

Draft Minutes

Exeter Board of Selectmen

January 19, 2016

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 Don Clement, Selectman Dan Chartrand, Selectwoman Nancy Belanger, and Selectwoman Anne Surman. Town Manager Russell Dean was also present.

The first order of business was the bond hearing on the new Wastewater Facility.

Pursuant to New Hampshire RSA 33:8-a the Exeter Board of Selectmen hereby gives notice that will hold a public hearing on the following projects requiring bonds and notes as part of the FY16 Town Budget:

New Wastewater Facility \$51,870,000

Chairwoman Gilman explained the protocol.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to open the Public Hearing for the bond for Article 7, Wastewater Facility and Main Pump Station Improvements. Motion carried – all in favor.

Article 7

Chairwoman Gilman read Warrant Article 7. Mr. Dean said they have been going through the Wastewater Facility process for a while now. He said Wright Pierce has just finished the cost estimates. The amount of the warrant article is construction and not design, these funds were approved already in 2014.

Brian Griset asked what the design capacity is for the plants proposed.

Ed Leonard, from Wright Pierce, said the design flow rate is at the initial capacity of 2.2 mgd.

Bob Kelly, Chair of the Water/Sewer Advisory Committee, said something was overlooked at last week's Water/Sewer meeting. He said they don't need to bond this for a while. He said they have at least 6-8 months. He said a Committee member said they should still research some options for payment. There is a rate consultant coming on board soon. He urged the BOS to strike the last sentence of this article, reading "Debt service to be paid by the Sewer Fund."

He said they still have more time to look into payment options. He urged they take the time they have to look at options. He said they should not pin themselves down. Frank Ferraro recommended not following through with Mr. Kelly's suggestion. He said it would be disingenuous as it would hide from the public who would pay for this. Mr. Ferraro said who is going to pay for this is an essential part of the Article. He said a bond that has been issued cannot be revoked.

Motion: A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement for the Exeter Board of Selectmen to recommend the Article 7 – Wastewater Facility and Main Pump Station Improvements bond, as written. Motion carried –all in favor. Vote 5-0.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to close the bond hearing. Motion carried – all in favor.

The next order of business was on the FY16 budget.

Pursuant to New Hampshire RSA 32:5, the Exeter Board of Selectmen hereby gives notice of a public hearing on the Town of Exeter Budget for the 2016 fiscal year.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to open a Public Hearing for the 2016 Operating Budget for the General Fund, Water Fund, and Sewer Fund. Motion carried- all in favor. Vote 5-0.

Article 9

Chairwoman Gilman read Article 9 – 2016 Operating Budget. She then asked the public for any Public Comment, of which there was none.

Vice Chair Clement asked what the default budget is. Mr. Dean said the default budget for FY16 is \$17,411,021. Vice Chair Clement asked why this default number is less than last year's operating budget. Mr. Dean said some things have not been included in this default. Selectman Clement sought clarification of the DPW budget. The Town Manager talked about the Pickpocket Dam LOR, which is in the operating budget, but not the default. However, he said health insurance, salaries and wages, and other such numbers are included. Doreen Ravell, Finance Director, said on page 4 of the MS-DT there are explanations for every variance.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend the 2016 Operating Budget. Motion carried – all in favor. Vote 5-0.

Article 10

Next, Chairwoman Gilman read Article 10 – 2016 Water Budget. She asked the public for any Public Comment, of which there was none.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 10 – 2016 Water Budget. Motion carried – all in favor. Vote 5-0.

Article 11

Chairwoman Gilman read Article 11 – 2016 Sewer Budget.

Vice Chair Clement said the Sewer Budget shows a decrease of \$174,722. He asked why there is this decrease. Mr. Dean said this is mainly because of the I & I abatement line item of \$130,000 not included in the FY16 budget.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 11 – 2016 Sewer Budget. Motion carried – all in favor. Vote 5-0.

Motion: A Motion was made by Vice Chair Clement and seconded by Selectwoman Belanger to close the Public Hearing on the 2016 budgets. Motion carried –all in favor.

Article 12

Chairwoman Gilman next read Article 12. Mr. Ferraro spoke, saying there was no Public Notice for the other Warrant Articles besides the budgets and bond. Mr. Dean said this is a public meeting. Mr. Ferraro said it wasn't posted. Brian Grisette said last year this happened that the other articles weren't posted. The Board had agreed then that an error was made. He said no notice was made for a BOS meeting, other than a bond hearing, which has been opened and closed, and a budget hearing, which has been opened and closed. He said moving forward with the hearing would break the law.

Selectman Chartrand recommended closing the meeting and consulting town counsel about this.

