

## Exeter Board of Selectmen

May 05, 2014

1. **Call Meeting to Order**

Chairwoman Julie Gilman called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Office building. Other members present were Vice Chair Dan Chartrand, Selectwoman Nancy Belanger, Selectman Don Clement and Selectwoman Anne Surman. Also in attendance: Town Manager, Russ Dean.

2. **Bid Openings**

No openings at this meeting

3. **Public Comment**

No comments at this time

4. **Minutes & Proclamations**

Selectwoman Surman had two edits to minutes of the April 22, 2014 meeting; under Committee Reports she would like it be reported she attended the Swasey Parkway Trustees meeting on April 18, 2014. Then in referencing the statement of her accepting the motion to include the first of Mr. Brian Griset's amendment be recorded in the minutes. Selectman Clement seconded the motion and asked Ms. Surman to read the text of Mr. Griset's comments. Mr. Clement added the minutes should state or explain what the motion is. Vice Chair Chartrand stated he would be voting against this motion to amend as the motion at the April 22 meeting (to include Mr. Griset's comments) failed for a lack of a second.

Selectwoman Surman asked for further clarification on how motions should be reported in minutes: felt either insert or explain what it was. Selectman Clement added if a selectperson makes a motion, the body of the motion should be reflected in the minutes for future referral/record whether there is a second or it passes or fails. In this instance it was a motion from Selectwoman Surman not a motion from Mr. Griset.

With no further discussion, the Chair called for the vote. With a tie vote, the Chair voted in *favor*; motion *carried*. The motion to approve the April 22, 2014 minutes with the single addition was accepted.

5. **Appointments**

Vice Chair Chartrand moved to approve Aaron Brown as an Alternate to the Planning Board for a term to expire April, 30 2014; seconded by Selectman Clement. Motion carried.

Vice Chair Chartrand moved to approve Valerie Ouellette as an Alternate to the Historic District Commission for a term to expire April 30, 2014; seconded by Selectwoman Surman. Motion carried.

6. **Discussion/Action Items**

a. **New Business**

i. **Parks/Recreation: Swasey Parkway Concerts**

Selectwoman Surman noted she learned of the cancelation at her first meeting of the Swasey Park Trustees; intended to bring back to Board but public reaction was swift and vocal. She has met with

Parks and Rec. Director, Mr. Favreau, and both feel there is a way to return the concerts to the Parkway with some re-arranging and cooperation.

Mr. Favreau speaking from a memo prepared for the Board provided an overview of concert series noting they have been going on for a number of years and the funds came from Town Operating budget. With the establishment of the Revolving Fund (RF) in 2005, monies for special events began to come from this fund. As it became established and balance increased, capital improvements and expenses were moved from Operating Budget to the RF. With some major projects completed in the past few years, the balance in the RF has diminished. Some expenses drawn from the RF were listed for the years 2009, 2011, and 2012.

At an average yearly cost of \$8,450.00 for the concerts and with additional expenditures, the RF now has a lower than desired balance. The decision to cancel the concerts was a response to balance the budget. Fees were increased for various programs i.e. raising camp fees, increase in pool admission, modifications to summer camp trips but still did not arrive at a point where department felt it should be. That left the non-revenue producing activities; the Halloween parade, Easter egg hunt and there was the desire not to alter those programs.

Mr. Favreau felt a Band-Aid approach for funding the concerts can be found for this year but there is a need for a long term approach to build up reserves to be able to do projected capital projects.

Selectman Surman commented the Parks Department has not come to the Budget Recommendation committee with Capital Improvement Projects (CIP) for a number of years and has funded the projects through the RF. Looking at the expenses noted in 2012 i.e. dues, conferences, police detail, software fees, feels are department overhead expenses and could be moved back to the General Fund and allow the RF to build back up.

Chairwoman Gilman concurred in reviewing the list, but Mr. Favreau said it was a group decision and the fund was doing well and it seemed feasible to move over some of the expenses.

