

Draft Minutes

Exeter Board of Selectmen

February 18, 2015

Call Meeting to Order

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

Chairwoman Gilman called for Public Comment, of which there was none.

1. Dumpster Agreement

Chairwoman Gilman explained who the agreement is between. Mr. Dean said everything is in order. He said Section 2 has been tweaked to reflect a 90 day notice to terminate to the licensee instead of 30 days. The agreement has been vetted by town counsel. The lease will run from April 1 through March 31.

Chairwoman Gilman wondered about future businesses. She said the lease now is for current lessees. Mr. Dean said this will come up every year so if there are new lessees they can be discussed then.

Chairwoman Gilman asked about the emptying of containers and wanted to make sure it was in the lease that the town was not responsible. Mr. Dean asked if they wanted it in there that the lease is subject to a waste contract.

Selectwoman Surman asked how many parking spaces would be lost for the trash cans to go there. Darren Winham said three. Selectwoman Surman said she would need to see a vendor agreement with Waste Management or whoever will be dumping. She said it is tied to this. She said using town property to help specific businesses may lead to other businesses requesting town property. She said it is muddy waters mixing town with private businesses. She is not in favor of parking being taken away. Vice Chair Chartrand said he agrees about the parking but thinks this is a good use for those spots. He said it will clean up that end of town which has many restaurants. Selectman Clement said he is hesitant giving up three parking spots. He asked if the town should be compensated for the parking spaces. He also thinks it should be in the contract about a waste vendor. He wondered if paragraph one where "public dumpster" is referenced should be clarified so the general public doesn't think they can dump there. He asked if the licensee will be responsible for construction, and if there is only one licensee or multiple licensees. Chairwoman Gilman said that was discussed the last time this topic was discussed and said if there are more licensees there will need to be more pickups.

Vice Chair Chartrand said they are counting on the licensee to make sure this works. If it does not, the agreement can be terminated. Selectwoman Belanger asked who is responsible for repairs if the gate is damaged. She asked for clarity in the agreement. She said she is in favor of working with the community to get stuff done. She and Chairwoman Gilman agreed that they are trying to enhance the downtown. Parking may be lost, but if the area is not cleaned up then the restaurants may lose patrons.

Mr. Winham said he too is concerned with parking in town. He said this is an incredibly good use for parking space loss. Jeff Turner will be responsible for the construction of the gate. The location for this is good. He said the dumpsters currently on Water Street are not in the best location. Mr. Turner's insurance will be responsible for any damage, this language is in Section 4 A and B. He said they will be happy to show any new customers. This can also help businesses save money. Jeff Turner agreed with Mr. Winham and added that he thinks other businesses will get on board with this.

Frank Ferraro said it is a good idea to have it in a centralized location. He said just to make sure everything is in writing. He had a suggestion for parking. He said the town owns the old Getty station land. He wondered if the dumpsters could go there and conserve the three parking spots.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger that the Board of Selectmen approve the License Agreement subject to the Highway Superintendent's final approval of plans for the trash enclosure and the attachment of a waste removal agreement with the licensee. Selectman Clement and Selectwoman Surman said they would prefer to see a written agreement before approving anything. Selectman Clement asked if the abutter has been spoke to. Mr. Dean said he thinks the property is for sale. Mr. Winham said no, they did not go to any individuals. Mr. Dean said he heard the term "lease" and said that is the Board's call, but will be more complex. He said this is a year to year license. He suggested making things known the Board wants known within the license. Vice Chair Chartrand urged the Board not to turn this into a revenue stream, as it was discussed if the town should be compensated for the parking spaces. With a Motion on the table, the Board voted 2-3, Chartrand and Belanger voting aye, and Gilman, Surman and Clement voting nay. Motion fails.

2. Water Agreement Proposal: Town of Stratham

Chairwoman Gilman said the point of this agreement is to supply Stratham with water. Stratham will be supplying their own infrastructure.

Selectwoman Surman had a few questions. In Section 3 she wondered what new businesses who wanted to link in would pay. In Section 1 she said there is no kind of penalty charge for overage. She read a proposed section she came up with including a penalty clause.

Chairwoman Gilman said there needs to be language protecting Exeter if Exeter's system fails to operate.

Selectman Clement agrees with Selectwoman Surman about the overage. He talked about the BOS being more involved than Public Works. Chairwoman Gilman said Public Works is authorized because they can act more quickly than the BOS. Selectman Clement asked about what the cost will be to set up the connection from the Exeter to Stratham. He wondered about additional costs. He said he would like to get a translation of the potential 125,000 gallons per day into dollars in terms of Tier 2 or Tier 3. He also wondered why #8 was in there.

Bob Kelly, Chair of the Water/Sewer Advisory Committee said they decided it would make sense to partner with Stratham. It is a good revenue stream. He said they spent the last year coming up with a negotiated draft agreement. He said the 125,000 gallons per day was Stratham's request. He said they have been going back and forth internally if this number is an average. He said the questions about overage are reasonable. He recommended not penalizing Stratham for overage. In regards to the rate, he said they went back and forth and felt they would do better off if they sell the utility with new facilities they have coming. He said in regards to Section 3, it is based on what is reasonable. Stratham understands it is reasonable. The 40% was almost pulled out of the air and everyone agrees it is a good number. If there is any new customer, a new updated fee would come into place. He said the current impact fees are outdated. Selectwoman Surman said she would want language in there. Mr. Kelly said Stratham is a metered customer. Selectwoman Surman said any new businesses that tie in should pay an impact fee. Vice Chair Chartrand said he would not be in favor of charging an impact fee to future customers. Mr. Kelly said Exeter is getting a lot of assistance from their new customer – Stratham.

