

## Draft Minutes

### Exeter Board of Selectmen

September 30, 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**

John Del Santo spoke, saying he placed the highest bid on the Front Street property. He does not think the town has clear title for the property. He asked the Board if the town plans to clean up the title. Mr. Dean said he was going to look into it. He said he does not know the content of the conversations between the attorneys regarding the property but he does know they have conversed.

#### **3. Minutes & Proclamations**

##### **a. Regular Meeting: September 9, 2013**

Vice Chair Chartrand had an amendment to page 5, paragraph 2. The new paragraph will now read "A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to strike #18..."

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to accept the minutes, with that one amendment, as respectfully submitted by Nicole McCormack, recording secretary. Motion carried – all in favor.

No proclamations.

#### **4. Appointments**

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to nominate Pam Gjettum to the Exeter Housing Authority with a term ending April 30, 2016. Motion carried – all in favor.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to nominate Sherry Mastromartino to the Transportation Committee with no term end. Motion carried – all in favor.

## **5. Discussion/Action Items**

### **a. New Business**

#### **I. Exeter Sportsmen's Club re: RAP**

Chairman Clement talked about the request to erect lights at the Sportsmen's Club, saying the Planning Board will hear and make decisions first. Len Benjamin spoke, saying decisions can be made by the Board of Selectmen and the first provision in the lease reflects that. Selectman Ferraro said this issue is on the Planning Board agenda, so the Planning Board will hear it first, then it can come to the BOS. Selectman Quandt said he is comfortable with waiting until the Planning Board hears first. Sue Ratnoff spoke, asking for clarification on the lighting issue. She wanted to clear up that the issue will go in front of the Planning Board first, then the Board of Selectmen. Selectman Ferraro said the BOS has the choice to review after the Planning Board, saying it is appropriate for the Planning Board to hear the issue first. Vice Chair Chartrand suggested hearing from Ken Berkenbush first, and then opening the floor for discussion. Chairman Clement said he knows there are a lot of things people have to say about the lights, but Mr. Berkenbush is going to talk about the Remedial Action Plan.

Mr. Berkenbush, Assistant Fire Chief, spoke about the Remedial Action Plan, specifically Area 1. He showed a map of the area and pointed out Area 1. Area 1 has lead and clay targets with PHA's in it. He talked about the disposal of the clay targets. He went on to make a clarification on the bullets on the memo in packet, saying the soil will be placed in the berm and the clay targets will be placed in the dumpster. Brush and trees will have to be taken out before they can get in there to take out the clay targets. There will have to be additional tree removal in some other spots. He said he had met with the Sportsmen's Club a few days prior, saying they needed to get their contract together soon. Mr. Berkenbush would like to get this process done soon.

Chairman Clement asked what the cost would be for the clay pigeons being transported offsite, saying it is a question more directed at the Sportsmen's Club.

Linda Beck, resident of Robin Lane, looked at the URS report and wondered if sound was part of the criteria. Mr. Berkenbush said the material can be used within the berm, and sound was not part of the test construction or putting materials in the berm.

Joe Kenick, President of the Exeter Sportsmen's Club, spoke as a taxpayer and saying he is happy to see the 9x9 area which is Area 1 shipped off the site. He explained the berms around the club. He said the cost of the removal is \$90 a ton. Chairman Clement asked who pays that and Mr. Kenick said he would get to that as he was addressing things in order.

Mr. Kenick went on to explain the PAH's, saying they are inactive in the environment. He wonders why the town didn't back down when DES came and did all their research. He went on to talk about the history of the Sportsmen's Club and how it has moved to different location per request from the town. Chairman Clement thanked Mr. Kenick for

giving the history, but asked how to go forward. Mr. Kenick said the town has taxpayers that want to know this history, going on to say the reason the trap range is where it is is because the town wanted it there. He gave an explanation about why the town is paying for the disposal. Mr. Kenick went on to say there needs to be a letter of understanding saying the Sportsmen's Club does not accept responsibility of whatever happened before April 2009. He said the Sportsmen's Club will be accommodating but will not take responsibility.

Chairman Clement said they need to go forward with the RAP, also saying he has never heard of said letter of understanding. Mr. Kenick said the letter being out there is the only way they are going to move the town's dirt. Chairman Clement called the room to order.

Mr. Berkenbush said as soon as he gets the green light from the Board of Selectmen, this project will move forward.

Selectwoman Gilman asked about what will be said in this letter of understanding. She talked about the willingness to move the dirt and asked for a price estimate. Mr. Berkenbush said URS estimated \$3200-3500 for clay removal.