Selectwoman Surman asked if this was because the Public Notice didn't have "Warrant Articles" in the wording.

Vice Chair Clement said they have to post all this information so many days before deliberative session. He said there is a timing issue.

Mr. Dean read the RSA on budget preparation and he said his sense is that it says the Board should go over all financial articles tonight, at a minimum. Vice Chair Clement said it would

have been better notice to put Warrant Articles on the agenda, especially since there are Citizen Petition Articles. He said he was not sure of the legality here.

Selectwoman Belanger asked if they don't discuss them tonight, if the deliberative session can be rescheduled. Mr. Dean urged the Board to move forward with their meeting.

Mr. Ferraro said if the Board moves forward and makes any actions, those actions would be invalid. He said the Board should put out a Notice for this tomorrow morning and hold a meeting Thursday morning. He said by the Board moving forward tonight, they are not allowing the public to be present.

Selectwoman Belanger asked what would happen if they don't move forward tonight. Selectman Chartrand said they have an option to recommend after the deliberative session. Vice Chair Clement said Monday, January 25 is the deadline to post the Warrant and Budget. He said they could schedule a Special Meeting before next Monday. Mr. Dean again suggested they discuss the financial articles, as there is a 7-day Notice minimum for a budget hearing. He said all DRA forms and present at this meeting for the public and that the Warrant Articles are part of this budget discussion. Mr. Ferraro said the town has satisfied its 7-day Notice for the budget, and now they need to do that for Warrant Articles.

Bill Campbell said he didn't think the BOS could vote on something that is not on the agenda. He said the Board has to have it on the agenda to talk about it. He said it is disingenuous to all the people that submitted Citizen's Petitions.

Mr. Griset said the BOS meetings and budget/bond hearings are for the BOS to take action and for the public to participate. He said the Board has failed to post a Public Notice for a BOS meeting tonight.

Mr. Dean read RSA 40:13, which he said includes all elements of the Warrant. Selectwoman Belanger did urge Chairwoman Gilman and the Town Manager to consult counsel in the morning. Mr. Dean said the Warrant has to be posted for the public by Monday, January 25 without a doubt it has to occur. Mr. Ferraro said the Board has dealt with the budget. He said there is not a 7-day requirement for the other Articles, whether they deal with money for not. He said the only requirement here is the 91-A Public Notice.

Motion: A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to reopen the budget hearing and take up the Warrant Articles that have financial impacts. Vice Chair Clement said this would have been a simple fix if the agenda read "Bond, Budget, and Warrant Articles." Mr. Dean said the DRA forms, budget, and Warrant Articles are all present for the public. Vice Chair Clement asked Mr. Dean if, in his opinion, they can go forward tonight with the Warrant Articles. Mr. Dean said yes, they can. Chairwoman Gilman

called the vote. Motion passes with a 3-2 vote. Selectwoman Surman and Vice Chair Clement vote nay.

Chairwoman Gilman said she thinks they are covered. Vice Chair Clement said since they will not move forward and act on any Articles with a financial impact, what about the Articles with no financial impact. Selectman Chartrand urged they get with town counsel in the morning for their recommendation.

Mr. Griset said any discussions with a majority of the Board without Public Notice is in violation of the law.

Motion: A Motion was made by Selectwoman Surman to adjourn the meeting. With no second, Motion fails.

Chairwoman Gilman said this meeting was posted for a Public Hearing for the budget and a bond hearing. She said the next Article for discussion is Article 12 – SEIU Bargaining Agreement.

At 7:59 pm, Selectwoman Surman left the meeting.

Article 12

Chairwoman Gilman went on to read Article 12 – SEIU Bargaining. She then asked the public for any Public Comment, of which there was none.

Vice Chair Clement asked what other parts of the contract may have been altered. Mr. Dean said this is a one year contract. He said there is a 2.23% step scale. Also, the contract has added 2.5 days of vacation at 10 years of service and contains three minor language changes. Vice Chair Clement asked if the union members have ratified this contract. Mr. Dean said yes, they have.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 12 – SEIU Bargaining. Motion carries with a 4-0 vote.

Article 13

Chairwoman Gilman read Article 13 – Firefighters Bargaining Agreement. Mr. Dean said this is a step increase of 2.23% for each year of the contract. He said there is an additional 1% employee contribution for health insurance in the second year.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 13 – Firefighters Bargaining Agreement. Motion carried with a 4-0 vote.

Vice Chair Clement said a lot of the other Articles should include the general public's input. He said he may be abstaining in some votes to come. Selectman Chartrand said the general public does have the opportunity to give input at the deliberative session. Mr. Dean said the DRA forms all include the appropriations being reviewed tonight. He said if changes are made to these forms, this is the night to do them. Vice Chair Clement said the MS636 form does have all of the budget items. He said he still feels unsettled about the lack of public notice. Mr. Dean read the Municipal Budget Law again, trying to reassure the Board that in his opinion the Board was within their boundaries to continue their discussion.