Mr. Dean said the annual revenue for 125,000 gallons per day is \$279,000-\$300,000 a year using current rates. Selectman Clement said this makes a good reference. Mr. Kelly said the rates will go up over the next several years. Water rates will be going up. He said this is a good way to get things done.

Mr. Kelly said #8 is in there for the future. Stratham thought it was important enough so it was put in there. He said Exeter is not inclined right now, but things may change.

Mr. Kelly said this agreement names the draft points as the basis for negotiations with Stratham. He said Stratham has indicated they want an agreement. Stratham wanted some sort of indication that Exeter is on board before their March meeting.

Selectwoman Belanger asked if there is a connection point designated. Mr. Kelly said south of 101, in that general area.

Vice Chair Chartrand thinks it is in the interest of the rate payers to move forward on this. He thinks the 40% "buy-in" is great. He is in favor of this framework.

Selectman Clement said this is a good revenue source. He thinks it is good for the taxpayers. He said Stratham has to be able to make some money back too, so who knows what they will charge their users. He likes where things are so far. He would like to see a more detailed contract. He likes the concept of a buy-in fee.

Brian Griset is in opposition of this. He asked if Exeter is giving up the TIF capacity to Stratham. He asked what volume of water will be needed for the TIF. He asked if they will have the capacity to go up to the high school. He asked where the water will even come from. He asked for a study saying that Exeter alone will have enough water.

Next, Mr. Griset talked about the 10% surcharge. He wondered why the surcharge is not included in the agreement.

In regards to paragraph 3, Mr. Griset said not to take the fact that impact fees haven't been updated as an excuse for pulling the 40% (\$2 million) out of the air. He said this needs to be prioritized.

Mr. Dean and the Board asked Mr. Griset to put all his concerns in writing and to submit them to the Board so they don't miss anything. Mr. Griset said he would do that.

Next, Mr. Griset said some things need to be added, i.e. an expiration date and terms of the agreement. The Board reminded Mr. Griset that this is just a framework.

Mr. Griset wondered if there is a drought what rights does Exeter have to withhold water. He wondered why Exeter is pursuing this when it could offset any gains from the TIF.

Frank Ferraro talked about promises made when the new Groundwater Treatment Plant comes in. Promises of better water, cheaper, and not as much stress on a dated plant. He asked people not to confuse revenue with profit. He went on to say Stratham's tax rate is half of Exeter's, and he thinks with giving them water, Stratham will be more of a desirable place to live. He next recommended to stop referring to this as a "buy-in" to the treatment plant. He thinks it will confuse folks that they are part owner.

Chairwoman Gilman asked for the consensus of the Board to move forward with the framework of this. Vice Chair Chartrand and Selectwoman Belanger are in favor. Selectman Clement said they could go back and forth about competing with Stratham. He thinks they should talk about other things other than Stratham's tax rate. He doesn't want to hinder economic development. He is comfortable with the framework of this but said there is still a lot of work to be done. Mr. Dean said Stratham is just looking for a consensus now, which Chairwoman Gilman said the consensus of the Board is to keep things moving forward.

3. Wastewater Regional Option Update

Mr. Dean said he is scheduled to sit down with EPA to talk about the Regional Option and get some feedback. He said there is still some work to be done to evaluate the option. He said more information will be coming.

Selectman Clement said a lot of this is in Portsmouth's hands now. They are interested in exploring the option at Pease. His only concern is the clock is ticking. Jennifer Perry said that is a valid point. They are trying to move forward expeditiously.

Mr. Dean said time is important because they want feedback from the EPA. He said this is at least a \$50 million discussion. They are trying to preserve every option. They are trying to see if they should proceed with this path. Selectman Clement asked for an update of the EPA meeting after. Mr. Dean said he would provide an update.

Ms. Perry said Public Works continued with the cost information as far as the regional approach. She said they need to continue to finalize regional disposal options reports and wastewater plans.

4. Accept Household Hazardous Waste Funds

Mr. Dean said every year they do a household hazardous waste collection. The vote of the Board is needed to be able to collect the \$23,000 from the State.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger that the BOS vote to accept the Household Hazardous Waste Collection Funds and enter into a contract with the New Hampshire Department of Environmental Services Waste Management Division for the 2015 Household Hazardous Waste Collection. Motion carried – all in favor.

Selectman Clement said he has helped out a lot in past years with this and said it is a great program.

5. Old Business

Housing Committee

Selectwoman Belanger said this is a draft to establish a Housing Advisory Committee. Mr. Dean said it contemplates five members plus one BOS rep.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger that rather than call this a draft, that we call this the founding document for the Housing Advisory Committee and we move as a Board to establish the Housing Advisory Committee for the Town of Exeter. Selectman Clement said he thinks they should have some citizen

participation too. Vice Chair Chartrand amended his Motion and Selectwoman Belanger amended her second to have two citizens at large on the Committee as well. Motion granted – all in favor.

Mr. Dean wanted to put it out there that this is moving forward and people can apply.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Surman to appoint Selectwoman Belanger as the BOS rep. Motion carried – all in favor.

Great Dam Section 106 Update

Chairwoman Gilman said there is a final report in the packet that the contractor had to provide. She said there is a public meeting on the Dam on February 24th at 6:30pm at the Exeter Historical Society.

Review Board Calendar and Adjournment

A Motion was made by Selectman Clement and seconded by Selectwoman Surman to appoint Frank Ferraro to the River Study Committee. Vice Chair Chartrand and Selectwoman Belanger said they would like an interview first. Motion fails 2-3 with Chartrand, Belanger, and Gilman voting nay so an interview can be conducted first.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger to adjourn the meeting at 9:07 pm.

Respectfully submitted,

Nicole Piper, recording secretary