

Draft Minutes

**Exeter Board of Selectmen**

November 16, 2015

**1. Call Meeting to Order**

Chairwoman Julie Gilman called the meeting to order at 6:55 pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chair Don Clement, Selectman Dan Chartrand, Selectwoman Nancy Belanger, and Selectwoman Anne Surman. Town Manager Russell Dean was also present.

**2. Bid Openings /Awards**

Chairwoman Gilman said the Fire Department recommended awarding the bid for the ambulance replacement.

Chief Comeau said they received three bids to replace the ambulance. They are recommending the bid be awarded to Professional Vehicle Corp for \$212,494.35. This company is the low bidder. Also, they have the shortest build time, at 190 days for a delivery in early June, 2016.

Chairwoman Gilman said she is concerned this is not the proper procedure, as the recommendation memo says several items were missing from the proposal. Chief Comeau said they had to go back and research each bid. He went through a list of items that needed clearing up from each bidder. Chairwoman Gilman said she is concerned about the bid requests being equal for each bidder. Chief Comeau said because it is such a complicated truck, they had to go through the process to make sure the companies could provide exactly what the Department was looking for. Vice Chair Clement also believes the process needs to be pure. He is uncomfortable with the thought all bidders were not asked the same requests. Chief Comeau said this is a very common practice. The Department also does not recommend trading the current vehicle in, as they feel they can get more money trading it off a broker. He said this is very common and comes up with bidding. Chairwoman Gilman explained how all bidders need to have the same information. She asked if the other two companies were asked the same questions and if all the bid prices changed. Chief Comeau said he did not have the information as Mr. Wilking did the research. Selectwoman Surman asked if there is a Q & A before the proposal is submitted. Chief Comeau said the companies just respond to the RFP. Chairwoman Gilman asked Chief Comeau if he was confident on the information. Chief Comeau said he is. Vice Chair Clement said he is unsure if this has been a fair process.

**Motion:** A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the BOS accept the Fire Department's recommendation and approve the bid to Professional Vehicle Corp for ambulance replacement for \$212,494.35. Motion carried – with a 4-1 vote. Surman votes nay.

### **3. Public Comment**

Mike Dawley said the BOS unanimously supported the TIF. He is confused why there is a need to change zoning on Epping Road to put in residential. Chairwoman Gilman said nothing has been proposed to the BOS about this. Mr. Dawley asked what the Board's intent was with the TIF. Chairwoman Gilman said the BOS recommended the warrant article to the voters. Her intent was to build up commercial/industrial. Mr. Dawley said if he knew there was going to be residential in the TIF he would have not voted for it. Selectwoman Surman asked if his concern was with the implementation not being done as it was supposed to be. Vice Chair Clement said he fought for implementation of the TIF. His intent was to push commercial, not residential, on Epping Road. Selectman Chartrand suggested Mr. Dawley come to the Planning Board's meeting this Thursday.

Beth Dupell informed of a couple upcoming dates. She said this Saturday, November 21 from 8:30-12pm at the Fire Station they will be assembling holiday garlands. She said they need 35 volunteers and they only have 12. She said they need volunteers. Also, she reminded of the Holiday Parade on December 5 at 5:30pm. She said they need some recruits from 2:30-6:30pm. There is an Exeter Holiday Parade Facebook page or the Town Website for more information. Looking through the packet, Ms. Dupell said she saw some requests to reserve the Town Hall already for December 2016. She suggested doing something so all the events going on at that time can have some advertising time using the Plywood Board/Banners.

### **4. Minutes and Proclamations**

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

No proclamations/recognitions.

#### **b. Regular Meetings: October 5, 2015, November 2, 2015**

Vice Chair Clement had an amendment to the 10/5 minutes on page 1, changing "Haze" to "Hayes". He also had an amendment on page 10, changing "recuse" to "abstention".

**Motion:** A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to accept the minutes of the 10/5/15 BOS meeting as amended by Mr. Clement and submitted by Nicole Piper, recording secretary. Motion carried – all in favor.

**Motion:** A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to accept the minutes of the 11/2/15 BOS meeting as submitted by Nicole Piper, recording secretary. Motion carried – all in favor.

## **5. Appointments – Planning Board (Alternate)**

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to appoint Rawson Webb as an Alternate Member to the Exeter Planning Board with a term to expire April 30, 2016. Motion fails – majority vote.

