entity, the [office/department in county/municipality] shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such private employer or organization. If an employer or organization is a public entity, the [office/department in county/municipality] shall [(1) render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such public entity or (2) disseminate the results of the criminal background check to the public entity for a fitness determination].

[¶ number] In rendering a fitness determination, the [county/municipal office/department or public employer] will decide whether the record subject has been convicted of [or is under pending indictment for][a crime which bears upon his/her ability or fitness to serve in

that capacity; (b) any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or (c) enumerated disqualifiers].

[¶ number] A record subject may request and receive a copy of his/her criminal history record information from the [appropriate county/municipal office/department or public employer]. Should the record subject seek to amend or correct his/her record, he/she must contact the [state identification bureau] for a [name of state] state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.



Town of Exeter
 10 Front Street
 Exeter, NH 03833
 Phone: 778-0591 Fax: 772-4709

PERMIT APPLICATION FOR PEDDLING – SOLICITING – VENDING 802

PERMIT FEE: To be submitted with permit application. Permit fee is non-refundable.

Fee: \$25.00 per day or \$100.00 per week or \$250.00 per calendar year or any part thereof, in accordance with Town Ordinance 802.

Today's Date: 7/11/2013

Representative Information:

Name: JASON Rodriguez
 Street Address: 54 Harriman Hill RD Town/State/Zip: Raymond NH 03077
 Phone#: 6037068267 ¹¹⁶⁰³ 2442339 Email: Jayrodla.pizzaguy@yahoo.com

Organization Information:

Name: JAW'S Granite State Grille
 Street Address: 54 Harriman Hill RD Town/State/Zip: Raymond NH 03077
 Phone#: 706-8267 Email: _____

Organization Tax ID#: 0968 W, T, F, SAT

Dates of Activity: July 2013 - Nov Times of Activity: (9AM to 9PM limit): 11 AM - 9:pm

Type of Activity: Mobile Concession Stand

At what Town Parks, parking lots, commons, will peddling, soliciting or vending occur:
Swasey parkway - farmer market

Method of Peddling/Soliciting: food stand - customers come to order

Attach copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in peddling/soliciting or vending.

Complete the following information for each individual involved:

Name: JASON Rodriguez DOB: 3/9/72 SS#: 60-10-1111
 Name: _____ DOB: _____ SS#: _____
 Name: _____ DOB: _____ SS#: _____

Continue on other side of this form.....

Motor Vehicle Information:

License plate#: T392859 State: NH Vehicle Description: Homeade Trailer

License plate#: NCIC- State: NH Vehicle Description: 06 Nissan Frontier

Attach additional information sheet if necessary.

This permit is issued to the representative/organization listed on this permit for the purpose indicated on this permit. This permit shall be valid for said representative/organization only during the time and dates indicated on this permit. This permit is non-transferable.

Town of Exeter Ordinance: 802

To regulate Vendors, Hawker, Peddlers, Solicitors, and other Itinerant Vendors, and Door-to-Door Solicitations and Canvassing.

Town of Exeter Ordinance: 802.1

Requirement: No person, partnership, corporation, or other entity, whether maintaining permanent location in the Town of Exeter or not, may sell, barter, purchase, or otherwise carry on commerce in goods or services within the Town of Exeter, or attempt to do so, through door-to-door solicitations, or on the streets, sidewalks, or other property of the Town without first applying for and receiving a permit to do so from the Town of Exeter.

Complete Ordinance 802 available upon request.



Date Application Received: _____

Fee Received: \$ _____ Cash: _____ Check: _____

Approved by Police Chief: [Signature]

Police Dept Notes: My approval is only that he does not have a record that would cause me concern for the public.

As authorized by the Board of Selectmen/Designee:

_____ Date



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

Fwd: Exprfessing my sincere gratitude

Richard Kane <rkane@exeternh.gov>
To: Russ Dean <rdean@town.exeter.nh.us>

Mon, Jul 22, 2013 at 8:00 AM

FYI

----- Forwarded message -----

From: **Ronnie Abiraad** <ronnie_abi_raad@yahoo.com>
Date: Mon, Jul 22, 2013 at 12:48 AM
Subject: Exprfessing my sincere gratitude
To: "rkane@town.exeter.nh.us" <rkane@town.exeter.nh.us>

Chief Kane,

I wish to pass on a kind word about an Exeter patrolman who pulled me over on Sunday July 21st at about 9:50am on 111N, just before Phillips Exeter Academy. Unfortunately, I did not get the officer's name. In addition to the above, the only information I can provide about him is that he was driving a marked police SUV.

