

## Draft Minutes

### Exeter Board of Selectmen

November 4, 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**

None.

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

##### **a. Regular Meeting: October 21, 2013**

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to accept the minutes of the October 21, 2013 BOS meeting as respectfully submitted by Nicole McCormack, recording secretary. Motion carried – all in favor.

No proclamations.

#### **4. Appointments**

No appointments.

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

##### **a. New Business**

##### **I. Great Dam Report – Exeter River Committee**

Lionel Ingram thanked all the agencies involved in funding including CDES, USEPA, NOAA, Gulf of Maine counsel, and the Town of Exeter. He also thanked the work group led by Mimi Becker, saying the group worked well together. He thanked Weston & Sampson, Kleinschmidt Association, Field Geology Services, and Tom Ballestero, PhD. He thanked the citizens for their suggestions.

Mimi Becker gave a PowerPoint presentation on the Great Dam Removal Feasibility and Impact Study. She said the big picture objective from the Town of Exeter is to respond to the letter of deficiency issues from July regarding dam safety. The big picture objective from the River Committee is to evaluate feasibility impacts and cost to inform the decision process. She went on to talk about the next steps which include solution selection, identifying how to fund the selection, and implementation. The primary issue is to meet dam safety requirements, which are not being met currently. She talked about the 50 year flow and gave a history of previous activities dealing with the dam. The purpose of the current study is to focus on dam removal. She gave different views of the dam including aerial, upstream and downstream.

The alternatives considered are as follows: Alternative B-dam removal, Alternative F-partial removal, Alternative G-stabilize in place, and Alternative H-dam modification. If the dam is removed everything goes which would cause some significant changes upstream. If the dam is partially removed, it would leave an impoundment above the dam. It would remove the fish weir and a new fish bay would have to be installed. If the dam was stabilized, they would retain the spillway, fish weir and abutment but would have to drill across the dam and insert bundles of steel cable and fill with concrete which would anchor it. It would not deal with flooding or water quality issues upstream. If the dam was modified, they would remove the existing grate and would have to put in the same anchors as with the stabilization.

Ms. Becker talked about cost including operation and maintenance and gave numbers in millions. Possible fund sources include NOAA, NH Fish and Game, NHDES, FEMA, NRCS, and NH State Conservation Commission. Most funding sources support Alternative B the most. Funding sources to assist with alternatives to dam removal are much less money. She went on to talk about decision process approaches. The BOS decision needs to be on the ballot by 2015. There is a continuing need to keep the public informed and keep this issue on the River Committee agenda. There are some extensions BOS will have to file if they are not ready to make a decision for the 2014 ballot.

Selectman Ferraro thanked the River Committee for their work. He asked if there is some funding that will give up to 50% of funds for dam removal. Eric Hudgens, from NOAA, said NOAA has been known to provide up to 75%.

An Exeter resident asked what the down sides are for removing the dam. Ms. Becker said there will be less water in the river upstream, the river channel will shrink, the wetlands will be impacted, and there will be limitations on recreation. There will not be much effect on the river downstream with the exception of some possible sediment. Vice Chair Chartrand said he is concerned about the economic impact in dam removal. Ms. Becker said there will be a huge look at the historic importance before removal.

There was discussion about Alternative F being removed from the list and Vice Chair Chartrand asked why. Paul Vlasich, Town Engineer, answered partial removal leaves a dam that is a foot and a half and it is a lot of cost for such a small area to be left.

Eric Walyresak, Exeter resident, asked if this can get on the ballot for March 2014. Chairman Clement said that is too soon.

Nelson Lourenco asked what effects and standing water would have on the EEE situation in Exeter. Ms. Becker answered the river will continue to run and there will not be much standing water. She said EEE was not a topic of concern when coming up with the alternatives.

Brian Griset commented saying the dam has been altered four times and each time that has impacted the impoundments and wetlands. He talked about new Obama administration regarding infrastructure. He is concerned about the time frame and deferring until 2015. There are over 200 properties that have been flooded over the years. He said people are waiting for a resolution. He doesn't think the decision should be based on strictly cost and talked about all the negative impacts of keeping the dam.

Chairman Clement said they are looking closely at the dam issue because they only have one shot to make a decision. Mr. Dean said the town has been working with Dana Bisbee and he has been in contact with the Mill. Selectwoman Gilman said she wants to know more about the flashboard system. Pete Walker from VHB said the system is an inflatable system that lifts steel flashboards. He explained how the system works. They have to be assured that the gates can be lowered in an emergency even with no power. Selectwoman Gilman reminded that you will not see the structures with the water flowing over it.

Jim Weber, from the DES Dam Bureau, said they ultimately do not have an answer for what will happen. They are looking to the town for suggestions. They started this process thirteen years ago with a letter of deficiency. They have had to sandbag the dam several times over the years. There is an emergency here. Sandbagging may not always work. The DES is expecting a formal letter from the town with suggestions and a time frame for DES's approval.