## **6. Discussion/Action Items**

### **a. New Business**

#### **i) PREP Presentation Fertilizer Ordinance**

Kathy Corson, from PREP, said PREP was awarded a grant to help improve the water quality in Exeter. PREP first outreached to the public about fertilizer use during Exeter's Hazardous Waste Day, which Ms. Corson said was a great way to start things. She gave some facts about fertilizer, saying a 10 year old lawn does not need to be fertilized. The group launched a Facebook page called Exeter Healthy Lawns Clean Water. The group is trying to share with the public how they can have healthy lawns and clean water. She gave a PowerPoint presentation, with information about fertilizer use contributing to poor water quality. She said Exeter's 2015 Town Ordinance already prohibits use of fertilizer within a Wetlands Conservation Outlay District. Next would be to draft a Town Ordinance for all areas. The town is lacking for fertilizer prohibition. The group is looking to add "the use of fertilizer as defined in 2.2.30" to the Exeter Shoreland Protection District and the Aquifer Protection District Ordinance. She said there will be some sort of a waiver as there are times when fertilizer may be needed.

Ginny Raub said the PREP group has been hard at work getting the word out of what they hope to accomplish and putting things together. Selectman Chartrand asked if there has been any outreach to the EDC. Ms. Raub said once they have identified the boundaries then they can identify what properties will be affected. She said they are also reaching out to lawn care companies to tell them what they are doing.

Vice Chair Clement said the more they can educate, the better. He said you can treat lawns using less nitrogen. Outreach is important. He said PREP is a great group and gave kudos to them and Kristen Murphy for their work.

Chairwoman Gilman said she appreciates the work the group has been doing and is curious to see the interpretation of the zoning ordinance. Ms. Corson said she knows the

Country Club has started to practice the Clean Lawns Clean Water. Ms. Raub suggested putting a sign on those properties who are participating in the program.

Chairwoman Gilman said there is a lot of information about the RSAs in the packet.

Vice Chair Clement said part of this is trying to reduce the amount of nitrogen being put on lawns. Chairwoman Gilman said there is also the policing of it all. She said one place states the Planning Board is the enforcer, and another place states it is the Code Enforcement Officer.

## **ii) NEMBA Agreement – Mountain Bike Patrols**

Jason Fritz, from NEMBA, talked about the organization, and said they would like to offer their services to Exeter. They are simply waiting for the BOS approval. Mr. Dean said this has been through Conservation Commission and they support it. He said Primex and legal has also signed off on this, so everything seems to be in order.

Selectwoman Belanger said she has some concern about dogs off their leashes. Mr. Fritz said NEMBA will be further educating dog owners on their policies. Selectwoman Belanger asked if the group will be clearly identified. Mr. Fritz said yes. He also added that they will be out riding the trails so if they should come across an issue (i.e. erosion) the town will be become aware quicker.

Chuck Milar, of NEMBA, said they are currently providing their services at Stratham Hill. He said this organization is getting huge in Massachusetts. Mr. Fritz said they have also done three biking events and two running events. Selectwoman Belanger asked if they ride in groups or teams. Mr. Fritz said they are all volunteers and they could ride in groups.

Vice Chair Clement said he is concerned with the roles and responsibilities. He wondered if someone gets injured and NEMBA treats and if the town could be held liable is something is done wrong. Mr. Fritz said if they are administering care, they contact the Fire Department.

**Motion:** A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to authorize the Town Manager to sign the NEMBA Agreement on behalf of the Board of Selectmen. Vice Chair Clement asked if there is a date on the Agreement, to be sure the document can be easily referenced. Selectwoman Surman asked what the terms of the Agreement are. Selectman Chartrand and Selectwoman Belanger withdrew their Motion and second.

Mr. Dean said he would add the language either party may cancel this MOU at any time.

**Motion:** A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve the MOU from New England Mountain Bike Association with language saying it may be cancelled at any time by either party, and effective November 16, 2015. Motion carried – majority vote. Surman votes nay, Clement abstains.

### **iii) Water Rates Recommendation – Water/Sewer Committee**

Bob Kelly, Chairman of the Water/Sewer Advisory Committee, said the Committee monitors funds and tries to maintain a water fund balance of around \$800,000 to \$1M, with an absolute low of \$500,000. Lately the fund has been up around \$1M but is steadily declining. The review of the 9/30 YTD indicated the Water Fund is down to \$790,000. The Sewer Fund is around \$1.3M. The proposed budget for 2016 is an 8% increase on the water side. In order to fully fund the budget increase, they need a 30-40% increase on the water side, but they do have a rate consultant looking longer term. The new proposed rate is \$6.86/1000 gallons, so they are looking at a \$1.14 per 1000 gallon increase. Selectwoman Surman said the W/S Committee did a great job with their analysis.

Vice Chair Clement asked how much of additional revenue would come in this coming year with the rate increase. Mr. Dean answered \$385,000. Vice Chair Clement asked if they need to go through a public hearing process for this. Mr. Dean said the statute does not require a public hearing. He also said didn't see anything in the town ordinance.