He has been in contact with various musical groups and does have a rough schedule lined up but no contracts at this time

Selectman Clement said he understood the concept of the RF but the Thursday Night concert series does not generate any revenue. That being said perhaps should be placed back in Operating Budget as is the expense of the Monday night Brass Band concerts. He does feel the Board needs to determine how important are the concerts and what they add to the town and if they are to continue there is the need for a long term solution so as to not jeopardize projected projects from being neglected/postponed.

Vice Chair Chartrand, as a local merchant is an advocate of holding events free and open to the public and has been in conversation with a local resident, Scott Ruffner, about inviting local musicians to share in the performances in keeping with the premise of free and open to the public.

Mr. Ruffner, from the audience, stated he has been speaking with Mr. Chartrand and others in town about a relevantly new organization called T.E.A.M., Town of Exeter Arts and Music Alliance. The group is focusing on bringing more arts and music programming to the Town. He feels the Parkway is an excellent

resource to highlight the arts. His group has the production skills and talent and could serve as a resource. It was agreed he and Mr. Favreau would explore possible collaboration.

From the public, Mr. Gerry Hamel, resident and member of the Parkway Trustees thanked the Board, Mr. Favreau and his department for the proactive response to the released news of the intended cancelation of the concert series. Mr. Dean did want to note the pool's electric bill of approximately \$7,000 is paid from the Town's General Fund. But the point is taken and it (the Revolving Fund) does warrant a review.

The Powder Keg Festival is a potential source of revenue with the growth and popularity of this new event. But Mr. Favreau noted it is only a one day, four hour event in October and at that time of year can be unpredictable with the threat of coastal storms.

Selectwoman Belanger noting the bands are paid, rain or shine; could not the Town Hall be used in event of inclement weather. Mr. Favreau replied that was done in the past but the attendance was poor. Ms. Belanger felt now with a number of Town Facebook pages, they could be used to advise of concert being held inside at Town Hall as the back-up plan.

Mr. Frank Ferraro, from the public, commented on the statement the pool is emptied into the woods but still charged a user fee for discharge and suggested seeking abatement for such discharge; there is precedent for water users who have done so. Mr. Favreau has had a conversation with Mr. Jeffers in DPW but the pool is filled with approximately 200,000 gallons of water at beginning of summer but also uses about that amount throughout the summer due to evaporation, splashing etc. But he will contact him again on the subject.

## **ii. Linden/Court Street Culverts Engineering Contract**

Ms. Jennifer Perry, Director of Public Works, referenced a prepared memo to the Selectboard on a 2013 Town approved \$150,000 project for design- only of both the Linden and Court Street culvert replacements.

The packet containing the RFP, issued end of 2103; received responses from two firms. The selection and background efforts were outlined before awarding the contract to CMA Engineers for a negotiated fee of \$129,800; less than the \$150,000 approved.

Design will continue this year; construction of Linden St. culvert may begin in 2015 and Court St. in 2016.

Brian Griset, from the public, questioned if we are designing to meet current regulations or possible modifications/adaptations when information becomes available from the Climate Adaptation Plan for Exeter (CAPE) project. Ms. Perry responded there is some flexibility and will be reviewing the information just being received from CAPE.

Vice Chair Chartrand moved to accept the proposed professional design services of CMA Engineers for a total of \$129,800.; seconded by Selectwoman Surman. Motion carried.

## **iii. Fuller Lane Tank Management Contract Proposal**

Ms. Perry stated this is a new type of program of asset management; pro-active approach. The Hampton Road (Fuller Lane tank) is a 1 million gallon steel water storage tank that has been in use since 1950's. It is badly in need of repair/rehab and has been on CIP for the last 5 years. Five-hundred thousand dollars was the estimate to coat both the inside and outside of the tank. The firm, Utility Service Co Inc. is the only vendor offering long term contract full services for rehabilitation, inspections and maintenance to the smaller utilities such as Exeter. The Town was contacted by the firm to provide this service and it allows the Town to develop the specs, does the draw down, preps for painting and the actual painting. They offer short term financing for the project (over a 5 year period) and will conduct annual inspections and repair as necessary for a period of 12 years. With a start time of this year we would be obligated for a fee of \$102,448.00; the following years are at lesser fixed rate.