Jim Cimilion, resident of Exeter, spoke talking about his concern for Exeter's money for testing the soil and such. He wants to know why taxpayer's money is being used for a private club. Chairman Clement said they would be talking about this, saying it is a complicated matter which is best answered by attorneys. Mr. Cimilion asked how much Exeter has spent on testing and cleanup at the Sportsmen's Club. Mr. Dean answered, saying approximately \$92,300 has been spent and gave an explanation as to what the money was spent on.

Chairman Clement said the problems for Area 1 have to be solved. No more progress can be made without this project being done. He said everyone needs to come together to resolve this problem. Selectman Ferraro said they would like to talk about cost and such but they need to continue focus on the RAP, agreeing that they need to get this resolved. Vice Chair Chartrand asked if funds have to be approved for this project. Chairman Clement said they do not know the cost yet but Mr. Berkenbush will tell them.

Mr. Berkenbush said the RAP cost for Area 1 is done by the Sportsmen's Club. He went on to talk about how they are going to take care of this. Chairman Clement asked if the removal of soil, putting it in the berm, and backfilling of soil for the area is all part of their construction. Mr. Berkenbush said yes. He is looking for approval for phase 1. He said they can talk about phase 2 and 3 after.

Linda Beck spoke, wondering what the approval plan is for material in the berm. She is concerned about two loads of material DES found on the property. Mr. Berkenbush said as long as the site is in use by the range, it is fine. If the club moves, then it will be town land, but the material is stable. He said these two piles of material have been there for 5 or 6 years and they are extra fill from a DPW project.

Sylvia Von Aulock spoke, talking about the inspection and was curious about fees. She went on to talk about the plan. Chairman Clement said URS will be supervising removal of soil from Area 1 and reporting to DES. Mr. Berkenbush said the soil that goes back to that area will come from Simpson Pit, which is town owned property.

Chairman Clement said the amount of soil from Area 1 will not be enough to complete the berm. He asked where the gravel will come from to finish the berm. Mr. Kenick said it will depend on which contractor is successful in their bidding. Chairman Clement said he needs to have some oversight. Chairman Clement would like to go ahead with the plan as submitted by URS and the DES.

Beth Brosnan spoke, asking if the plan is approved what the process will be and was concerned about the sound reduction aspect, specifically the ten decibel number she had heard about. Chairman Clement said the lease does not talk about a specific decibel number. Ms. Brosnan said she has a number because it was talked about previously. Selectman Ferraro said there will be a whole other explanation on sound, but would like to stick to the RAP.

Jill Capatory had a question on the MOU, wondering if the proposal was accepted will the MOU be accepted as well.

Vice Chair Chartrand said they have a lease with the Sportsmen's Club. He remains concerned that the Sportsmen's Club is more focused on their rights and not their obligations. He went on to say he had never heard of the letter of understanding (previously mentioned). He said successful landlord/tenant relationships focus more on obligations.

Butch York spoke, saying he was just hearing about the letter of understanding for the first time as well. He talked about where the money would come from for the dirt, saying the club was going to pay the town for the dirt. He said he has history in running factories and says if you put your stamp on something then it's yours. He offered to pay for the dirt.

Chairman Clement asked Mr. Berkenbush if they have been talking to DES about wetlands. Mr. Berkenbush said they would not move forward without obtaining all necessary permits.

Mr. Kenick said he has every good intention to fulfill his obligations. He went on to talk about sound, saying residents nearby will hear shooting. He says he hears it from Epping. He said the club does hope to have an indoor range in the future.

Mark (last name unknown, resident of Green Hill Road), member of the club, asked if reduction in sound level is needed to approve Area 1 and asked if there is a number needed to approve tonight. Selectman Quandt said the answer to both questions is no.

Roberta Pevear spoke, saying she is irritated with being charged with not fulfilling obligations. She said for anyone to question the club's motives are wrong. She said they just want what's right. She resents coming to these meetings and being treated like a second class citizen. She said she is a taxpayer and this club is an honest club. She would appreciate being treated with respect.

Linda Beck spoke saying she needs definite answers. She said this club has been there a long time. Everyone needs to talk about what to do here and not get nitpicky. She wants to move on with the big answers. She wants to spend money on a legal opinion.

Mr. Berkenbush said they are talking about Phase 1. He said he will get all permits needed. He said Phase 1 needs to be done before anything else can be done. He will make sure everything gets done correctly. He asked the Board for approval.

A Motion was made by Selectman Ferraro and seconded by Selectman Quandt to approve the plan as outlined in Mr. Berkenbush's 9/26/13 memo and the proposed work plan from URS of 9/12/13.

