

## Draft Minutes

### Exeter Board of Selectmen

April 20, 2015

#### **1. Call Meeting to Order**

Chairwoman Julie Gilman called the regular meeting to order at 7:09 pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chair Don Clement, Selectwoman Nancy Belanger, Selectwoman Anne Surman, and Selectman Dan Chartrand. Town Manager Russell Dean was also present.

#### **2. Board Interviews: Planning Board**

The Board had reconvened after a non-public session at 6:50 p.m. regarding employee compensation and an interview for the planning board.

#### **3. Bid Openings/Awards**

None.

#### **4. Public Comment**

Mike Dawley, of Exeter, spoke about moonlighting. He said he had spoken about this 28 days prior, and he wanted to address the issue again. He gave the Board an article. He had printed it off his computer January 1, 2015. He asked the Board to take a stand on this issue. He believes there were errors made in the hiring of the Economic Development Director. He said Mr. Winham worked 380 hours on another job after being hired for Exeter. He said you don't need an employment policy to wrap up these errors. He asked for a decision from the Board tonight. Chairwoman Gilman said there will be a process to come to a decision on this. It will depend on what the Board, as a whole, wants to address this.

Gerry Hamel asked if all parties have signed off on the Stadium well. Chairwoman Gilman said they are expecting them to sign this week.

Brandon Stauber said he had not gotten any responses from his questions he asked at the last BOS meeting. He challenged the whereabouts of the minutes from the meeting. In regards to an article in the newspaper, he said Chairwoman Gilman should clarify. He said it is not up to Mr. Winham to come up with what is a conflict of interest. He said they need to get to the bottom of this issue. He said he does not think the Board was been honest with the townspeople.

Bill Campbell talked about the upcoming development in the TIF area of Epping Road. He is concerned with residential going in the TIF. He thought it was supposed to be commercial development. He said taxes from the units at the old cement factory will go to the town. Taxes from residential will go to the TIF district, not the town to help pay for children's schooling. It is anticipated that if residential goes into the TIF, there will be children who go to school. He gave some financial stats regarding schools. He is frustrated with what is going into the TIF. He said no one has a general idea of what will be going in there. No one ever really thought about the costs of these kids going to school here and the tax burden. Chairwoman Gilman said she would like to have this an agenda item, so there is some clarification.

Frank Ferraro looked at the minutes of the last non-public session. He asked the Board to try to have the minutes of the meetings more accurately reflect what went on at the meetings.

Selectwoman Surman said she wanted to know what action the Board is going to take on the hiring on Mr. Winham. She wondered what more he could have done if he wasn't devoting some of his hours elsewhere. Chairwoman Gilman thought that questions of actions should not be of a public discussion, saying his reputation could be harmed. Selectwoman Surman said they owe the town an explanation. She wanted to know what action will be taken. Mr. Dawley spoke, saying he wanted to hear about the hiring process. Selectman Chartrand urged the Board to be careful on this matter. Vice Chair Clement said they need to come up with some answers. He said it is up to the Board to be public or non-public. He said this is a tough line to walk. Chairwoman Gilman said the process of hiring personnel is a review, recommendations, questions and answers. When a decision is made, if someone needs to finish up a job, that needs to be disclosed. Selectwoman Surman said this is a unique situation, which is why everyone is getting upset. Mr. Ferraro said this is a unique position. He said there is a conflict in this position. He said this position is supposed to be stretched out as far as possible to get business in Exeter. He wondered how Mr. Winham can do that when Waterbury is trying to get him to do the same thing. He talked about a conflict of interest. He said there are a whole bunch of issues. Vice Chair Clement said he does not have a problem with someone having outside employment. He said at the time a decision was made for the Economic Development Director, his recollection was that he had some work to finish up, but that he was starting immediately. He said he would have wanted to know the extent of his work to finish up. Mike Dawley asked if this issue was going to go into a non-public session. Chairwoman Gilman said she was not sure, that it was up to the Board.

## **5. Minutes and Proclamations**

### **a. Proclamations/Recognitions**

None.

## **b. Special Meetings: April 11, 2015**

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to adopt the minutes of the April 11, 2015 BOS special meeting. Motion carried – all in favor.

