

Draft Minutes

Exeter Board of Selectmen

June 6, 2016

1. Call Meeting to Order

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

2. Board Interviews – River Study Committee, Exeter Arts Committee

The Board had conducted interviews for River Study Committee and the Exeter Arts Committee at 6:44 pm.

3. Public Comment

Bill Campbell said at the last BOS meeting it was announced that the Special Meeting with Riverwoods would not be televised. He said he had heard that Chair Chartrand had opened the meeting by making a statement. He said Chair Chartrand had said there would be discussion at the meeting, but said there was none. Mr. Campbell had some issues with the transparency of the meeting. He said there was also an EEDC meeting that wasn't televised because it was at a new time. He encouraged Chair Chartrand to lead meaningful discussions and be transparent.

Brian Griset asked why the 9/24 Special Meeting minutes were not available yet. He said his main concern with the Special Meeting is that there was no public comment, but Riverwoods and the Town Assessor were allowed to speak. He also had transparency issues with the agenda. He went on to say that tonight's meeting was not posted 24 hours in advance. Mr. Griset also had some concerns with the sidewalk project. He asked who authorized the decorative lighting going in on the corner of Front Street and Water Street. He is concerned that the town isn't going by the scope of the job. He asked who instructed the light by paid for and who is going to pay for it.

Selectman Clement had a 91-A request, to review the statement that was read at the beginning of the 5/24 Special Meeting. He said he has no way to review what Chair Chartrand said since the meeting was not televised.

4. Minutes and Proclamations

a. Proclamations/Recognitions.

There were no proclamations or recognitions.

b. Minutes: May 9, 2016 and May 23, 2016

May 9, 2016

A Motion was made by Selectman Clement and seconded by Selectwoman Surman to accept the minutes of the May 9, 2016 BOS minutes, as submitted. Motion carried – all in favor.

May 23, 2016

Vice Chair Gilman had one amendment to page 4, changing the vote on the last Motion to say 4-0 instead of 4-1.

A Motion was made by Selectwoman Surman and seconded by Selectman Clement to amend the minutes to include Brian Griset's following comments: amend page 1, last paragraph by inserting new sentence after second sentence saying "He requested, under 91-A to view all written communications on this issue"; amend page 2, first paragraph, last sentence changing the word "may" to "will"; amend page 2, second paragraph, last sentence by deleting and replacing with "Mr. Griset stated that as both Mr. Kelly and Mr. Chartrand have stated that Mr. Kelly was before the Board tonight as the Chairman of the W&S Advisory Committee, and, as it has been explained that Chairman Chartrand instructed Mr. Kelly to speak during the "Public Comment" portion of this meeting as he could not be placed upon the agenda to comply with the required notice period, that Chairman Chartrand has violated RSA 91-A by not informing the public that this topic of conversation would be discussed this evening." Selectman Clement and Vice Chair Gilman stated that they would like to go back and review these comments before voting on this Motion.

A Motion was made by Vice Chair Gilman and seconded by Selectwoman Surman to postpone the approval of the 5/23/16 BOS minutes, until reviewed. Motion carried – all in favor.

5. Appointments

A Motion was made by Vice Chair Gilman and seconded by Selectman Clement to remove alternate member Robert Mike-Meter from the Planning Board because of lack of attendance. Motion carried- all in favor.

6. Discussion/Action Items

a. New Business

i) Town Ordinance Amendment – Chapter 704

Mr. Dean said the BOS had previously had a discussion about a Rayne's Farm firearms issue where the police were called to go out there. He said while looking into signage to prevent firearms out there, he realized Rayne's Farm is not included in the ordinance, so this amendment adds Rayne's Farm to the ordinance and makes Rayne's Farm conservation area. Mr. Dean said once it is amended, he can move ahead with signage. The policy requires three readings, and he said this is the first of those. After the third reading, the BOS can take a vote to authorize the ordinance change.

ii) Sanborn Street Property Maintenance Issue

Mr. Dean said resident Hanz Hube, of Myrtle Street, was present and lives across from the subject property on Sanborn Street.

Mr. Hube began by saying he bought his home 10 years ago. He said he has driven by 3 Sanborn Street many times and it has not changed. He said the property continues to get worse and he would like something done about it. There is a large amount of debris on the property and he called it a mess. He said he is not the only one with the problem. Six months ago, he wrote a letter to the property owner and got no reply. He even offered to buy the property. He continued to say there is no statute that says this is not ok. He asked the Board to look and see if State laws can force the property owner to clean up the property, and added this mess does affect his property value.