The officer quickly proceeded to explain the reason for pulling me over which was a dead high mount brake light. I explained to the officer that I was aware of the issue and that I was sending in the car for repairs. He requested the car's reg papers for 'a quick check' and 'in order to get me back on the road swiftly'. He was away for no more than 2 minutes following which he returned with my papers and apologized for the inconvenience.

I have never seen professionalism like what I saw today in this officer and I feel he should be commended on his courteous and polite demeanor. I personally feel that this is an officer that your department and the town of Exeter alike should be proud to have in their ranks.

Many congratulations for having such person in your department!

Best,

Ronnie Abi-Raad
352 Main St
Hampstead, NH

July 19, 2013

To The Town of Exeter

Attention: To the Town Manager, Planning Board Members, & Board of Selectmen

Re: Please Stop Tax Incremental Financing -TIF before it is too late to do so.

I have also performed some research on TIF's. Attached for your individual perusal are copies of an article available on the internet. The article: **TIFS: Cities Unfair Advantage** written by David Stokes a policy analyst at the Show-Me Institute speaks for itself.

Grabbing the largest piece of the pie (tax revenue) seems to be the objective for each of Exeter's departments, and all the private interest groups. Unfortunately the pie and each respective "piece of the pie" (tax revenue) are not growing at the same rate as total spending nor the desired level of spending.

At my household when income is fixed that means we must best **manage** the money we have to meet the needs of the entire family with the objective of staying within or under the budget. We make difficult choices and forfeit certain purchases or projects. There will be no TIF created for my personal benefit, and no TIF money allocated to me.

Creation of a TIF is to fund yet another project that will benefit only a few. The implementation of a TIF will only serve to further reduce the amount of the pie (tax revenue) that is presently allocated to the entire town budget including education, police, fire, public works, etc.

In these difficult economic times we would expect to find everyone concerned about how to control taxes by managing expenditures and operating budgets while funding their projects of personal interest, the fire department, the police department, public works, parks & recreation, the school departments administration budgets, and add positions in each of the afore mentioned departments. I do not believe any of these departments would like to reduce their annual operating budgets by the amount of tax revenue lost to a TIF. So where will that lost revenue get made up? Who is truly going to be funding the TIF?

We do not need a special TIF at a time when the state is continuing to push costs back to the local town governments further increasing the burden on Exeter tax payers.

I don't want to fund the TIF, so I vote NO on TIF's.

Please vote No on TIF's.

Thank you for your consideration of this article, and your individual contributions for the Town of Exeter.

Respectfully,

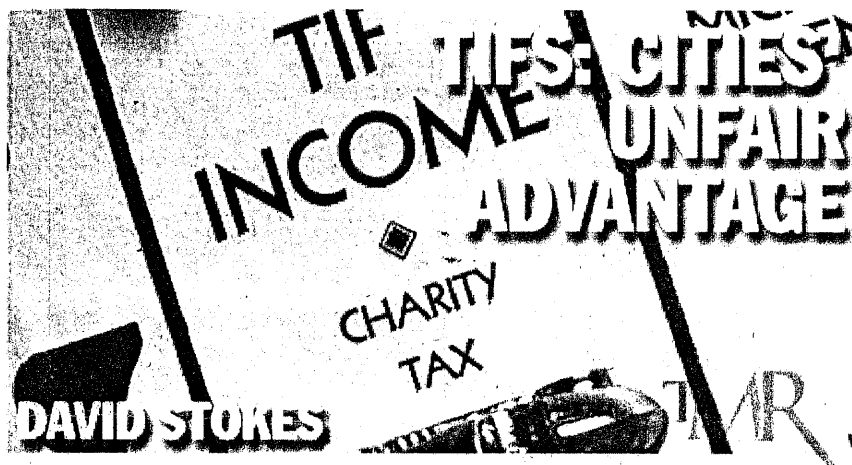


Exeter Resident Richard Robbins
40 Dogtown Road

File ref: TIF Exeter 2013

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April 17, 2012 12:00 PM

Would you like to be able to unilaterally take some of your neighbor's money and spend it in ways that benefit you, but not him? As ludicrous as that sounds, we allow local governments in Missouri to do it all the time. The subsidy at fault is Tax Increment Financing (TIF), which allows cities to capture money that would have gone to other taxing entities, such as school districts, and use it how the city desires – in some cases simply to subsidize a new Walmart that will replace an existing Walmart. It works the same way in Sugar Creek, Liberty, or anywhere in Missouri: cities pass TIF laws but the money for the TIF mostly comes from the school, fire, and library districts.