## **6. Appointments**

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger to appoint John Hauschildt to the Planning Board with a term ending April 30, 2017. Vice Chair Clement said he had no questions about Mr. Hauschildt's credentials, but he is opposed to an individual sitting on two Boards. The law says he can, but he shouldn't. The ZBA and the Planning Board are the two most prominent land use Boards in town. He doesn't think it's right for one person to sit on both. Selectwoman Surman agreed and said he should pick one Board. Selectman Chartrand thought it would be good to allow communications between the Boards. Chairwoman Gilman was intrigued by this and had positive feelings. She thinks it can be a benefit to both Boards. Mike Dawley spoke, saying it might be legal but that it is a bad idea. Lionel Ingram spoke, saying he is concerned about this. With a Motion on the table, the Board voted, passing it with a 3-2 vote, Clement and Surman voting nay.

## **7. Discussion/Action Items**

The agenda went a bit out of order, as the Board dealt with Old Business before New Business.

### **b. Old Business**

#### **i) Committee Appointments**

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Don Briselden as a full voting member to the Conservation Commission with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Virginia Raub as a full voting member to the Conservation Commission with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Jane Kiernan as a full voting member to the Exeter Arts Committee with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Lizabeth MacDonald as a full voting member to the Exeter Economic Development Commission with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Brian Lortie as a full voting member to the Exeter Economic Development Commission with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Boyd Allen as a full voting member to the Exeter Housing Authority with a term ending April 30, 2020. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Barbara Chapman as a full voting member to the Exeter Housing Authority with a term ending April 30, 2020. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Richard Huber as a full voting member to the Exeter River Study Committee with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Frank Ferraro as a full voting member to the Exeter River Study Committee with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint John Merkle as a full voting member to the Heritage Commission with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Pam Gjettum as a full voting member to the Historic District Commission with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Katherine Woolhouse as a full voting member to the Planning Board with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Pete Cameron as a full voting member to the Planning Board with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Gwen English as a full voting member to the Rockingham Planning Commission with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Robert Prior as a full voting member to the Zoning Board of Adjustment with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to appoint John Hauschildt as a full voting member to the Zoning Board of Adjustment with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Hank Ouimet as an alternate member to the Zoning Board of Adjustment with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint John Gilbert as a full voting member to the Water and Sewer Advisory Committee with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Bob Kelly as a full voting member to the Water and Sewer Advisory Committee with a term ending April 30, 2018. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Valerie Oulette from an alternate member to a full voting member to the Historic District Commission with a term ending April 30, 2017. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Robert Mike-Mayer as an alternate member to the Planning Board with a term ending April 30, 2018. Motion carried – all in favor.

Mike Dawley said when he was on ZBA he had to go to from a full member to an alternate after sitting on the Board for two terms. There was discussion about going from a full member to an alternate on the ZBA. Mr. Dean said policies are meant to follow the state law. Mr. Ferraro said if the Board wants to change a policy, they can.

Selectman Chartrand and Vice Chair Clement withdrew their Motion and second that appointed John Hauschildt to the ZBA. Chairwoman Gilman said they would let this go to counsel and table this conversation until they get more information.

**a. New Business**

**i) CAPE Project Update – Paul Kirshen, UNH**

Paul Kirshen, a Professor at UNH, said they started this project two and a half years ago. It is funded by NOAA. The purpose of the project is to work with the town to come up with a water adaptation plan with Exeter. He said over the summer they will be working on the adaptation part of the project. He showed a slide that showed the depths of flooding on roads with the dam out. He also showed a slide of what the flooding would look like in the year 2040. He said this map would be useful for the Fire Department and first responders. They are starting April 30<sup>th</sup> to engage with the town. Mr. Dean said the work done by UNH has been

grant funded. It is reflective of the town's relationship with UNH. Vice Chair Chartrand said a lot of the data is used for the WISE project. Mr. Kirshen said this project requires input from the town. He said he appreciated the support and interest he has gotten on this project and he looks forward to working with the town.

## **ii) Great Dam Remembrance Committee Report**

Bill Jordan gave a slideshow. He said they have had five meetings. He has gotten a lot of input. He showed a before/after picture of the dam removal. He had some recommendations that the Committee came up with in regards to dam remembrance. Selectman Chartrand said he appreciated how quickly this Committee was assembled and all the work they have done. Chairwoman Gilman said the next step is the BOS will pass on the recommendations to the Division of Historical Resources. Vice Chair Clement said they will send this to the Division of Historical Resources if this is what the BOS wants. He said he wants to forward the recommendations. He said there is \$30,000 in the budget for this type of project.