Vice Chair Chartrand asked if there was anything in that motion about a memo or letter of understanding. The Board agreed there was not. Vice Chair Chartrand said he has concerns about that so he can now vote on the motion. Chairman Clement asked if it would be appropriate to put a proviso in the motion that funding or financial burden for the work still to be determined. Mr. Berkenbush said simply if an agreement cannot be reached then an agreement cannot be reached but that doesn't mean that the plan can't go forward.

Selectwoman Gilman said she would like to see the memo of understanding. She knows Mr. Berkenbush has said they can go ahead with approving without knowing about funding but she would like to see the text of the memo because it is out there but she has no idea what it says.

Selectman Ferraro said he is willing to amend his to include that if there is a memorandum of understanding or other similar documents between the town and the Sportsmen's Club, that that come before the Board for review and approval. Selectman Quandt was thinking about amending his second but doesn't want to put the project off for any longer.

Chairman Clement went back to the original motion and second. Vice Chair Chartrand just wants to move forward and get things resolved. Motion carries- Clement, Chartrand, Quandt, Ferraro in favor, Gilman nay.

Suzanne Hammond spoke, asking the Board to please not rush into anything before they fully understand.

Chairman Clement called for a 5-minute recess.

## **II. Follow-up from All Boards Meeting**

Chairman Clement talked about last Wednesday (9/25/13) night's All Board Meeting. He said it was a great turnout with about 24 to 25 various board members in attendance. The minutes from the meeting are in the packet. He said he is still waiting for Mr. Sinnott's notes. Selectman Quandt said it was a fantastic meeting. Selectwoman Gilman agreed, saying it was a great experience and volunteers appreciated getting to talk together. Vice Chair Chartrand congratulated the BOS for knocking down one of their goals at the meeting. He said there needs to be another meeting and said this meeting was outstanding. Selectman Ferraro said it was a good get together. He said the next key step is to figure out where to go from here. Chairman Clement agreed with all comments. He said they did not conclude the session and they need to continue where they left off. He asked the rest of the Board when a good time was for them to meet again. Selectman Quandt said he could meet whenever anyone else could meet. Selectwoman Gilman suggested January was a good time. Vice Chair Chartrand said moving up the meeting would be fine with him. Selectman Ferraro suggested the end of October was good, but he wanted to get Mr. Sinnott's notes first.

Chairman Clement said the first action plan will be to get all the notes from the meeting to all members and see what percolates out of that to have another meeting. Selectman Ferraro said let's get info from Mr. Sinnott then pull together to see when the next meeting should be. Mr. Dean said he will check and see where Mr. Sinnott is.

Brandon Stauber said it was a great event. He would like to call attention to the priorities in the notes. He recommends the idea of cross-pollinating. He would like to look more into this and start the process. Chairman Clement said some committees are created through RSAs which determine the number of people on a committee. He thinks cross-pollinating might cause confusion. Mr. Stauber explained why he would like to see it happen. Vice Chair Chartrand said they would take it under advisement.

Chairman Clement said they will get all the notes to all the board members then schedule the second half of the meeting. Selectman Ferraro asked if these notes can be posted on the town's website. Chairman Clement said it was a public meeting so it has to have minutes and they will get them on the website.

## **III. FY13 Preliminary Budget Overview**

Mr. Dean said the starting point for the general fund for the town budget is \$17,417,734 which is a 4.8% increase over the FY13 adopted budget. He said there are three things that are driving this: the 12% projected health insurance increase, retirement assessments, and the 53<sup>rd</sup> payroll week which hasn't happened since 2008 and will add \$150,000 to the budget.

Don Woodward spoke, asking to look at invoking the provision in the SB11 which allows online bill payments for water/sewer bills. Mr. Dean said they are aware of this. He said they are still upgrading water meters in town. He will look into adding online bill paying into the discussion when they talk about post water meter replacement changes.