Doug Eastman said this has been an ongoing issue. He said he has had some progress with the son of the property owner through personal discussions. The son has offered to help clean up the property. He reviewed the town ordinance, and thinks he found something that describes a number of things of the property and would constitute the property as a junk yard. So tomorrow, Mr. Eastman said he will be sending a violation notice to them and try to get this cleaned up.

Mr. Dean said he is looking through regulations and his hope is to get this property cleaned up within 30 days. He said there are some neighbors interested in helping with that.

Selectwoman Surman asked if there is any health hazard here. Mr. Eastman said he resolved that when the garage on the property fell down.

Vice Chair Gilman asked what the next step is if the property is not cleaned up within 30 days. Mr. Eastman said they would get a court order then they could potentially be in violation of that, but added this is the first step.

Selectman Clement said he did some ordinance research. He said he hoped there is something on the books to regulate this as he wouldn't want to tell people what to do with their own property. Mr. Eastman said if you read the definition of a junk yard, he feels confident this property fits into that.

iii) Bittersweet Lane Speed Issues

Mr. Dean said the issue of speed/traffic within the Bittersweet Lane area has been brought forward by Mr. Fraser. Chief Shupe has been working on this.

Doug Fraser, of 13 Bittersweet Lane, said the speed limit sign on Greenleaf says 25 mph. He said this road is considered a cut through so there is a lot of traffic. He has been parking his vehicle on the road, as he is doing work on his house, and hopes to slow drivers with it being there. Police came to his house and two of them said it was ok to park in the street, but the third was apprehensive to have him park there. He said he suggested a speed bump to the police. He said Bittersweet is posted at 25 mph, but the average speed is 35-40 mph. He said it is dangerous for school kids getting off the bus or pets in the neighborhood. The issue is that someone is going to get hurt. He initially addressed this a few years ago with no success. He suggested perhaps Bittersweet become a one-way street. He said they have to do something to slow the drivers. He said the new condos going in are only going to add to the issue.

Chief Shupe said he sat with Mr. Fraser and he sees his concerns. He said he has the ability to do a speed survey, so on June 2 he surveyed 1,821 vehicles on Bittersweet. He found that the average speed is 19 mph and he only had one car at 29 mph. With those traffic numbers, he said he's not sure there is a speed issue, but rather a volume issue. His other issue is that with Mr. Fraser's car parked in the road, cars driving by are forced into the oncoming lane when going around his car. His parked car is creating a hazard because it is so close to the bend. He looked up the town ordinance, and Mr. Fraser is actually in violation with his car parked on the street. He said he will continue to work with Mr. Fraser on this issue. Mr. Dean thanked Chief Shupe for conducting his survey.

Stacy Koperhager, a nearby resident, said she does believe there is a volume problem. Her concerns are the walkers. She said once the police are not there watching, the speeding increases.

Carrie Thomas, a nearby resident, said they have had head on collisions in the neighborhood because of speeders. She said kids should be outside and they cannot because of the speeders.

Chair Chartrand asked Chief Shupe if there is anything they can do about adding more stop signs or making it one-way. Chief Shupe said there is a lot more traffic because of construction downtown and when that is done it should slow a bit. He said there are number of things to look at and they need to figure out what fits best. Mr. Dean said they would want to look at different options for a solution.

Selectman Clement said his concern is with the one-way, as it will just dump traffic into the other streets. He thinks there are different options to look at.

Vice Chair Gilman said she does not see a decrease in volume with construction ends because the apartments going in will be done by then so those drivers will add to the traffic. She is interested in looking at different options here.

Selectwoman Surman agreed that volume isn't going anywhere. She said they need to get the right folks involved to find a solution.

Mr. Dean said they would like to take this issue under advisement and bring something back to the Board.

Chair Chartrand asked Mr. Fraser if he would work with Chief Shupe on parking his car in the road, and he agreed he would.

iv) Water-Sewer Abatement Policy Update

Mr. Dean said this policy update would be an attempt to allow the Board to have a bit more flexibility when looking at abatement requests. It would redefine some terms. He read some language in the proposed policy, which is included in the packet. This revision has also been broken up into sections so it is easier to follow. DPW looked it over and only had a couple minor changes, but generally speaking they liked the proposal.