Chairman Clement thanked the River Committee on the BOS's behalf. Vice Chair Chartrand said they would take this info and schedule another discussion. Mr. Dean has a conference call schedule with Mr. Bisbee and he said he will ask for his time frame during that call.

Chairman Clement called for a two-minute recess to allow those in attendance to depart.

## **II. Sportsmen's Club RAP**

Mr. Dean briefed his memo that he included in the packet which talked about a meeting himself, Chairman Clement, Ken Berkenbush, Butch York and two other reps from the Sportsmen's Club had. During the meeting they discussed items 1, 2, and 3 of Phase I of the RAP. He said they are waiting to hear back from the Club in regards to cost proposals for the fill and then he will know what the financial picture looks like and how much is needed.

Chairman Clement said there is a letter (included in packet) from Mr. John Regan from the Hazardous Waste Management Bureau, which was also discussed. They did not discuss that there will need to be URS sound testing done. As they move forward, the sound testing will be done by someone at URS. He went on to talk about costs, saying it will cost \$3500 for the clay targets to be removed.

Chairman Clement went on to say they have a dialogue. They have to get through Phase I. Vice Chair Chartrand said he does not want the town to get entangled in any future environmental liabilities with the Club. He wanted to make sure the money discussion was based solely on consulting and moving soil. Chairman Clement said they are still talking about who will be paying for the soil removal. Selectwoman Gilman asked if they are still waiting on the Club's numbers. Mr. Dean said yes, that is why it was put on the agenda, just to update the Board.

Jim Simillion, an Exeter resident, asked the Board how they interpret Paragraph 20 in the lease. He said it seems clean that the town is protected because of Paragraph 20. Chairman Clement said any questions on indemnification are submitted to legal. Marybeth Wilson, an Exeter resident, said she thought the Club was going to pay for the removal of the clay targets. Chairman Clement said they are talking about that. Len Benjamin made a comment about paying in accordance with the lease, adding the clay pigeons in the ground is not illegal but they did it, they should clean it up and pay for it. Chairman Clement said the Club will pay for the berm but they have not committed to anything else in terms of costs. Sue Ratniff was concerned that town money is being spent on the Club and Chairman Clement said it has been for years. Beth Brosnan asked if neighbors can be a part of the sound testing, adding it will be beneficial to add more info. Chairman Clement said Mr. Dean will run it by Mr. Berkenbush. Selectman Ferraro said it was discussed that the neighbors be a part of that. Linda Beck said what is done now will set a precedent for future clean-ups.

A Motion was made by Selectman Quandt and seconded by Vice Chair Chartrand to move the order of the agenda and have the High Street reading go before RSA 79-E review. Motion carried – all in favor.

## **b. Old Business**

### **I. High Street Speed Limit Ordinance Reading**

A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to open a public hearing on Amendment to Town Ordinance 203 - 25-Miles per Hour. Motion carried – all in favor.

Chairman Clement read the amendment to the ordinance. He turned it over to Chief Kane for his report on the issue.

Chief Kane said he conducted a stealth speed survey on High Street in June. There were 33,730 cars that he collected data on with an average speed of 31.29 mph. He also looked at accidents on High Street, saying there have only been two in 2013. There have been 535 motor vehicle stops on High Street in 2013. He went on to give the theory used when setting a speed limit. High Street should be set at 30 mph based on the theory. He talked a new piece of equipment that was purchased to help lower speeding cars. It is a digital speed printout that collects data. He thinks they should give the equipment a try before changing the speed limit, adding everything stat wise is right where it should be. Selectman Quandt asked if the new equipment records and sends tickets in the mail. Chief Kane answered no; it does not take any pictures or anything. He said he bought a mount for it as well, so it can be moved around. Selectman Quandt asked what the best direction for the sign should be. Chief Kane said he can change it around.

Mr. Dean said he is thinking of doing a 6-9 month trial for the equipment and then see where they are and bring the issue back at that time.

Jason Proulx, a High Street resident, thanked Chief Kane for his report. He understands the theory explained but said there are other communities that use other theories. He said there are a lot of pedestrians on High Street and the crosswalks are impossible to use. He likes the idea of the new equipment but would like it in a more permanent area. High Street is the only main street leading into downtown that is not 25 mph. Selectman Ferraro said this is a permanent amount of time. He said others in town will want a sign for their road.

Vice Chair Chartrand asked if this can go on the agenda in 6-9 months. Chairman Clement said since the readings have already started, he would like to get subsequent readings and then vote. He would like to schedule a second hearing.

