

Draft Minutes

Exeter Board of Selectmen

December 28, 2015

1. Call Meeting to Order

Chairwoman Julie Gilman called the meeting to order at 7:05 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. Board Interviews

None.

3. Bid Openings/Awards – Water/Sewer Chemicals

Vice Chair Clement said DPW has reviewed the bids and recommending awarding the bids to the low bidders.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to award the bid #1 to Harcross Chemicals of Nashua, NH at the annual projected total of \$19,632. Motion carried – all in favor.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to award the bid #2 to Monson Company of South Portland, Maine at the projected annual total of \$7,074. Motion carried – all in favor.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to award the bid #3 to Coyne Chemical at the projected annual total of \$3,764.57. Motion carried – all in favor.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to award bid #4 to Borden & Remington at the projected annual total of \$12,706.50. Motion carried – all in favor.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to award bid #5 to Jones Chemical Inc. at the projected annual total of \$9,590. Motion carried – all in favor.

4. Public Comment

None.

5. Minutes and Proclamations

a. Proclamations/Recognitions.

There were no proclamations/recognitions.

b. Regular Meetings: December 7, 2015 & December 14, 2015

Chairwoman Gilman had an amendment to the minutes of the December 7th meeting, on page 2, saying there is a Motion that should read "Motion passed, Chartrand and Belanger vote nay." Selectman Chartrand had an amendment on the second to last paragraph on page 2, saying he did not actually second the Motion. Selectwoman Belanger said she believed she seconded that Motion for discussion.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve the minutes of the December 7, 2015 BOS minutes as amended in those two places, and as submitted by Nicole Piper. Motion carried – all in favor.

Mr. Dean said the minutes of the December 14, 2015 BOS meeting will be in the next packet.

c. Special Meeting: December 15, 2015

Selectwoman Belanger said she had an amendment on the fifth paragraph down, fourth line, correcting her wording to read "...we can't hear the negativity. It is an issue, but we need to listen and encourage conversation." Vice Chair Clement has an amendment to the same paragraph, saying it needs tweaking to read "Selectman Clement stated that the MRI report felt that the Boards were operating on silo mentalities. He felt the Selectboard and the Planning Board have not been actively engaged by the EDC in regards to the Epping Road proposed zoning change."

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve the minutes of the December 15, 2015 MRI Report Work Session, as submitted by Russ Dean, and as amended. Motion carried – all in favor.

6. Appointments

There were no appointments.

7. Discussion/Action Items

a. New Business

i) Stratham Water Purchase Agreement

David Canada, of the Stratham Selectboard, asked that this be postponed until later in the meeting.

ii) FY15 Encumbrances

Chairwoman Gilman said they do encumbrances each year when there are outstanding contracts. She said they have two this year. The first is the Planning Software for the Planning Department permit database. She said the vendor will complete this software conversion in 2016. The amount remaining is \$14,600.

Motion: A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement that the BOS encumber \$14,600 from account #01-4191-0301-5681 to the 2016 fiscal year. Vice Chair Clement added that this will be a great addition to the software in the Planning Department. Motion carried – all in favor.

Chairwoman Gilman said the next encumbrance will be for a conservation contract for invasive plant oversight.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to encumber \$1,900 from account #01-4611-0305-5200 to the 2016 fiscal year. Motion carried – all in favor.

iii) Snow-Ice Deficit Fund Withdrawal

Chairwoman Gilman said in FY15 the town exceeded their snow/ice budget. There is a memo in the packet saying the Town Manager seeks a withdrawal of \$50,000 from the Snow/Ice Deficit Fund to partially offset the overage.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter BOS authorize the withdrawal of \$50,000 from the Snow/Ice Deficit Fund to partially offset the overage in the 2015 Snow/Ice budget. Vice Chair Clement asked how much would be left in this fund. Mr. Dean said he wasn't sure on the exact number, but he thought it was less than \$5. Motion carried – all in favor.

b. Old Business

i) FY16 Budget Updates

Chairwoman Gilman said there will be a Public Hearing on the 19th of January for a final approval.

Mr. Dean said the minutes from the 12/14 BOS meeting reflected many changes including changes to the Stormwater line, the Solid Waste line, and the Snow/Ice line, so the new total budget they have to work with is \$17,576,735, which is a 2.04% increase over FY15. He said they also adjusted the Light Duty Vehicle line, which brought it to \$17,416 from \$18,292. He said they would save an amount each year of the lease. Selectman Chartrand asked if they'd save around \$900 each year. Vice Chair Clement said they reduced the proposed item from \$18,292 to \$17,416 which is approximately \$800 per year, or \$4000 overall. However, they knocked down two vehicles at around \$4000 a piece. Selectman Chartrand said to change a department request for a vehicle they are requesting, he is not sure this saving is worth it. He said they might want to take a second look. Mr. Dean said he would go back and check with Finance on the exact numbers on this. Vice Chair Clement said beyond the initial savings, they discussed that a compact vehicle would serve the same purpose as a Jeep. Mr. Dean said he spoke with Jennifer Perry and she had said she didn't have any comments one way or another on the issues the BOS brought up. He said he would get back to her and see if there is any more to come on that. Mr. Dean said one of his concerns is that the Jeep Patriot is supposed to be used for training and also to haul equipment. So, he said whether the Board feels comfortable with one compact vehicle instead of switching out both, may be something to discuss further.