A Motion was made by Vice Chair Clement and seconded by Selectwoman Belanger that the BOS recommend to the State Division of Historical Resources that they would like to move forward on items 1-6 on this list for mitigation measures. Motion carried – all in favor.

## **iii) GSGT Easement Relocation**

Mr. Dean said the Board had already approved this before counsel had looked at it. There are some issues with the languages about taxes, as the prior easements didn't include tax language and this one does. He said other than that, this is set for signature. The Board signed the easement signature page.

## **iv) Stratham Water Sharing Agreement**

Chairwoman Gilman asked if this is finalized. Mr. Dean said it is not a final agreement. The framework to move forward is to be presented to both Boards later this year. He talked about what was added in to the agreement. Due to improved metering, the average demand for water in the past 12 months is .99 million gallons per day, versus the 1.53 million gallons per day that the town peaked at. The budget for this is \$6.5 million, of that \$1.2 million is being forgiven by the DES. Exeter's cost will be \$3 million. Stratham will get 125,000 gallons per day to start. The agreement includes Stratham paying Tier 2 or Tier 3 to Exeter.

Vice Chair Clement asked to stop calling it "water sharing". Exeter is selling it. Stratham is a customer. He said he still have a problem with #3 in the agreement. He said it will give the impression it is all about buying into the facility. He asked if they can get a high/low volume of water the TIF will require. He wants to make sure Exeter is still on the safe side as far as water supply. He asked what they are basing Stratham's buy-in on. He asked if they can base it on

Exeter's value of infrastructure. He asked for a general assessment of value. He would like more information before going forward.

Selectwoman Surman said she doesn't want Stratham to be just a ratepayer. If there are other entities that they can tie into, there should be another fee.

Chairwoman Gilman asked if the RSA talks about taxation from new shared sources. Mr. Dean said yes, it does.

Gerry Hamel said he voted for the \$6 million, but he wished he had known about the Stratham idea. He thinks it is premature to jump into this. He is concerned with the TIF coming in that there won't be enough water. He hopes the Board looks into this before jumping in.

Jennifer Perry said in regards to costs, they do have some good info. The water use study is an important piece. In regards to flows coming from Epping Road, she has some good preliminary numbers. The surface water plant capacity is 1.7 MGD and the groundwater treatment plant has a 1 MGD capacity.

Bob Kelly said a small group was appointed to work with Kleinfelder. He said Stratham is an entity and it has always been looked at like that. This is not "water sharing". He talked about the impact fee. Stratham will be on their own for fire flow. He said they are looking at this like a large industrial user who is playing real rates. He said this will work out for everybody. He said if you ask for an impact fee on top of the \$2 million, it is a deal breaker. He thinks \$2 million is fair. They have spent 1.5 years on this, and he doesn't want to see Stratham walk away.

Selectwoman Surman said she wouldn't compare Stratham with a GE plant. She said if a GE went into the TIF district, they would not only be a rate payer, but would also help with the tax base and Stratham won't do that. She is weary to give water up. Mr. Kelly said that his studies have shown that there is a good buffer in regards to the amount of water.

Vice Chair Clement is comfortable with the \$2 million. He would like to feel more secure with the volumes.

Selectman Chartrand suggested to ask Mr. Dean to clean up the Memorandum of Understanding per suggestions. He talked about asking DPW to get an estimate on the high/lows. They would change the "water sharing" title to delete "sharing". Also, Vice Chair Clement doesn't want direct connection to the groundwater plant. Also, there needs to be a "by" put into #1. Selectwoman Surman would like further impact fees to any other entity who would plug into the water. Mr. Dean said this is 125,000 gallons per day, and that is the max Stratham is asking for. That is a small percentage in comparison to a 2.7 million gallon capacity. Vice Chair Clement asked if there is a deadline to agreeing. Mr. Dean said Stratham is looking for a commitment. Mr. Kelly said there is somewhat of an urgency to this. Selectwoman Surman asked if they voted on money. Mr. Kelly said they voted in \$145,000 for engineering.

#### **v) Inflow/Infiltration Policy**

Mr. Dean said this was a follow-up from last meeting. DPW is looking for approval from the Board. He said DPW is comfortable with moving forward. The BOS will be approving the program and DPW will be giving this to EPA. Vice Chair Clement said the references to 1506.1 and 1502.1 are not changes, they're only references. He said there are no changes to the ordinance. Jen Perry said that is correct.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand that the BOS adopt the Policy Statement Private I/I Public Education, Outreach and Enforcement Program. Motion carried – all in favor.