Selectwoman Surman commented on several areas in contract she feels could use legal review and/or clarification. She was aware it had been reviewed by Town legal counsel but does feel there are several items to be revisited.

As for obtaining an approval at this meeting, some members felt the wording should be re reviewed and come back in two weeks. Ms. Perry was questioned as that being too late, she believed they will service the tank but her concern is losing the July spot; July being the best drying time.

Mr. Dean suggested the firm be advised of the evening's presentation noting it went well but will look at several items (in contract) suggested for clarification; are in favor of moving ahead in this matter.

Vice Chair Chartrand stated he had no problem with the contract but respecting Selectwoman Surman's specific concerns there is the need to review; feels two weeks seems reasonable.

Selectwoman Surman added she would not sign the given contract tonight but does not feel the items would not prohibit the contract from going forward; will submit suggested revisions promptly to the Town Manager to begin the process.

#### **iv. Groundwater Treatment Plant (GWTP) Construction Administration Contract Proposal**

Ms. Perry, referencing the prepared memo to the Selectboard, noted contracts were recently awarded to Apex Construction for the Lary Lane Groundwater Treatment Plant and to D & C Construction for the Water Mains. Both companies are gearing up for a July construction start date. With a completion date set for end of this year for the water mains and the GWTP completion is anticipated by end of 2105. The Town has been working with Weston & Sampson as the design engineers and now would like to amend the design contract with the firm to include this contract of \$432,944.00 for the engineering services during the construction phase of the projects, including construction administration and resident engineering inspections. The memo listed the 2012 warrant article appropriation for \$6,350,000 and the costs associated to date with the awarded contracts with \$300.00 reserved for the Stadium Well project and a balance of \$355,597.00 in reserve/contingency.

Mr. Dean added the contingency amount is about 15% of the project cost and is within the range of such project. He also reminded the Board there is also eligibility for a 20% of debt forgiveness from the State.

Selectman Clement moved to approve the contract for construction administration services for the Lary

Lane GWTP to Weston & Sampson Engineers Inc. in the amount of \$432,944.00 and to authorize the Town Manager to execute the contract; seconded by Selectwoman Belanger. Motion carried.

**v. Public Hearing: Elliott Property Purchase**

Vice Chair Chartrand motioned to open the Public Hearing on the purchase of the Elliott property; seconded by Selectwoman Surman. Motion carried.

This was the second required public hearing on the acquisition of the Elliott property as approved by voters on a warrant article on the 2014 ballot. Selectman Clement verified at the May 19<sup>th</sup> meeting a vote will be taken by the Board to move forward.

With no discussion Selectman Clement moved to close the public hearing; seconded by Selectwoman Surman. Motion carried.

**vi. Downtown Revitalization Committee Discussion**

Chairwoman Gilman prefaced the discussion saying this was an idea coming out of the BOS's goal session meeting. The premise, the central area of downtown Exeter is in need of revitalization. The memo, drafted by the Town Manager, suggests the committee be appointed by the Selectmen composed of 5 members with staggered 3 year terms to look specifically at the Downtown.

The accompanying Mission paragraph states it is a committee to advise the Selectboard on methods and strategies to revitalize the central area downtown, including the following areas: High St. from Portsmouth Avenue to Great Bridge, Water Street to the end of the commercial corridor, Center Street, Front Street and other areas considered part of the central area downtown.

Chairwoman Gilman read from the memo the proposed eight tasks outlined under Duties. The tasks ask members to review, develop, analyze existing data and ultimately present a plan for downtown revitalization to the BOS and the Town.

The Chair spoke of her approval of this plan because it involves working with all the partners and is more specific than what the Economic Development Commission (EEDC) is working on and not to be confused with what has been done in the past.