Vice Chair Clement said on the Town Warrant draft, he thought they were going to discuss the accounting software further. Chairwoman Gilman said they are on January 11th.

Vice Chair Clement said he is hoping they will have more final numbers on the Wastewater Treatment Plant facility on the 11th as well. Also, he said there was talk of the value engineering report being out before the end of the year. He asked if there is anything to that effect. Chairwoman Gilman said Wright Pierce wants to meet on Wednesday, December 30 from 8-10:30, and said the BOS are invited to this meeting with DPW. Mr. Dean said one issue to ponder is there has been some talk about some wording in the Warrant Article saying there would be a special election if this Warrant Article does not pass. When the Warrant is reviewed by legal counsel, he said they can raise that issue.

Mr. Dean said another adjustment made to the Warrant Article today is on the Sick Leave Trust appropriation going up by \$25,000. He said they are trying to cover the retirements coming up in 2016. Also, page 5 Light Duty Vehicles will be adjusted when they have a final

number. Lastly, he said they did receive another Citizen's Petition today about Elderly Exemptions.

8. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

Motion: A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve abatement for map 46, lot 7, unit 2 in the amount of \$7,532.65. Motion carried – 4-1 with Clement abstaining.

Motion: A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve abatement for map 70, lot 129 in the amount of \$1,034.37. Motion carried – all in favor.

Motion: A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve abatement for map 80, lot 13 in the amount of \$178.78. Motion carried – all in favor.

Motion: A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve a Veteran's Credit for map 33, lot 11 in the amount of \$500. Motion carried – all in favor.

Chairwoman Gilman said there is a Timber Tax for the Conservation Timber Harvesting, but since it is on town property, it is not required to be paid. Selectwoman Belanger said there is RSA language backing this up. Kristen Murphy spoke with an attorney, who referenced RSA 79-1.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that per the Conservation Commissions request, the Exeter BOS waive the Timber Tax Fee on the logging taking place in the Henderson Swasey town forest. Vice Chair Clement said they should waive that and the Intent to Cut Notice, but that can be done in a later Motion. Motion carried – all in favor.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectwoman Belanger that the BOS be sure to waive, under the appropriate RSA, the requirement to file an Intent to Cut. 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 by Robert Goodman for a political party rally for Rand Paul on January 5, 2016. Motion carried –all in favor.

i) Stratham Water Purchase Agreement

At this time, Chairwoman Gilman said they go back to the Stratham Water Purchase Agreement.

David Canada, of the Stratham BOS, said they are very excited about approving this Agreement, but they did have one concern. He said there was a change from the MOA about the water. He said the MOA called for 125,000 gallons/day on average based on 365 days in a year and what was ultimately approved at the last Exeter BOS meeting was a cap of 125,000 and he said he would like to have John Boisvert (Chief Engineer of Pennichuck and Chair of the Stratham Public Works Commission) speak about water use.

John Boisvert said a couple of things have come up at the last meeting. One is that the average daily flow and the maximum daily flow. He said Stratham had agreed to the 125,000 gallons/day average, but through correspondence there seemed to be concerns by Exeter. He said there are periods of time when the water need may go up or come down, so he looked at normal variations being between 30-70%. He said Bob Kelly had stated "Stratham is mostly commercial", so they looked at 150,000 gallons/day to allow for seasonal variations. He said they had been thinking of putting a time frame on the 150,000 gallons, and explained this is when the Exeter BOS started seeing the 150,000 gallons number. He said when they look at the Agreement and see the 125,000 gallons/day maximum they feel the intent of they are getting has been reduced. So, he said they asked themselves if they can live with the 125,000 maximum, and if not, what changes would have to be made to the Agreement that would make that number more reasonable. He said it is a concern for them.

Selectman Chartrand asked if they put a hard cap in of 150,000 gallons instead of the 125,000 gallons, if that would work for Stratham. Mr. Boisvert said that would be good. Selectman Chartrand said so if they get rid of the average daily flow and change the 125,000 hard to cap to 150,000 it would work. Mr. Boisvert said that is reasonable.