**Motion:** A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the BOS accept the recommendation of the Water/Sewer Advisory Committee and raise the water rate 20% in all three tiers, effective today. Selectwoman Belanger asked when people will see rate changes on their bills. Mr. Dean said they wait until three districts are billed before implementing the rate change. Selectwoman Surman said they should have a public hearing to make residents aware of the rate change. Vice Chair Clement said the BOS are the water commissioners and that is why they should delay this until the next meeting so they can have a public hearing. The Board voted on the Motion. Motion fails- majority vote. Surman, Belanger, Clement and Gilman vote nay.

The Board decided they would put this on their next agenda for a public hearing.

### **iv) Stratham Water Purchase Agreement**

Chairwoman Gilman said they did sign the MOA in May with Stratham outlining what they are agreeing to on the Water Purchase Agreement. Mr. Dean said the Agreement is well into its reviewed phase. Comments that have been made in regards to the Agreement have been incorporated. This Agreement will also need to be reviewed by the Attorney General's office.

Selectman Chartrand asked if the Agreement is ready to be approved by the BOS. Mr. Dean said there was one issue he reached out to Chief Comeau on regarding the availability of flows for a fire response. Chief Comeau is present and said there is no issue.

Vice Chair Clement said he had a few concerns. In regards to 2.01.3.1, he asked if some infrastructure costs will need to be added. Mr. Kelly said DPW came up with the number there. He said they will not need to add any infrastructure to get Stratham their flow.

Vice Chair Clement asked in regards to 2.01.6, if they should spell out the ordinances. He asked mentioned there were a couple of typos on page 5.

Selectwoman Belanger asked if they should wait for the Attorney General's approval first. Mr. Dean said the BOS should approve first, then it will be sent to the Attorney General's office and they will send it back if they require more language.

Selectwoman Surman had some amendments to pages 4 and 5.

Vice Chair Clement asked if Stratham is waiting for Exeter to sign it before they do. Mr. Dean recommended Exeter sign it first, then send it to Stratham.

Chairwoman Gilman asked the Board to get all their amendments/comments in and they will see an amended version in the next agenda.

## **b. Old Business**

### **i) Sportsmen's Club RAP**

Chairwoman Gilman said they are looking at solutions. One solution is to take away all areas of concern at the Club, one is to surround those areas with a fence, and one is the idea of capping. Selectman Chartrand said he would like to advocate for remedial alternative #4, which is the lowest cost, and would be adding a fence around the areas of concern. He also proposed putting \$40,000 into a capital reserve fund over the next 33 years of the lease. This will enable them to have funds to clean the leaded areas, and not have to renew the lease when the time comes.

Vice Chair Clement asked if the property owners have been notified. Mr. Dean said they have not been contacted yet. Vice Chair Clement said they will need the property owner's permission when they put the fence in. Mr. Dean said he is in the process of reaching out to Mr. Blanchard.

Sue Ratnoff, Exeter resident, said he liked Selectman Chartrand's notion. She asked if the taxpayers are responsible for this. She added if the fence goes up, she hopes the town doesn't give the Club more land because those fenced areas aren't available. Chairwoman

Gilman said it was briefly brought up that if land wasn't available, the Club would want additional land.

Vice Chair Clement asked if there is a letter or Motion that DES needs. Chief Comeau said DES is looking for an end date. Mr. Garfield is prepared to put a letter together. They are looking for the approval of the BOS. Chairwoman Gilman said the taxpayers do pay for this.

**Motion:** A Motion was made by Vice Chair Clement and seconded by Selectwoman Surman that the BOS approve pursuing Remedial Alternative #4 Restricted Use of Soils Greater Than 4000 PPM by installation of fencing around the contaminated area. Chief Comeau said when he meets with Mr. Garfield to draft the letter for the DES he will be discussing the stipulation about putting money aside for this for the future. Selectwoman Surman asked if they would be asking the Club to pay for some of this. Chairwoman Gilman said she plans on asking. The Board voted on the Motion. Motion passes – majority vote. Chartrand votes nay.

## **ii) Tax Deeds**

Chairwoman Gilman said the town has to make the decision on whether to take the deed on properties with outstanding tax payments from 2012 and before. They have a list of recommendations from the Tax Collector of properties to either take or waive.

Selectwoman Belanger made a Motion, seconded by Selectman Chartrand, that the BOS accept the Tax Collector's Deed for Russell Dean, Collector of Taxes, for the Town of Exeter, County of Rockingham, State of New Hampshire, on the following properties:

Map 56, Lot 1 – Moved, seconded, passed.