Article 14

Chairwoman Gilman read Article 14 – 2016 Human Services Agencies. She then asked the public for their comments.

Mike Dawley said all he is hearing with the Board is defiance and silence. He was uneasy about being down a Board member for voting. He said he was disappointed.

Selectman Chartrand urged the Board to stay with the Article at hand. He said he was not speaking in defiance, but suggested they keep moving forward.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 14 – 2016 Human Service Agencies. Motion passes with a 3-0-1 vote. Vice Chair Clement abstained.

Article 15

Chairwoman Gilman read Article 15 – Sick Leave Trust Appropriation. She asked for Public Comment, of which there was none.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 15 – Sick Leave Trust Appropriation. Motion carried with a 3-0-1 vote. Vice Chair Clement abstained.

Article 16

Chairwoman Gilman read Article 16 – Master Plan Update CRF and Study. She asked for Public Comment.

Mr. Dawley asked if \$10,000 was spent on the first two chapters' updating. Mr. Dean said around \$8,000 was spent. Mr. Dawley asked if they will need an additional \$50,000 for this Article, or \$42,000 with the \$8,000 already spent. Chairwoman Gilman said it would be an additional \$50,000. Mr. Dawley said they have never spent more than \$10,000 to update a Master Plan. He asked the Board to reconsider this Article amount and reduce it.

Mr. Campbell spoke, saying he too thought the \$50,000 for this Article was too high. He said he couldn't see spending that much money on the updating in the next year.

Selectman Chartrand said the Master Plan has not been updated since 2002. He said this is an attempt to accelerate the updating process as the Master Plan is a key document.

Mr. Dawley asked what the difference is with this Master Plan and said they should not need a drastic amount of money.

Vice Chair Clement said this is an update. He said they are updating existing chapters. There are nine chapters. He explained the chapters and how they will be updated. He too thought the \$50,000 was too high. He said he knows they need to move forward. He said they should not completely rely on consultants. He would reduce this Article to \$25,000.

Selectman Chartrand said this figure has been vetted thoroughly through the Budget Recommendations Committee. He said this updating needs to be accelerated. The Planning Board cannot do this updating themselves as they are too busy. He said this money is to bring in more help.

Vice Chair Clement said \$50,000 is too much to spend on this. He said they can do this for \$25,000. He said a comment was made at the last Planning Board meeting about the Economic Master Plan. He wondered when that would be done. Mr. Winham said he is working on the EDSP. He also added that it is crucial they keep the \$50,000 on this Article. He said it will be money well spent and that the old Master Plan is outdated.

Chairwoman Gilman said the HDC was quoted close to \$30,000 for updating their guidelines. As this is a much smaller 30 page document, she thought it was appropriate to keep the \$50,000 on Article 16.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 16 – Master Plan Update CRF and Study. Motion carried with a 3-0-1 vote. Vice Chair Clement abstained.

Article 17

Chairwoman Gilman read Article 17 – Snow/Ice Deficit Fund. She asked for Public Comment, of which there was none.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 17 – Snow/Ice Deficit Fund. Motion carried with a 3-0-1 vote. Vice Chair Clement abstained.

Article 18

Chairwoman Gilman read Article 18 – Townwide Accounting, Tax and Utility Billing Software Lease/Purchase.

Vice Chair Clement said he is concerned about spending this amount of money. He said they did have a presentation from Ms. Ravell at their last BOS meeting. He said he would still like to forgo spending money on this this year. He said Mr. Dean, Ms. Ravell, and the IT Director should investigate more financial software packages. He said they should see what we need and what is out there to support those needs. He said they should spend some time to get a good evaluation. He thinks they should take the time to pick the right package and that they should not move forward this year.

Ms. Ravell said she has spoken with a lot of surrounding towns about what systems they use. She said recently Somersworth and Goffstown are on board with the Munis system. She said also that she does include all the town's departments who use the system in this process. She asked they recommend the Article, as they do not need to spend all of the funds if they find this system does not work. Selectwoman Belanger asked Ms. Ravell if they could live another year on Munismart. She said she could, but productivity would not be at its best. Selectman Chartrand said a lot of people hours are being lost by staying on Munismart. He said they will lose a lot more over the next year. He suggested they move forward with this conversion.

Ms. Ravell said she has tried to talk the top company down. She said they have agreed to waive the first year of annual maintenance, which is a saving of \$25,000.