Jeff Carey, of High Street, said he would like to echo Mr. Proulx's concerns. He said it is dangerous to get out of his driveway and wants to lower the speed limit so people might drive 30 instead of 35 mph. Brian Griset talked about signage on crosswalks. Selectwoman Gilman spoke as a High Street resident, saying she agrees with Mr. Proulx on the mph but agrees with Vice Chair Chartrand on wanting to see data.

A Motion was made by Selectman Quandt and seconded by Vice Chair Chartrand to close the public hearing. Motion carried – Quandt, Clement, Chartrand, Ferraro aye, Gilman abstains.

#### **a. New Business**

#### **III. RSA 79-E Review**

Mark Manganiello, a UNH intern working for Exeter, went over his power point provided in the packet about RSA 79-E. He said he could not find any legislative intent on defining "Downtown", "Municipal Center", and "Town Center". He said they went from 11 potential

districts down to four. The warrant article will be changed to reflect that. He talked about the four remaining districts, which include C1-Central, C1-Lincoln, C1-Portsmouth Ave, and WC-Water Front Commercial. Chairman Clement asked if there was correlation between structures and businesses. Mr. Manganiello said one structure can be multiple businesses. Chairman Clement asked what the next step is. Mr. Manganiello answered the next step is for the BOS to support the warrant article. A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt that the Board of Selectmen place 79-E on the warrant article as written in the revised language for the warrant article as presented by Mr. Manganiello. Motion carried – all in favor.

## **6. Regular Business**

### **a. Bid Openings/Surplus Declarations**

None.

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

None.

### **c. Permits and Approvals**

An application was submitted for use of the Town Hall by the Exeter Parks and Rec for a play December 20-22. A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to accept the application. Motion carried – all in favor.

An application was submitted for use of the Town Hall Stage for a music recital on December 1. A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to accept the application. Motion carried – all in favor.

An application was submitted for use of the Tall Hall by the Oyster River Players for a play January 4-12, 2014. A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to accept the application. Motion carried – all in favor.

An application was submitted for use of the Town Hall by the Oyster River Players for a play May 10-18, 2014. A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to accept the application. Motion carried – all in favor.

An Application was submitted for use of the Town Hall by the Oyster River Players for a play July 5-13, 2014. A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to accept the application. Motion carried – all in favor.

An application was submitted for use of the Town Hall by the 375<sup>th</sup> Committee for movie night on November 15, 2013. A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to submit the application. Motion carried – all in favor.

There is a request by Tonry Farm for a Christmas Tree sign. They have placed this sign there in previous years. It will be out November 28-December 22. A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to allow the sign. Motion carried – all in favor.

**d. Town Manager’s Report**

Mr. Dean talked about the following:

- A benefit fair at the Town Hall last week. Everything went well.
- A request from a wireless provider to put a tower at the Simpson property. There is a proposed lease but they are still looking at the particulars.
- He wanted to thank Parks and Rec for pulling together the Halloween Parade.
- He wanted to acknowledge the Field Hockey team for winning the championship.

**e. Legislative Update**

Selectwoman Gilman talked about the Medicaid expansion.

**f. Selectmen’s Committee Reports**

Selectman Ferraro reported Planning Board met. There was a discussion about the Sportsmen’s Club lights being installed.

Vice Chairman Chartrand decided to forgo his report because of the late hour.

Selectwoman Gilman decided to forgo her report because of the late hour.

Selectman Quandt had nothing to report.

Chairman Clement reported the River Study met.

**j. Correspondence**

Chairman Clement talked about the following correspondence:

- Important Dates for the 2014 Annual Town Meeting

- A letter from Health Trust enclosing the medical program renewal rates for the period of 1/1/14 through 12/31/14
- A letter from DES
- A letter from Rockingham Planning Commission
- A letter of thanks from Big Brothers Big Sisters
- A letter from Susan Studlien, Director at the Office of Environmental Stewardship

## **7. Review Board Calendar**

The Board's next regular meeting will be on the 18<sup>th</sup> of November.

## **8. Non Public Session**

A Motion was made by Selectman Quandt and seconded by Vice Chair Chartrand to go into a non-public session under RSA 91-A for the outstanding water/sewer bill. Selectman Ferraro objected, saying it should not be non-public. He said this is a public request for a fee waiver, as the person of subject has spoken of the issue in a public session. Selectman Ferraro said this matter has a non-public domain. Chairman Clement said there have been negotiations and information that has not been public. Motion carried – Quandt, Gilman, Clement, Chartrand aye, Ferraro nay.

The Board emerged from non public session. Motion by Chartrand to seal the minutes until action is completed. Second by Gilman. Motion carries.

Motion by Vice Chair Chartrand to adjourn seconded by Gilman. Motion carries. Board is adjourned at 10:45 p.m.

Respectively submitted,

Nicole McCormack  
Recording Secretary