Selectman Clement said he doesn't understand why they need to change the policy. He thinks it will be more problematic if the policy is changed. He looked at other policies from other towns and found some are the same as Exeter's current policy.

Vice Chair Gilman said some definitions need to be clarified. She didn't give a certain suggestion, as she said she had so many.

Selectwoman Surman said Section 7 in the current policy should not have been deleted for the proposal.

Chair Chartrand said he liked the fact this policy is trying to be changed. He asked the Board to give their suggestions to Mr. Dean and they will continue to work on this.

Selectman Clement again said he didn't know why they needed to change the policy at all. He thought hardship cases do not belong in the policy.

Vice Chair Gilman said she did think since this policy has not been updated since 2008 they should look at updating it. She said she wanted to get into checklists on this.

Mr. Dean said this is a first draft. He said they are going on the presumption the town has had a lot of issues with the existing policy.

Gerry Hamel spoke, saying he didn't like that the policy states you can only request one abatement in a 10 year period. He thinks that should get looked at.

Brian Griset said the one abatement request in 10 year requirement only applies if the town is not at fault. Under the current policy, he said there is a no fault rule which is reasonable and grants a 50% abatement. He agreed with Selectman Clement and Vice Chair Gilman that something is missing in the welfare component, i.e. hardship. He said there is a welfare budget that is approved that could be used. He suggested they not change the policy for hardship and to add something that says to go to welfare for that.

b. Old Business

i) Riverwoods Settlement Discussion

Joe Lessard spoke, saying that at the 5/24 Special Meeting he was directed to meet with taxpayer reps, which he did. He said the end result was that Riverwoods would withdraw their appeal if the town granted them an abatement of \$15,000. He felt Riverwoods was making a fair offer.

Mike Dawley, resident, begged the Board to get this issue resolved. He said it is not that complicated and is bothered that this is being treated differently from other abatement requests. He said this is a data issue so it is not unique. He said the worst thing to do would be to settle. He thought the \$15,000 just came out of the air and if the town gives them an abatement then give them the whole \$37,000. He thought these negotiations shouldn't be happening.

Mr. Griset said that at the BOS meeting on 5/23 he requested, under 91-A, to view all the documents pertaining to this issue. He said it has been 9 days and still has not gotten them. He said if the Board decided to grant this abatement then every taxpayer in town has the same rights.

Gerry Hamel has some questions regarding purchase price and current use tax paid. He said they need this information to make a decision here.

Mr. Lessard said he would go back and find those figures. Mr. Dean said he thought it was around \$72,000 for the current use penalty.

Selectwoman Surman said she was reluctant to set a precedent here.

Chair Chartrand agreed with Mr. Dawley in that they need to move this along. He thought they should take action tonight.

Motion: A Motion was made by Vice Chair Gilman and seconded by Selectwoman Surman to reject the offer from Riverwoods. Motion carried – 3-1 vote. Chartrand voted nay.

ii) Stratham Water Connection Application

Mr. Dean said there is a proposal in the packet from Stratham called Amendment to Town of Exeter, New Hampshire and Town of Stratham, New Hampshire Water Purchase Agreement dated January 11, 2016. He said this just came last week from Stratham and he thinks it was done in good faith.

Vice Chair Gilman said she is uncomfortable with all comments of the property owner being part of this Agreement. She said that is between the property owner and Stratham.

Selectman Clement said he is not in favor of adding this Amendment to an Agreement that took so long to come up with. He is more concerned with Exeter's TTHM issue than Stratham's MTBE issue, and thinks that needs to be focused on more instead of dealing with Stratham. He does not think this is the right approach to go by. He does not think the proposed Agreement is mutually beneficial to Exeter.

Selectwoman Surman said you cannot amend an Agreement that was first between two parties and now between three. She said they are trying to amend an Agreement that wasn't even approved by their town. She is opposed to this.

Vice Chair Gilman also had trouble with this.

Chair Chartrand asked Mr. Dean to give Paul Deshaine the Board's feedback.

Mr. Campbell spoke, agreeing with Selectwoman Surman that Stratham voted this down originally.

Mr. Griset spoke, saying he agreed with most of the Board and added that the Agreement does not protect Exeter.