Mr. Dean said there are the following four non-bond warrant articles:

- 1) Human Service Agency Funding \$114,895
- 2) Supplemental Paving \$250,000
- 3) Town-wide Facilities Plan \$50,000
- 4) Sidewalk Program \$120,000

Mr. Dean went on to talk about the second fire station on Epping Road being a bond issue. He then continued to deferrals. He said the budget request does not include all requests made through the Town Capital Improvement Program. This is a process that is up to the BOS and the Budget Committee to work out. The department has made several good requests but there are some that are being deferred including the Elliot Property Acquisition, Communications Improvements, Municipal Storage Facility, Paint/Repair of the Recreation Center and Senior Center, Boiler Replacement at the Public Safety Complex, and Linden/Court Street Culvert Repairs, which total \$1.4 million. Mr. Dean recommends the budget subcommittee for DPW review the two CIP requests for boiler replacement and painting/repair of the recreation/senior center as part of the maintenance project review and offer their opinion. Selectman Ferraro said when CIP was presented to the Planning Board there were a lot of members that questioned the need to proceed with the Elliot property. He said at the last meeting there was essentially no discussion. He went on to say that in terms of funding it seemed clear that the members were not speaking supportively. Chairman Clement said that would change though and Selectman Ferraro said only through grants. Mr. Dean said budgeting is about prioritization.

Mr. Dean talked about revenues, saying they are expected to remain pretty flat in 2014. He said 44% of local revenue is in vehicle registration. Highway is declining partly due to the \$30 surcharge that was repealed by the legislature a few years ago negatively impacted the Highway Fund. The EMS fund is expected to be steady and total revenue is budgeted at approximately 4.5 million.

Regarding water/sewer, Mr. Dean said there are program areas such administration, billing, distribution, treatment, etc. Highlights in debt services is water budget it up because of continued investments in long term infrastructure. In water, billing has changed because last year the hiring of a part-time clerk was approved and is now being budgeted on a full year basis. Mr. Dean said under capital outlay, the department is seeking a backhoe to replace the current backhoe. The cost for this will be divided 50/50 between water and sewer.

In sewer funding, billing is the same. Debt service includes the first year payment on the water/sewer line. Mr. Dean corrected a typo under debt service, changing Wastestream Reduction project to Water Street Interceptor.

Mr. Dean said there are two bond issues on the sewer fund:

- 1) Lincoln Street/Railroad Ave/Winter Street Line Replacement at \$1.4 million
- 2) Wastewater Facility Design at \$6 million, which there will be cost sharing with Stratham.

Chairman Clement requested to change the agenda around and move to Old Business.

A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to switch the order and move to Winter Automotive Update. Motion carried – all in favor.

## **b. Old Business**

### **i. Winter Automotive Update**

Selectwoman Gilman read a memo from Doug Eastman, town building inspector, that included some photos. The memo said Mr. Winters has made some progress and he hopes it to be completed by the end of the year. Chairman Clement reminded that the last time this came up the third reading was tabled. Vice Chair Chartrand recommended taking no action considering this is a work in progress.

Sandy Pease, abutter of Winters Automotive, spoke about the issue. She said she was punished by Mr. Winters after her comments from the last meeting, saying he roared his motors loud and used discriminatory hand gestures. She says she has seen progress on the lot and that Mr. Winters has about 10 parking spaces for customers, which are used more for his friends. She would like the signs to stay where they are. She also spoke about putting up a speed limit sign on Epping Road Ext, since there is not one there currently. She wondered if she goes to the BOS for this request or the police. Mr. Dean said the Selectmen approve it. Chairman Clement said he will get the request to the police department. He said they will defer action of providing parking relief until a further update by Mr. Eastman. Ms. Pease's daughter spoke, saying the bus company won't even come down their road because the road is too narrow and it is not safe.

Chairman Clement asked if Mr. Dean had anything else to report on the Budget Overview and Mr. Dean said he did not.



## **New Business**

### **iv. 2013 MS1 Report**

Mr. Dean said he had two things to report on the MS1. One of them is that the BOS no longer has to sign this form, however the BOS does need to say that they have the info and they believe it to be true. It comes from the town assessor and was to be filed October 1. Vice Chair Chartrand said he has seen the report and believes it to be true.

Mr. Dean said the new taxable value is up \$29.5 million which is a change of 1.87% over 2012. He said that is the number that will be used to set the tax rate in 2013. Vice Chair commented that the property value in town is up almost \$30 million. Mr. Dean said yes, about \$10 million in residential value. There was a decrease in elderly exemptions which equaled about 5 million. Disabled exemptions are down as well. There is also a \$7 million uptick in commercial value from the Cobham expansion. Mr. Dean said the net impact with all those variables is \$29 million. Chairman Clement commented that this was a significant increase over last year.

## **7. Regular Business**

### **a. Bid Openings /Surplus Declarations-Portsmouth Avenue Water/Sewer Line Project, Vehicle Surplus**

Chairman Clement said they would be doing the Vehicle Surplus bid first. The following bids are for the 2003 Ford Expedition:

1) Youssef Debag	\$428
2) Don Woodward	\$1,110
3) Barry Phillips	\$528

A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to award to the highest bidder, Don Woodward, in the amount of \$1,110. Motion carried – all in favor.