TIF allows local government to reimburse developers for some of the project's costs. With TIF, if a property generates \$50,000 in property taxes before it is developed but generates \$75,000 after being constructed, the developer gets to keep the \$25,000 difference to pay for development costs.

In theory, TIF encourages developers to undertake projects in areas in dire need of economic growth. In reality, TIF is used to subsidize politically-connected developers, to help cities lure chosen businesses from other cities, and to fund an entire cottage industry of urban planners, lawyers, and bankers. TIF projects have to pass a "but-for" test (demonstrating they would not happen without the assistance) and meet a series of eligibility tests. But those tests are a sick joke and a rigged game, as I cannot find one TIF proposal (out of several hundred) in the entire state over the past two decades that has failed to pass the tests.

The Briarcliff development in the Northland received a Super TIF (a rare plan where the developer keeps all the incremental sales taxes as well as all the property taxes) on top of an existing TIF plan, even though the area is thriving and has no legitimate need for public subsidies.

A Chicago-area study of TIF use found that cities that do not use TIF grow faster economically than cities that do use it. The reason is that, with TIF, developers make business decisions based on the subsidy, not economic best uses. That is exactly what has happened in Independence, where the city had to step in and help make debt payments for the giant TIF-supported Bass Pro Shop development. That is an example of a TIF where the taxpayers are both directly and indirectly on the hook for the developers.

A recent study by Washburn University Professor Paul Byrne for the Show-Me Institute documents how TIF is used in Missouri. Byrne shows that the ability of cities to implement a TIF unilaterally leads to cities making decisions that benefit the city, at the expense of other public agencies. Cities that are authorized to enact sales taxes might push for TIF projects that will generate new sales tax dollars without caring about the property tax dollars that the local school district will have to do without. As a result, public tax dollars can end up funding economically-inefficient projects.


This, of course, is exactly how TIF has played out in Missouri, particularly in Saint Louis County, over the past two decades. The East-West Gateway Council of Governments found that the Saint Louis region has subsidized retail development at a cost of approximately \$370,000 for each job created — and these are mostly low-paid retail sales jobs. TIF leads not to economic development but to regional bankruptcy. A similar study of TIF in Kansas City would likely find the same results.


Missouri should dramatically tighten its TIF laws. Jackson County Executive Mike Sanders deserves credit for successfully fighting for a more equitable Kansas City TIF Commission. However, he should go further and work both to implement a countywide TIF commission with jurisdiction over all TIFs in Jackson County (including within Kansas City) and removal of the state law giving cities the right to override TIF commission denials. If those two changes were accomplished, perhaps Missouri could finally have a reasonable TIF policy.

David Stokes is a policy analyst at the Show-Me Institute, which promotes market solutions for Missouri public policy.

LETTER TO THE EDITOR

COMMENT

 SHARE

 RSS NEWS

In reality, TIF is used to subsidize politically-connected developers, to help cities lure chosen businesses from other cities, and to fund an entire cottage industry of urban planners, lawyers, and bankers.



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

Fwd: Jake Dewire

Richard Kane <rkane@exeter.nh.gov>
To: Russ Dean <rdean@town.exeter.nh.us>

Mon, Jul 22, 2013 at 12:25 PM

Russ

These are the types of letters along with the one I sent earlier that I hope the selectman get to see.

Thanks rich

----- Forwarded message -----

From: <psgossie@comcast.net>
Date: Mon, Jul 22, 2013 at 10:24 AM
Subject: Jake Dewire
To: rkane@town.exeter.nh.us

Dear Chief-----I am writing you this message regarding one of your officers, mr. Jake Dewire. My wife and I Saturday morning were taking our two grandchildren to storyland in nh, my wife left her new cell phone on the back bumper of our suv , we live in

Berwick.,me, it fell off on route 202 without us knowing and your fine officer found it along the roadside. He contacted us that day, (we were worried where we couldn't find it. He offered to drive it to us as soon as we got home. This was a new Apple 5 which they talked me into(really could not afford it, but purchased it anyway.) It is a rare thing that you find a honest person these days, fortunately for us it was one of your officer's . I offered him a reward, and he refused it, unheard of in this day and age. You are very lucky to have a person of such integrity working under your command. I apologize for my misspelling and layout of this note, it is windows 8 and I haven't figured out how to spell check and layout with it. Getting up in years, so grammar and such is leaving me , I just wanted you to know about this unusual situation.