Map 55, Lot 38 – Moved, seconded, passed.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to not accept the Tax Collector's Deed for Russell Dean, Collector of Taxes, for the Town of Exeter, County of Rockingham, State of New Hampshire, on the following properties:

Map 103, Lot 13, Unit 1 – Moved, seconded, passed.

Map 103, Lot 13, Unit 11 – Moved, seconded, passed.

Map 87, Lot 8-A, Unit 16 – Moved, seconded, passed.

Map 104, Lot 79, Unit 904 – Moved, seconded, passed.

Map 104, Lot 79,, Unit 513 – Moved, seconded, passed.

Map 104, Lot 79, Unit 144 – Moved, seconded, passed.

Map 64, Lot 105, Unit 37 – Moved, seconded, passed.  
Map 64, Lot 105, Unit 101 – Moved, seconded, passed.  
Map 103, Lot 15, Unit 11 – Moved, seconded, passed.  
Map 87, Lot 14, Unit 218 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 261 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 175 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 182 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 183 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 309 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 315 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 332 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 382 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 135 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 42 – Moved, seconded, passed.  
Map 95, Lot 64, Unit 49 – Moved, seconded, passed.

**iii) Sea-3 Project**

Chairwoman Gilman said this has been settled, so there is no need for discussion.

**7. Regular Business**

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

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve the Abatement for map 24, lot 1 in the amount of \$500.00. Motion carried – all in favor.

**b. Permits & Approvals**

There is an application for use of the Poster Board November 20-December 3, 2016. Selectman Chartrand asked if Ms. Riffle could reach out to all parties and see how they could share the use of the Poster Board, as there is a lot going on that time of year.



A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve the application for use of the Town Hall by Evelyn Orr for an Exeter Women's Club antique appraisal on October 9, 2016 from 12pm-5pm. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve a portion of the application by the Festival of Trees for use of the Town Hall main floor November 29-December 1, 2016, not yet acting on the request for use of signage. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to approve the request from the Exeter Area GFWC to place lawn signs in and around Exeter to advertise their Yuletide Fair and a 6-foot long banner at the entrance of Guinea Road. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to approve Tonry Farm's request to place a sign up from November 27-December 24. Motion carried – all in favor.

### **c. Town Manager's Report**

Mr. Dean talked about the following, which was included in the packet:

- The second half property tax payments are due December 3
- September cash reconciliation was finalized November 12
- Planning a staff meeting
- The Town Planner position was advertised and resumes are being accepted through November 20
- Met and fielded property owner questions related to upcoming tax deeding
- Met with ED Director to discuss the EDSP outline
- Parks/Rec RFQ is due the end of November
- George St Amour contacted the town office expressing his pleasure at the paving job on Arbor Street
- The Linden Street Bridge is complete and the road is open

#### **d. Selectmen's Committee Report**

Selectman Chartrand said EDC met on the 10<sup>th</sup>, where they discussed wanting to push ahead the zoning ordinance change to change zoning in a C3 district to allow for mixed use. They will meet November 24 to discuss the Planning Board meeting.

Vice Chair Clement said Planning Board met, and approved a project on 80 Epping Road. Planning Board will meet this Thursday. He attended a NHMA conference in Manchester. There is a Safety Committee meeting this week.

Chairwoman Gilman said Heritage Committee meets Wednesday where they will talk about an LCHIP grant. HDC will be meeting to discuss 79-E. There is a MRI report work session on Tuesday.

Selectwoman Belanger said Conservation Commission met on the 10<sup>th</sup>. There was a work session on Raynes Barn where they brainstormed how to pay for repairs.

Selectwoman Surman said Water/Sewer met on the 10<sup>th</sup> where they talked about ways to pay for the WWTP.

#### **e. Correspondence**

The following correspondence were included in the packet:

- A letter from Comcast about continuing to provide internet services to Exeter's schools and the library, free of charge again this year
- A letter from Xfinity regarding installation rates
- A letter from Xfinity regarding channel charges
- A letter from NHMA about the annual meeting on November 19
- A letter from Congress about legislation to fully repeal excise tax, commonly known as "Cadillac Tax"
- An invitation from RPC to the RPC Legislative Forum
- An application for Exeter Housing Advisory Committee
- A letter from NHDES about Building Block Sch
- A letter from Todd Deluca introducing himself as the new Exeter Area Chamber of Commerce President
- An invitation from the Great Bay Kids Company for their Grand Opening and Ribbon Cutting Ceremony

**8. Review Board Calendar**

The next BOS meeting will be November 30, 2015.

**10. Adjournment**

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to adjourn the meeting at 10:08pm. Motion carried – all in favor.

Respectfully submitted,

Nicole Piper,

Recording Secretary