Selectman Chartrand felt this plan appears to be more of a hybrid plan and not focused on one method as in previous efforts that were not successful. Specifically, the infrastructure which the Town is responsible to maintain is addressed.

Selectwoman Surman questioned why this action is being brought forward at this time as it was just one of many goals discussed at the goal setting session; was under the impression they were to be brought to the All Boards II meeting for vetting when all committees were represented for comments/input.

Chairwoman Gilman commented it was being discussed here to better define the concept/proposal; to have better definition before being brought to the All Boards meeting

Selectman Clement commented this was one of various topics discussed at session but was under the impression was waiting for meeting summary from Primex, the meeting facilitator, to better determine which would receive their focus and efforts. He agrees a thriving downtown is important but questions the word “revitalization”; implies stagnation. He went on to cite recent and future projects proposed in the designated area.

He continued, by asking how it affects the recently revived Economic Development Commission by taking out a large area that has received their focus. There are other areas in Town that should receive focus i.e. Epping Road. He added there are past and new reports on some of these tasks that should be seen and re-assessed for viability; is afraid of creating another layer and will detract from other areas deserving of focus and other groups concentrating on this area

Vice Chair Chartrand countered by saying the current economic projects underway/proposed are private ventures and there is nothing the Town is doing to improve the infrastructure (i.e. crumbling sidewalks) and that is holding back more of those initiatives and owners from re-investing.

Chairwoman Gilman remarked it is different because this group is to look at former initiatives and determine why they failed and what it would take to for citizens to approve Improvements. She doesn't feel it is taking away from EEDC as that group is more of a big picture group and this is a specific area.

Mr. Dean spoke of the previous plans and felt some of the ideas/plans might integrate the topics into one place. Feels perhaps a separate group to focus on a separate area to get some things moved ahead; EEDC looks at all the Town.

Frank Ferraro, from the public, stated he feels voters have spoken by saying they did not wish to spend monies on such projects. This proposal is more bureaucracy and sounds like a TIF proposal. Cited other groups and organizations working on these actions; asked to move on and to focus on other areas of the Town i.e. Holland Way, Portsmouth Avenue, Epping Road. He added the sidewalks could be fixed by putting the funds into the budget.

Selectman Surman said she would not support any proposal that focuses on one particular section of the town; looks at it as one of many goals to assess.

No further action was taken on this proposal.

**vii: Selectboard Policy Update: 06-01 permits**

Members of the Board referenced prepared copies of Policy # 06-01 as adopted by the BOS in September 2006 pertaining to the Delegation to the Town Manager the Authority to Issue Certain Permits.

Mr. Dean stated presently it is his Administrative Assistant, Sheri Rifle, who compiles all the information before issuing the permit. The current policy is eight years old and needs refreshing. Mr. Dean outlined the revisions noting the changes/additions are to create an efficient, workable permitting process for those permits issued under the authority of the Selectboard.

Asking for comments from the Board members after the revised provisions were read, Vice Chair Chartrand responded he had no problem delegating the issuance of permits to the Town Manager.

Chairwoman Gilman suggested they have a calendar of the events in their packets so as to be aware of the happenings.

Selectman Clement stated he did have a problem with some items as they are governed by State statute citing RSA 41:11-a giving the selectmen the authority to manage all real property owned by the town etal. He continued noting a recent incident with a blocked roadway and was surprised as he had no knowledge of such a permit being issued. Agreed not many permits are denied but would like them discussed in public prior to occurring; he would like to know and feels the public should know. Again, he felt some additional items were in conflict with current Town ordinances.

Chairwoman Gilman asked Selectman Clement if would be willing to go through the policies and highlight those items and the potential conflicts: he agreed.

Selectwoman Surman agreed with the Chair on “knowing” the upcoming events and delegation is great but would not be in favor of some of the added items to this policy. She stressed this is not an issue of not “trusting” the Town Manager and his staff’s judgment or ability to issue said permits; it is more about transparency and having the public and the Board members aware of events before they occur as opposed to receiving a monthly report.