Motion: A Motion was made by Selectwoman Surman and seconded by Selectman Clement that the Exeter BOS terminate the Town of Exeter, NH and Town of Stratham, NH Water Purchase Agreement effective immediately and review discussions on an Agreement amended on a date in March, 2017 after the Town of Stratham has held its town meeting and an affirmative vote on a water bond has been reached. Discussion: Chair Chartrand thought terminating this was a terrible idea as Stratham is in the process of informing their town more about this. Selectman Clement said he understands but it needs to be both parties standing up in agreeance here. He said a majority of the Board is not in favor of the amendment. Vice Chair Gilman said she doesn't like amending this agreement but is reluctant to terminate the whole Agreement with Stratham. Selectwoman Surman said her problem here is that Stratham does not have its town behind them to approve this. Chair Chartrand called the vote. Motion fails with a 2-2 vote. Chartrand and Gilman voted nay.

7. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

A Motion was made by Vice Chair Gilman and seconded by Selectman Clement to approve abatement for map 52, lot 41 in the amount of \$781.52. Motion carried – all in favor.

A Motion was made by Vice Chair Gilman and seconded by Selectman Clement to approve abatement for map 81, lot 73 in the amount of \$2,538.68. Motion carried – all in favor.

A Motion was made by Vice Chair Gilman and seconded by Selectman Clement to approve abatement for map 79, lot 11 in the amount of \$1,757.15. Motion carried – all in favor.

Vice Chair Gilman made a Motion to rescind the vote taken on 10 Sanborn Street, then requested it be put on the next agenda, as she thought it would be more appropriate to include a written statement in the packet and not have just a verbal statement.

b. Permits & Approvals

There were no permits or approvals.

c. Town Manager's Report

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

- tax bills are out and the deadline for those is July 1

- there is a UNH group doing a wetlands buffer review and they asked for Mr. Dean's feedback

- Finance and Public Works staff met about a bond bank loan. He will report back to the Board when he has more information

- a Wastewater Treatment Facility BAN discussion

- connecting with AHA website provider about modifying the town website

- reviewed CDBG grant with Housing Authority

- a request from staff about the dumpsters behind the Town Office building being moved

- the vault project in the Town Clerk Office is going well and has improved record storing

- received a draft of goals report from Primex

- resolved sign board issues

- went to 100th birthday party with Vice Chair Gilman and Selectman Clement at the Senior Center

- thanks to the Memorial Day Parade Committee

- with the new sidewalks he is seeing an uptick in people to want to do sidewalk sales, i.e. bake sales. He said they should review the regulations on sidewalk sales

- on the 20th there will be a CDBG hearing

d. Selectmen's Committee Reports

Selectman Clement reported he met with two people from the Green Bay National Reserve. They are looking at three towns and creating an Advisory Committee. He also reported a Unitil emergency response meeting on the 31st. He said the Planning Board met and approved a site plan of an 8000 square foot office building at 2 Hampton Road for a 20 unit multi-residential subdivision on Linden Street. They also reviewed a Yield Plan. He also said he had a Clean Water Healthy Lawns meeting.

Selectwoman Surman had nothing to report, but said the Con Com nature walk had 20 participants and was a great turnout.

Vice Chair Gilman had nothing to report, but asked if the Clean Water Healthy Lawns grant is still funding. Selectman Clement said yes, it is. She also commented on the Memorial

Day Parade, saying it has been an idea to combine the Memorial Day Parade and the Christmas Parade Committees.

Chair Chartrand reported an EDC meeting on May 24 where they talked about the All Boards Meeting and elected new officers. He also said the Memorial Day Parade Committee did a great job on the parade.

e. Correspondence

The following correspondence were included in the packet:

- A letter from Xfinity
- A letter from Ms. Perry to US Environmental Protection Agency
- Letter from Mr. Dean to the Board
- Letter from Selectwoman Belanger to Andy Swanson
- Email from Selectwoman Clement to Chair Chartrand

8. Review Board Calendar

The BOS will next meet for the All Boards meeting on June 15 at 6pm. The next BOS meeting will be June 20.

9. Non Public Session

N/A

10. Adjournment

A Motion was made by Vice Chair Gilman and seconded by Selectwoman Surman to adjourn the meeting at 9:42pm. Motion carried- all in favor.

Respectfully submitted,

Nicole Piper, Recording Secretary