Chairman Clement gave the following bids for the Portsmouth Ave Project:

1) Jamco Excavators	\$1,494,184.30
2) Northeast Earth Mechanics	\$1,271,990.00
3) Albanese Brothers	\$1,304,470.00

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|-----------------------|----------------|
| 4) Albanese DNS, Inc. | \$1,249,600.00 |
| 5) Oleido Brothers    | \$1,117,575.50 |

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to turn the bids over to the town’s consultants, Underwood Engineering, for a recommendation. Motion carried – all in favor.

**b. Tax, Water/Sewer Abatements & Exemptions**

A Motion was made by Selectwoman Gilman and seconded Selectman Quandt to approve the tax abatements for map 74, lot 75, unit 5 in the following amounts: \$404.48, \$414.72, \$404.72, \$414.72. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve the tax abatements for map 74, lot 79, unit 5 in the following amounts: \$404.48 and \$414.72. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve the tax abatements for map74, lot 79, unit 1 in the following amounts: \$252.80 and \$259.20. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve the tax abatements for map 74, lot 79, unit 3 in the following amounts: \$252.80 and \$259.20. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to reconsider the first Motion. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve the tax abatements for map 74, lot 75, unit 5 in the following amounts: \$404.48 and \$414.72. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve the tax abatements for map 74, lot 76, unit 5 in the following amounts: \$404.48 and \$414.72. Motion carried – all in favor.

**c. Permits and Approvals**

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to accept the application for use of Town Hall by Judith Rowan in regards to the Exeter 375<sup>th</sup> Anniversary Dance Committee. Selectwoman Gilman informed the Board that this event has been replanned because the permit was filled out in the early months of 2013 and they got a deal from the Exeter Inn to hold the dance there. Vice Chair Chartrand withdrew his Motion. No action needed.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to accept the application for use of the town facility by John Hauschildt for a monthly meeting on the third Thursday of the month from 630pm-9pm. Selectman Ferraro said the poster board and plywood board aren't necessarily going to be included in this because some of the third Thursdays of the month are included in previously approved locations so that should be stricken. Mr. Dean said he is sure Sheri is coordinating with Mr. Hauschildt as to when the board is available for use but he can check on that. Vice Chair Chartrand revised his Motion and Selectwoman Gilman seconded to remove the approval of the poster board and plywood board. Motion carried – all in favor.

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to accept the application for use of the town facility by Sandy Martin for the auditions for Seacoast Idol on 4/19/14 and 4/20/14 and a separate Motion for use of the town facility for the Seacoast Idol event on May 2, 3, and 4. Motion carried – all in favor.

**d. Town Manager's Report**

Mr. Dean talked about the following:

- They finished up the vactor truck financing.
- Last Friday he participated in Career Day at the High School. He enjoyed being part of the panel and talking about the need to have professional managers.
- Town Hall is open. Back to operation. Open for public use.
- Saturday, Oct 5 is Household Hazardous Waste Day. Details are listed on the website.
- Saturday, Oct 5 is Powderkeg Festival. He wanted to acknowledge everyone's efforts on that.
- Riverwoods tax agreements are in the packet. He got them late last week. Selectman Quandt would like this to be put in next week's agenda.

**e. Legislative Update**

None.

**f. Selectmen's Committee Reports**

Selectman Ferraro reported Planning Board and All Boards Meeting met.

Vice Chairman Chartrand attended the EDC meeting and the All Boards meeting. He talked about a walk through with the Hering Group.

Selectwoman Gilman said HDC met and approved the exterior changes to the Green Bean.

Selectman Quandt had nothing to report.

Chairman Clement reported River Study met last week and had a discussion about trying to finalize dam decisions. They will report to the BOS on November 4. He also attended the CAPE study, saying it was a good presentation on a storm water model.

**j. Correspondence**

Chairman Clement talked about the following correspondence:

- A letter from Comcast
- A rehearing Motion from NH Board of Tax and Land Appeals
- A letter from Jason Proulx and Tanya Rule who are concerned about the speed limit on High Street
- Unutil invitation to their Annual Gas Emergency Preparedness Meeting on 11/13

**7. Review Board Calendar**

Chairman Clement said the next BOS meeting will be October 7, 2013. At that time the Board will figure out what the schedule will be for the rest of the year.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to adjourn the meeting at 10:13 pm. Motion carried – all in favor.

Respectively submitted,

Nicole McCormack  
Recording Secretary