Mr. Dean clarified the incident Selectman Clement was referencing and noted after review, the permit was issued only the day before the event; did conceded road closures always seem to be an issue.

Mr. Ferraro, from the public, referenced the item of temporary signs in the right of way in this revised policy. Because he wrote the ordinance as a former Selectman, temporary signs can be done but require a variance from the BOS and not a permit.

**b. Old Business**

N/A

7. **Regular Business**

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

A Motion was made by Selectwoman Surman and seconded by Selectman Clement to approve the abatements for the following map/lot/units: 63/102/70 for \$1,085.45, 71/45 for \$851.18. Motion carried.

A Motion was made by Selectwoman Surman to deny the application for the elderly exemption of Map 104/Lot 81/Unit 1; seconded by Selectman Clement. Motion to deny carried.

A Motion by Selectwoman Surman and seconded by Selectman Clement to approve a yield tax Map 47/Lot 7 for \$440.03. Motion carried-all in favor

A Motion by Selectwoman Surman to approve an Intent to Cut permit for Map 33/Lot 26 and Map 40/Lot 16. Seconded by Selectman Clement noting applications for Intent to Cut Wood are reviewed, approved and signed by the Planning Department. Motion carried.

Mr. Dean noted also included is a Notice to Quit order for a tax deeded property at 29 Gary Lane. This notice is part of the process to take actual possession of the property; Board is required by law to sign. Selectman Clement moved to sign the Notice to Quit for Eric Labonte at 29 Gary Lane; seconded by Vice Chair Chartrand. Motion carried.

**b. Permits & Approvals**

An application for the use of the Town Hall and stage on June 15, 2014 by the Relaxed Homeschoolers to host a talent show was submitted. Selectman Surman moved to approve the application; seconded by Selectman Belanger.

Vice Chair Chartrand, again re-iterated his position the use of the Town Hall and its facilities should be done so for minimal cost to residents/groups from the town but feels applications from groups outside of Exeter should be subject to a high fee; could be a potential source of revenue. He was only making a rhetorical point and not suggesting the regular \$75.00 a day fee be altered for this application. Calling for the vote, motion carried-all in favor.

The Chair noted and agreed with the suggestion from the Vice Chair the topic of fee structure be an agenda item under New Business at the next Selectmen's meeting.

An application from the Exeter Republican Town Committee for use of the Town Hall and stage and sign boards on August 23, 2014 and October 25, 2014 for Voter Education. The application asked the rental fee be waived as it is a non-profit. With no one representing the application it was uncertain if the group was a registered not-for profit organization

Selectwoman Surman motioned to approve the Committee's use of the Town Hall contingent upon the Exeter Town Republican Committee's proof of not-for-profit status and the fee shall be waived; seconded by Selectman Clement. Motion carried-.

**c. Town Manager's Report**

Mr. Dean provided his Manager's Update in the packet. Highlights of the report are noted but not limited to:

- Sportsmen's Club testing is set for May 9, 2014. A draft MOU has been drawn up.
- Portsmouth Ave. Sewer Line construction continues and remains on schedule for completion in July. Sewer main was completed on May 1; remainder of work will be for water and sewer work.
- An initial meeting in Stratham the end of April with Underwood Engineers to begin review of the "pipe costs" associated with the Portsmouth wastewater option; option also being included as part of our Wastewater Facilities Plan process currently underway.
- Applications are being received for Economic Development Director position; closing date May 23, 2014. Hiring process will include a screening committee.; composition TBD
- Attended the initial meeting of Human Services Budget Recommendations workgroup.
- Attended second meeting of Budget Recommendations meeting with charter workgroup.
- Spoke at Rotary weekly meeting on the Town Hall; possible Rotary fundraising for items for Town Hall.