Ms. Perry said this will be online and readily available.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to amend the prior Motion to add that the Chair will sign this on behalf of the BOS. Motion carried – all in favor.

#### **vi) Linden Commons Encroachment Agreement**

Selectwoman Belanger said this encroachment has been happening for over 20 years. The pin was supposed to be in a certain place, but it is in the middle of a driveway. A corrective deed cannot be done because of this encroachment.

Chairwoman had some changes to the agreement, but it is just in draft form.

Mr. Dean said this is solving a problem that ended up in a deed. There was a large snowstorm that prevented the site from being walked and the pin was placed incorrectly.

Selectman Chartrand suggested getting this agreement cleaned up and approving it in two weeks.

### **8. Regular Business**

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

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to deny an Elderly Exemption for map 73, lot 115. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve an Elderly Exemption for map 87, lot 18, unit 15 in the amount of \$236,251. Motion carried – all in favor.



A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve a Veteran's Credit for map 68, lot 6, unit 211 in the amount of \$500. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to deny a Veteran's Credit for map 19, lot 1. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve a Veteran's Credit for map 68, lot 6, unit 611 in the amount of \$500. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve an Elderly Exemption for map 104, lot 79, unit 707 in the amount of \$152,251. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve an Elderly Exemption for map 52, lot 98 in the amount of \$183,751. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve a Veteran's Credit for map 103, lot 13, unit 17 in the amount of \$125,000. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve a Veteran's Credit for map 68, lot 6, unit 114 in the amount of \$500. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve abatement for map 72, lot 69, unit 1 in the amount of \$328.36. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve abatement for map 72, lot 69, unit 2 in the amount of \$364.94. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve abatement for map 72, lot 69, unit 3 in the amount of \$255.39. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve abatement for map 72, lot 69, unit 4 in the amount of \$231.93. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve abatement for map 87, lot 18, unit 15 in the amount of \$682.77. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve a Veteran's Credit for map 94, lot 10 in the amount of \$500. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve a Veteran's Credit for map 70, lot 70 in the amount of \$500. Motion carried – all in favor.

**b. Permits & Approvals**

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve an application for use of the Town Hall for Christopher Bartell for the Regeneration Church Easter on May 26-27, 2016. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve an application for use of the Town Hall for John Hauschildt for the Seacoast Artists Association Seacoast Photographers Group Meeting on the 3<sup>rd</sup> Thursday of each month from 6-9pm. Motion carried – all in favor.

**c. Town Manager's Report**

Mr. Dean said DPW sent a note on the Sno-Go. They had two quotes on it. One bid is within the budget at \$128,544. A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to ask the Town Manager to forward the bids back to DPW for a recommendation and forgo the usual bid process. Motion carried – all in favor.

**d. Committee Reports**

Selectwoman Belanger reported her first Conservation Commission meeting on the 14<sup>th</sup>. Eileen Flockhart gave a good presentation on a tree program. Also there will be a Father's Day program of mapping and flagging on trails.

Selectman Chartrand forwent his report due to the late hour.

Selectwoman Surman had nothing to report.

Vice Chair Clement reported a South Watershed Alliance meeting with Pete Richardson. He asked if Ms. Perry is a delegee to this. Mr. Dean said yes she is, but due to her busy schedule she is willing to step aside. They will get a recommendation from Ms. Perry for a

replacement. He also reported a Technical Review for 80 Epping Road. HDC had a tour of the Loaf and Ladle. Planning Board will meet on Thursday.

Chairwoman Gilman reported HDC met Saturday and Sunday. The made up a list of duties to come up with to do better applications and are rewriting guidelines.

**e. Correspondence**

The following correspondence were included in the packet:

- A Legislative Report
- A Letter from Mike Jeffers regarding Private SSO Event
- A letter from Mike Jeffers regarding NPDES permit, Admin Order on Consent, and Quarterly Report

**9. Review Board Calendar**

The next BOS meeting will be May 4, 2015.

**11. Adjournment**

A Motion was made by Selectwoman Surman and seconded by Selectman Chartrand to adjourn the meeting at 10:00pm. Motion carried – all in favor.

Respectively submitted,

Nicole Piper  
Recording Secretary