Mr. Dean said he does not want to be in a situation where they do not have an appropriation for this if Harris pulls out in the middle of the year. He said it is important to stay current with the audit and GASB requirements and wants to avoid any issues.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 18 – Townwide Accounting, Tax and Utility Billing Software Lease/Purchase. Motion carried with a 3-0-1 vote. Vice Chair Clement abstained.

Article 19

Chairwoman Gilman read Article 19 – Highway Department Dump Truck Lease/Purchase. She asked for Public Comment, of which there was none.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 19 – Highway Department Dump Truck Lease/Purchase. Motion carried with a 3-0-1 vote. Vice Chair Clement abstained.

Article 20

Chairwoman Gilman read Article 20 – Downtown Parking Study.

Mike Dawley asked the Board to reduce this to \$15,000.

Selectman Chartrand referenced a letter from Don Briselden. Mr. Dawley said the \$15,000 he is recommending includes Lincoln Street and the downtown. Mr. Dean said this Article started at \$50,000, and has been reduced to \$35,000. He said in looking at the cost, they looked at the cost estimates of Dover, which is a comparable town.

Selectwoman Belanger read the letter from Mr. Briselden. The letter talks about including the Train Station in the Parking Study.

Vice Chair Clement said he feels they do not need to spend \$35,000 on this. He said they did a study in 2002 that they have and he doesn't think much will change from that study.

Selectman Chartrand said this study is crucial. He said Mr. Winham says they need this study because folks will not develop downtown because they are concerned with the parking situation.

Chairwoman Gilman supports Mr. Briseldon's comments. She said the 2002 study did not include weekends, and that is important to include. She said a lot has changed since then and she thinks the \$35,000 is a good amount.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to amend Article 20 to read "To see if the Town will vote to raise and appropriate via special warrant article the sum of thirty-five thousand dollars (\$35,000) for the purpose of conducting a parking study of the downtown area of Exeter to include Water Street, Lincoln Street, and all municipal parking lots." Motion carried with a 4-0 vote.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 20, as amended. Motion and second withdrawn.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 20 – Downtown Parking Study. Motion carried with a 3-0-1 vote. Vice Chair Clement abstained.

Article 21

Chairwoman Gilman read Article 21 – Light Duty Vehicle Lease/Purchase Program. She asked for Public Comment, of which there was none.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Exeter Board of Selectmen recommend Article 21 – Light Duty Vehicle Lease/Purchase Program. Motion carried with a 3-0-1 vote. Vice Chair Clement abstained.

Article 28

Chairwoman Gilman read Article 28 – Citizen’s Petition Downtown Sidewalks. She asked for Public Comment.

Mr. Campbell spoke, saying he is in favor of this. He asked what the tax rate increase is for \$100,000. Mr. Dean said it is approximately 6 cents on the tax rate and the project would be around 11 cents per 1,000 in total. Mr. Campbell said this is a chance to do something to beautify the town. He asked the Board to consider backing this up, as the petitioner was not present to speak.

Mr. Winham supports this Article. He said it helps from a development standpoint to see the town investing in their community.

Selectman Chartrand asked if this will push back the start date for the sidewalks if this passes. Jennifer Perry said they are scheduled to be in front of the BOS on Monday night to talk about sidewalks. She said she did not think it would push back the start date. She said it might just prolong the project.

Selectwoman Belanger said she would support this. She asked if the concern about this last year was the longevity of the brick. Ms. Perry said the brick will last longer than the asphalt.

Vice Chair Clement said in his opinion this would make the town look better.

Chairwoman Gilman said she is in favor of this as well. She said the brick is more attractive than concrete and agreed it would beautify the town.

Motion: A Motion was made by Selectwoman Belanger and seconded by Chairwoman Gilman that the Exeter Board of Selectmen recommend Article 28 – Citizen’s Petition

Downtown Sidewalks. Motion carries with a 2-0-2 vote. Vice Chair Clement and Selectman Chartrand abstained.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to close the Public Hearing on Exeter's 2016 budget. Motion carried – all in favor.

There was discussion amongst the Board of whether or not to move forward with more Warrant Articles. They still have two Article and two Citizen's Petitions to discuss. Vice Chair Clement said on the Citizen's Petitions, the petitioners might want to speak. Mr. Dean suggested putting the Citizen's Petitions on Monday's agenda. The Board decided to meet on Thursday, January 21 at 6:30pm to deal with the Articles 22 and 23.

Mr. Dean reiterated the components of RSA 32:5 and said he felt this meeting followed procedure and was conducted in accordance with the RSA.

Motion: A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to adjourn the meeting at 9:44pm. Motion carried – all in favor.

Respectfully submitted,

Nicole Piper, Recording Secretary