- Ladder truck lease/purchase completed first week in May after letter of approval from Town Council facilitated moving forward with the financial arrangements.
- Worked with Finance on final amortization schedules with NHDES on the Water St. Interceptor project and the Wastestream Reduction project at the Water Treatment
- Worked on the classification plan of non-union positions with Municipal Resources, Inc.
- Completed integration of the new bargaining agreement between Town and the SEIU 1984; now being reviewed by SEIU 1984

d. **Selectmen's Committee Reports**

Vice Chair Chartrand had no report

Selectwoman Surman attended two Swasey Parkway Trustees meeting. Contracts for mowing and fall cleanup awarded to two Exeter based businesses; report of damaged fence along River

No report from Selectwoman Belanger

Selectman Clement attended a Planning Board meeting for preliminary hearing of a small three-lot subdivision on Fuller Lane. Also, FEMA is to review the new floodplain maps for surrounding towns coming week; Doug Eastman will attend to represent Town.

No committee meetings for Chairwoman Gilman but did speak at Exeter Historical Society's Nancy C. Merrill History Award program for student essays.

e. **Correspondence**

- Letter from NH Congressional Delegates to Secretary of State John Kerry expressing the concern for the proposed change in direction and contents of Portland-Montreal pipeline.
- Letter from NH Department of Revenue Administration (DRA) regarding the Town's official notification of 2013 Total Equalized Valuation(s).
- Notice from Unitil on upcoming Seacoast Area Police/Fire/Emergency Management & DPW officials meeting on Municipal Electric Storm Update.
- Introductory letter from TNT Electrical Contractors, LLC from Laconia, NH
- Notice from FEMA on upcoming meeting on May 8 to discuss updated Preliminary Flood Insurance Rate map (FIRM) and Flood Insurance Study (FIS) for Rockingham County.
- A copy of the required Quarterly report to USEPA on efforts taken to reduce and ultimately prevent Combined Sewer overflow (CSOs) and Sanitary Sewer Overflows (SSOs).
- Letter from Library Trustees to Board of Selectmen inviting the public and BOS members to join in a series of three meeting over the next two months (with a final meeting to Town in July) as the Library is seeking input from interested residents as they seek to do building renovations and repurposing their building from the original use date of 1987.
- Letter of application from Frank Ferraro for membership to the River study Committee
- Letter from Xfinity TV on changes to the MultiLatino Services

- Letter of introduction from Google Maps-Street & Business View about their services; passed on to Chamber of Commerce for feedback; further research is to be done on this type of business service.

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8. **Review Board Calendar: May 19, 2014 meeting**

- Selectman Clement will report back on his research on the issuing of permits for use of Town property.
- Selectman Clement asked if the Welcome Center (Baggage Building) Advisory Committee could come before the Board to provide an update and hear the information that is out there.
- Chair Gilman said are several options being considered but awaiting word from DOT on possible additional funding.
- Selectman Clement asked for more discussion on speed bumps on Swasey Parkway. When asked, Chief Kane felt reports were based on time when traffic was being re-routed through the parkway. Mr. Dean will revisit the response to the Memo from Chief Kane.
- Third and final hearing on Elliot property acquisition
- Municipal Resources is also due to give their assessing report on current proceedings.

9. **Non Public Session**

The Chair called for a motion to go into a non-public session as permitted under RSA 91-A:3 II (c), (d) and added section (e) at the request of Town Manager.

- Section (c) references a matter which if discussed in public would likely adversely affect the reputation of any person other than a member of the public body.
- Section (d) references the consideration of the acquisition, sale or lease of real or personal property
- Section (e) references consideration or negotiation of pending claims or litigation

So moved by Vice Chairman Chartrand; seconded by Selectwoman Surman. Selectwoman Surman as Clerk for BOS called the role. All members replied in the affirmative.

10. **Adjournment**

The Board came out of non-public session. Selectman Chartrand moved to adjourn; seconded by Selectman Clement. The Board stood adjourned at 10:15 pm

Respectfully submitted,

Virginia Raub  
Recording Secretary