yours truly peter

goss, sherrie goss

ROCKINGHAM NUTRITION & MEALS ON WHEELS PROGRAM



~ Meals And Services For The Elderly Since 1978 ~

July 17, 2013

Office of the Selectmen
Town of Exeter
10 Front Street
Exeter, NH 03833

Dear Selectmen,

As you may be aware, sequestration is now having a direct impact on services supporting members of your community such as our program. We have already received an \$81,000 cut in funding for this fiscal year. As a result of this and possible more cuts, your support to our program is now more critical than ever to allow us to be there for your community's seniors.

Rockingham Nutrition and Meals On Wheels Program is grateful to the town of Exeter for its support. We respect Exeter's dedication to the seniors of their community and graciously wish to thank you for any payment(s) we have already received towards our approved funding of \$8,500 for the current year.

Sincerely,

A handwritten signature in cursive script that reads "Jaymie Chagnon".

Jaymie Chagnon
Assitant Director



July 18, 2013

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

Dear Chairman and Members of the Board:

Having completed our digital network enhancement to an all-digital system, on or shortly after September 24, 2013 we will begin encrypting our Limited Basic service in your area. Encryption has a number of consumer benefits; including the reduced need for home service calls and the enhanced security of our network by reducing service theft that impacts our customers' service experience.

When Limited Basic service is encrypted, all XFINITY Video customers will need equipment supplied by Comcast connected to each television in order to continue receiving services.

A customer that has a set-top box, digital adapter, or a retail CableCARD™ device connected to each TV will be unaffected by this change. A customer that is currently receiving Comcast's Limited Basic service on any TV **without** equipment supplied by Comcast will lose the ability to view any channels on that TV. These customers will be entitled to receive equipment at no additional charge or service fee for a limited period of time. The number and type of devices the customer is entitled to receive, and for how long, will vary depending on the customer's situation.

Enclosed please find a sample of the customer notice that the FCC requires be sent to customers regarding encryption and the availability of devices at no additional charge or service fee. You'll note that we have established a special toll free number and website so that our customers can learn more about the equipment offer and eligibility.

In addition, the encryption of our Limited Basic service will impact those accounts receiving courtesy services pursuant to our Franchise/License Agreement. Courtesy accounts are entitled to receive up to three digital adapters or CableCARDS at no additional monthly charge, including those they may have previously received as part of our digital network enhancement to an all-digital platform. A sample of the courtesy notice to be received by these accounts is enclosed.

As always, if you have any questions or concerns please feel free to contact me at 603.334.3603.

Sincerely,

Jay Somers

Jay Somers, Sr. Manager
Government & Regulatory Affairs

Enclosures



IMPORTANT SERVICE MESSAGE:

On September 24, 2013, Comcast will start encrypting Limited Basic service on your cable system.

If you have a set-top box, digital adapter, or a retail CableCARD™ device connected to each of your TVs, you will be unaffected by this change. However, if you are currently receiving Comcast's Limited Basic service on any TV without equipment supplied by Comcast, you will lose the ability to view any channels on that TV.

If you are affected, you should contact Comcast at **855-860-8989** to arrange for the equipment you need to continue receiving your services. In such case, you are entitled to receive equipment at no additional charge or service fee for a limited period of time. The number and type of devices you are entitled to receive, and for how long, will vary depending on your situation:

- If you are a Limited Basic customer and receive the service on your TV without Comcast-supplied equipment, you are entitled to up to two devices for two years (five years if you also receive Medicaid).
- If you subscribe to a higher level of service and receive Limited Basic service on a secondary TV without Comcast-supplied equipment, you are entitled to one device for one year.

You can learn more about this equipment offer and eligibility at comcast.com/digitaladapterinfo or by calling 855-860-8989.

To qualify for any equipment at no additional charge or service fee, you must request your equipment between August 25, 2013 and January 22, 2014 and satisfy all other eligibility requirements.

You can learn more about this equipment offer and eligibility at comcast.com/digitaladapterinfo or by calling 855-860-8989.