Selectwoman Surman said one draft of the MOU talked about 125,000 gallons/day and one draft of it talked about 150,000 gallons/day. She said she thought 125,000 gallons had been the number all along. Mr. Boisvert said the average is set because some days the use will increase and some days the use will decrease. He said there is a concern they would overdraw for a short period.

Selectman Chartrand said his suggestion is they go with a hard cap. He said he had thought the 150,000 gallons was not a problem for Exeter. He said the only critical number is the maximum of flow. Mr. Dean said the 150,000 gallons is not an issue from a DPW standpoint. He said the main issue has to do with the gallons per minute flow rate maximum to make sure that's preserved in the Agreement, which it is.

Vice Chair Clement said he is concerned with a maximum of 150,000 gallons, and he wants to go back and look to see if Exeter has that kind of capacity now and in the future with future growth.

Selectwoman Surman said there is language in the Agreement that allows for more than 125,000 gallons.

Mr. Boisvert said they still have to maintain 125,000 long term, but may go over that for 60 days or so.

Selectman Chartrand said Stratham wants to be Exeter's customer. He said when he hears them say what the Exeter BOS did 2 weeks prior with the Agreement doesn't work for them, he wants to listen and try to accommodate them.

Selectwoman Belanger asked if when Ms. Perry said the 150,000 wouldn't be problem, was she thinking of Exeter's needs too. Mr. Dean said yes she was, and she is being very conservative with Exeter's needs as well.

Mr. Dean stated that the MOA content has been out there for viewing in many instances now.

Mr. Canada said when you cap the top number at 125,000 and have no low number cap, you are going to come up with an average that is lower than 125,000.

Selectwoman Surman said the first MOA is not a document that is a contract they are signing. She said it is an idea of how they are going to do the Agreement. She wanted everyone to be clear of the difference between an MOA and a contract.

Mr. Canada said Stratham is back in front of Exeter to renegotiate this matter.

Selectman Chartrand said the reason Stratham is here is because they are a potential buy-in customer saying they are not comfortable with what the Exeter BOS discussed two weeks prior. He said Stratham is saying they want to land at a 125,000 gallons average and if they cap at 125,000 Stratham won't be able to get that average.

Vice Chair Clement asked Mr. Canada if he would be more comfortable with the language going back to the maximum AVERAGE daily flow. Mr. Canada said yes, they would. He said the Stratham BOS had taken a vote on the last draft of the Agreement with the language being maximum AVERAGE daily flow.

Chairwoman Gilman said she could go either way here, either changing the language back or putting a max cap of 150,000 gallons in the Agreement.

Paul Deschaine said Stratham is here because things have changed and there needs to be more clarity. He said they tried to use the MOU as a model. In the MOU the average daily flow was 125,000 gallons/day.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to change 2.01.3 Quantity of Water “maximum daily flow” to “maximum average daily flow” and also in the last paragraph change the language to say “no temporary supply beyond the maximum average daily flow of 125,000 gallons.” Selectwoman Surman said she would prefer they go with a fixed figure of 150,000 gallons because the average was problematic before. Chairwoman Gilman said that was the concern about the clarity of how it would be documented so that is why they started talking about a hard cap. Vice Chair Clement said if they use a hard cap, they are agreeing to sell 150,000 gallons/day every day because there is no average. Vice Chair Clement and Selectman Chartrand withdrew their Motion and second, to make a new Motion.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectwoman Surman that the Exeter BOS change the language in 2.01.03 Quantity of Water, to state “Maximum daily flow of 125,000 gallons/day as determined by the daily average of 365 days within a calendar year.” Motion carried – all in favor.

Chairwoman Gilman stated they had the idea of a formal signing between the two Boards.

Now, the Board moved back to Regular Business.

c. Town Manager’s Report

Mr. Dean spoke about the following for his Town Manager’s Report:

- The stadium well work continues and is expected to be up and running soon
- The facility plan draft is in and will be out soon
- Police Chief Kane has announced his retirement. He wished Chief Kane well wishes.
- He thanked the Rotary for the great job with luminaries.

The whole Board thanked Chief Kane for his service to the Town.

d. Selectmen’s Committee Reports

There were no Selectmen’s Committee Reports

e. Correspondence

The following correspondence were included in the packet:

- A letter from Mitchell Municipal Group regarding 2016 rates
- A letter from Riverwoods regarding support for a cell tower on town land
- A letter from Congressman Frank Guinta regarding a grant for the great dam
- An application for a volunteer for Conservation Commission from Andrew Koff
- A letter from Municipal Resources regarding valuations

9. Review Board Calendar

The BOS will next meet on January 11 and will have the Finance Director present to talk about new software. The BOS will also talk about the Facility Study. There is a public hearing on the budget on January 19.

11. Adjournment

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to adjourn the meeting at 8:36pm. Motion carried –all in favor.

Respectfully submitted,

Nicole Piper, Recording Secretary