**IMPORTANT INFORMATION
ABOUT YOUR COURTESY VIDEO SERVICES**

DATE

Account Holder
Address
City, ST 00000

Dear _____:

On XX/XX/XXXX, Comcast will begin encrypting Limited Basic service on the cable system in your community.

TVs connected to a set-top box, digital adapter (DTA) or retail CableCARD™ device will be unaffected by this change. However, if you have any TVs that are currently receiving Comcast's Limited Basic service *without* equipment supplied by Comcast, you will lose the ability to view any channels on those TVs.

If you are affected, you should contact Comcast at the number below to arrange for the equipment you will need to continue receiving services. We will provide you with **up to three digital adapters or CableCARDS at no additional charge** (including those you may already have on your account), unless digital equipment is otherwise provided for by your community's agreement with us. Please know that if you choose not to take a digital device for any TV, you will not receive Comcast service on that TV. If you request **more** than the three digital devices mentioned above, you will incur a monthly charge of either \$0.50 or \$1.99 depending on your service level for each additional digital adapter and a monthly equipment charge of no more than \$1.50 for each additional CableCARD in the same retail device.

For more information or to obtain your digital equipment, please call 1.800.581.5122 and reference this letter.

Sincerely,

Installation, taxes and other fees extra. Pricing subject to change. ©2013 Comcast. All rights reserved.



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

July 1st Minute Revision Request

Brian Griset <grisetandsons@comcast.net>

Tue, Jul 16, 2013 at 11:14 AM

To: Russ Dean <rdean@town.exeter.nh.us>, Don Clement <dclement43@comcast.net>, "Julie D. Gilman" <juliedgilman@comcast.net>, Dan Chartran <dchartra@rcn.com>, Frank Ferraro <fferraro2010@gmail.com>, mquandt@town.exeter.nh.us

Mr. Dean and BOS,

Please find below, as requested by the Chairman last night, my requested changes to the Minutes of July 1, 2013 which accurately reflect my comments at said meeting .

The bold face type are the requested changes and additions.

Mr. Griset had numerous issues with the **legality of the meeting which took place downstairs. He outlined to the public what had transpired from 6:20 PM to 7 PM off camera. Specifically he stated that the Board left the Nowak Room without comment to the public in attendance and conducted an illegal meeting downstairs at 630 PM.** He said there was no packet available online the day of the meeting **but the agenda stated 7 PM in the Nowak Room.** He said the Board was not in compliance with the law, saying they did not follow their original agenda therefore violating 91-A. Chairman Clement said the Board took a vote to go into a non-public session **downstairs. Mr. Griset said that since the meeting downstairs was illegal he asked the chairman to retake the votes at this time. Mr. Clement refused.** Selectman Quandt mentioned it is up to the Chairman to declare where the non-public meetings are held. Mr. Griset asked why they left the Nowak Room **before voting** for their non-public meeting. Chairman Clement answered that they are always held in the Wheelwright Room. **Mr. Griset asked the Chairman if he and the Board had the authority to meet anywhere other than the noticed location. Mr. Clement answered in the affirmative. Mr. Griset questioned, even say the library? Mr. Clement said yes.**

Brian Griset
26 Cullen Way



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

Fwd: Exeter: Today's Right to Know webinar

Frank Ferraro <fferraro2010@gmail.com>

Wed, Jul 17, 2013 at 4:27 PM

To: Russ Dean <rdean@town.exeter.nh.us>, Don Clement <dclement43@comcast.net>

Russ and Don,

Today I participated in the LGC's free webinar on Right to Know. One of the LGC attorneys made a statement, that I had not heard before, about posting of notices for public meetings. So, right after the webinar, I followed up with an email question to see if I had understood the attorney correctly.

To give the proper context, I have copied the body of my email directly below, followed by the LGC response.

Frank

(To LGC Legal Services:)

I participated in today's Right to Know webinar. I found it very informative.

Could you confirm one of the points I believe you made concerning public notice of meetings?

I believe that you said that posted notices must be viewable by the public the full 24 hours, i.e., any time day or night. Therefore, posting a notice in the library, which is not open 24 hours per day, or in the lobby of the town offices where the door to the lobby is locked after business hours, does not meet the posting requirements.

Do I have this correct?

Frank Ferraro

----- Forwarded message -----

From: **legalinquiries** <legalinquiries@nhmunicipal.org>

Date: Wed, Jul 17, 2013 at 2:34 PM

Subject: Exeter: Today's Right to Know webinar

To: "fferraro2010@gmail.com" <fferraro2010@gmail.com>

Dear Mr. Ferraro,

I'm glad the webinar was helpful! You are exactly right in your conclusion that a notice posted inside a building that is closed after business hours is not sufficient. It is fine to post in that location in addition to two other places that are accessible at all hours, but on its own it would not count as one of the two places. An outside bulletin board is really the ideal way to go, along with your website.

I hope that helps!

Regards,

Christine Fillmore

Staff Attorney

NH Municipal Association

25 Triangle Park Drive

Concord, NH 03301

legalinquiries@nhmunicipal.org

1-800-852-3358

This transmission from the Legal Services and Government Affairs Department of the NH Municipal Association contains privileged and confidential information. It is intended for use by the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents is prohibited. If you receive this transmission in error, please notify us by telephone at (603) 224-7447, Ext. 3408 or email at legalinquiries@nhmunicipal.org so that we can take appropriate steps to protect confidentiality and/or attorney-client privilege of this information. Thank you.

From: Frank Ferraro [mailto:fferraro2010@gmail.com]

Sent: Wednesday, July 17, 2013 1:07 PM

To: legalinquiries

Subject: Today's Right to Know webinar

I participated in today's Right to Know webinar. I found it very informative.

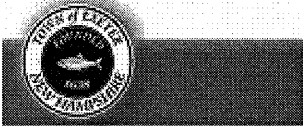
Could you confirm one of the points I believe you made concerning public notice of meetings?

I believe that you said that posted notices must be viewable by the public the full 24 hours, i.e., any time day or night. Therefore, posting a notice in the library, which is not open 24 hours per day, or in the lobby of the town offices where the door to the lobby is locked after business hours, does not meet the posting requirements.

Do I have this correct?

Frank Ferraro

Exeter



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

Fwd: Exeter: Today's Right to Know webinar

Russell Dean <rdean@exeternh.gov>
To: Walter Mitchell <walter@mitchellmunigroup.com>

Wed, Jul 17, 2013 at 4:37 PM

Hi Walter, please review this back and forth.

Christine Fillmore's response would seem to indicate our posting of meetings downstairs in the conventional space we have used for years (as you enter the Town Offices on the right under glass) is no longer a valid posting place to meet the RTK law. I cannot believe this would be the case. If it is, then we are going to have to alert all our boards and commissions and we will no longer be able to post meetings in this building as have done for 50 odd years..

Thank you,

Russ

----- Forwarded message -----

From: **Frank Ferraro** <fferraro2010@gmail.com>
Date: Wed, Jul 17, 2013 at 4:27 PM
Subject: Fwd: Exeter: Today's Right to Know webinar
To: Russ Dean <rdean@town.exeter.nh.us>, Don Clement <dclement43@comcast.net>

[Quoted text hidden]



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

Fwd: Exeter: Today's Right to Know webinar

Walter Mitchell <walter@mitchellmunigroup.com>
To: Russell Dean <rdean@exeternh.gov>

Fri, Jul 19, 2013 at 12:49 PM

Good morning, Russ.

As we discussed yesterday, I am surprised to see LGC's opinion stated as it is, without qualification or explanation.

I am surprised because there is absolutely nothing in the statute (RSA 91-A) which states what Atty. Fillmore's response implies, and I am not familiar with any NH court decisions, reported or unreported (non-binding), that reach that conclusion.

Instead, all the statute (RSA 91-:2, II) says is that the notice must "be posted in 2 *appropriate* places".

While it could be argued that such a notice would have even greater exposure if it was posted outside, surely the legislature knew how to say that it must be posted outside (or in a space available to the public 24 hours a day/7 days a week) if it meant to impose such requirements.

For someone to convince a court that Exeter's present posting location violates the requirements of the RTK law, they would have to argue that this very prominent posting location, immediately visible upon entering the town's most significant governmental building, which building is open to the public every business day for the full range of normal business hours and more, was not an "appropriate place".

I do not believe that to be a credible argument, and I do not believe our Supreme Court would so rule.

Please let me know if there are further questions.

Walter

Walter L. Mitchell

Mitchell Municipal Group, P.A.

25 Beacon Street East

Laconia, NH 03246

(603) 524-3885

walter@mitchellmunigroup.com

From: Russell Dean [mailto:rdean@exeternh.gov]

Sent: Wednesday, July 17, 2013 4:38 PM

To: Walter Mitchell

[Quoted text hidden]

[Quoted text hidden]