

Final Minutes

**Exeter Board of Selectmen**

August 8, 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, Selectwoman Nancy Belanger and Selectwoman Anne Surman. Town Manager Russell Dean was also present.

**2. Board Interviews – Budget Recommendation Committee**

Chair Chartrand convened the meeting at 6:50pm and recessed to the Wheelwright Room for an interview with KC Cargill for a position on the Budget Recommendations Committee. The meeting reconvened at 7pm.

At this time, Vice Chair Gilman asked for a moment of silence for a volunteer who the town recently lost.

**3. Public Comment**

Beth Dupell said she was there to represent the Heron Group. She said the Heron Group is excited to learn that Granite Hill is opening a pop-up boutique shop on Franklin Street for a couple of weeks. She was there to propose a signage request for this short period. She handed the Board a rough picture of the signage. Chair Chartrand said they would take this up later in the meeting.

**4. Minutes and Proclamations**

**a. Proclamations/Recognitions.**

**Motion:** A Motion was made by Selectman Clement and seconded by Selectwoman Belanger to allow Sydney Peterson to address the Board. Motion carried – all in favor.

Sydney Peterson explained how she would like New Hampshire to become involved in transgender discrimination law. She read a letter from Eileen Flockhart, an Exeter resident who could not attend the meeting, showing her support for this.

Ms. Peterson went on to say she needs the community's support to send this to the State for their review and approval.

Emily Heath, Senior Pastor of Exeter's Congregational Church, said she could have legally been denied housing for lost her job because of how she represents her gender and the lack of laws for transgender discrimination in NH. As a pastor, she asked for the Board's support to help send this Resolution on for a better NH.

Frederick Berrien, from NH's House of Representatives, thanked the Board for their consideration on this matter and hoped the Board would accept this Resolution.

Selectwoman Belanger read the Resolution, which is included in the packet.

Selectwoman Surman asked if this should go on the Town Warrant as a Citizen's Petition. She supports this, but the Resolution says that the Town supports this so the process should be this should go on the Warrant.

Ms. Peterson said her original intent was to have the BOS support this. She said eventually she would like to have the support of the town, but for now just asked for the Board's support.

Chair Chartrand made an amendment to the Resolution, changing "Town of Exeter" to "Board of Selectmen".

Selectman Clement said he would like to up the ante and have the Board sponsor this as a Warrant Article. He wondered if the town's personnel policy refers to transgender non-discrimination. He wanted to look into this and if it did not, bring it to the Board to add "transgender".

Selectwoman Belanger and Vice Chair Gilman gave their full support.

**Motion:** A Motion was made by Selectwoman Belanger and seconded by Selectman Clement to allow Doug Marino to speak. Motion carried – all in favor.

Doug Marino thanked Ms. Peterson for all her work on this issue.

Mr. Berrien said he had a concern with the legislature that people might come forward protesting this. He encouraged the BOS to approve a Resolution of this type so the State has some guidance.

Chair Chartrand said the town's vote on this would be a very important tool, but said they cannot wait on this and need this Resolution now.

Selectwoman Belanger pointed out two typos.

**Motion:** A Motion was made by Vice Chair Gilman and seconded by Selectwoman Belanger to approve the Resolution urging the State of New Hampshire to amend its current Anti-Discrimination Statutes for include language for anti-discrimination protections and equal treatment, respect and dignity for individuals on the basis of gender expression and gender identity in the areas of employment, housing and public accommodations, as amended, and further to authorize Chair Dan Chartrand to sign. Motion carried – all in favor.

**b. Minutes: Regular Meeting: July 25, 2016**

Selectwoman Surman had an amendment on page 6, changing the vote on a Motion from 4-1 to 3-1.

Vice Chair Gilman had an amendment to page 1, changing “plead” to “pleaded”.

Selectman Clement had an amendment to page 1, changing “removed” to “constructed”. He also had an amendment to page 9, changing “redefine” to “refine”.

**Motion:** A Motion was made by Vice Chair Gilman and seconded by Selectwoman Surman to approve the minutes of the July 25, 2016 BOS meeting, as amended. Motion carried – 3-0-1 vote. Selectwoman Belanger abstained.

**5. Appointments**

There were no appointments.

**6. Discussion/Action Items**

**a. New Business**

**i) Drought Updated – Water Conservation**

Mr. Dean said that a water conservation issue has been brought up by the DPW.

Jennifer Perry, Public Works Director, said the south half of the State is in a severe drought. She said over 100 water utilities have issued water restrictions. NHDES issued a requirement for all residents to conserve water. They ask residents refrain from outdoor water use except hand watering of vegetable gardens. One reason for this severe drought is the lack of snow from last winter. Also, Ms. Perry said it has been very warm so evaporation is above normal. A change is not foreseen in weather patterns until late fall. Ms. Perry said there could be several more weeks of this.

Ms. Perry went on to say the DPW recommends the town issue a voluntary water restriction for all outdoor water except for animal hydration or watering of vegetable gardens.

Mr. Dean said Pennichuck has a community water source in Exeter and has issued water restrictions.

Ms. Perry said she would like to get the voluntary restriction message out to residents as soon as possible.

Selectwoman Surman said it is important to get this out publicly.

**Motion:** A Motion was made by Selectman Clement and seconded by Vice Chair Gilman that the Board ask residents of Exeter and users of the municipal water system to voluntarily restrict the use of outside watering except hand watering of vegetable gardens and newly planted vegetation, effective immediately. Motion carried – all in favor.

Mr. Dean said he will get this on the town website and possibly put wording on the trailer so drivers can see the message.

#### **ii) Stop Sign Request – Epping Road/Warren Avenue**

Mr. Dean said this is a form from residents asking to replace a yield sign at Park St and Warren Street with a stop sign. The reason is for speeding issues and no drivers not coming to a complete stop.

Enna Grazier, resident who lives in near this, said this is a confusing intersection. She said it is three streets merging and putting a stop sign at the site would prevent a psychological shield for drivers to look both ways.

Chief Shupe said this was brought to his attention in June. He agrees with Ms. Grazier that a yield sign should be replaced with a stop sign. He did a speed survey and found the average speed is 27 mph. He said there is a similar location to this site in town, and there is a stop sign instead of a yield. He said his department will do some educational enforcement so drivers notice the change. He said this will be a positive change. He urged people to be cautious for a while though, as drivers are used to the yield sign.

Selectman Clement said they need to do three readings on this, so suggested in the interim perhaps putting up a speeding sign to slow down drivers.

Ms. Perry said that after review, the DPW concurs this yield sign should be converted to a stop sign. She said it is still incumbent for pedestrians to get the attention of drivers. There are some things her department can do to make drivers aware of the new sign, like put a warning sign up 100 feet prior to the new stop sign. She said education and enforcement will help people be aware of the change.

Mr. Dean said the only thing the current ordinance refers to are traffic control devices, so he said they can approve this without three readings. He said it doesn't require an amendment to the ordinance.

**Motion:** A Motion was made by Selectwoman Belanger and seconded by Vice Chair Gilman for the BOS to approve placement of a stop sign at Warren Street and Park Avenue. Motion carried – all in favor.

### **iii) TTHM Remediation Proposal - DPW**

Mr. Dean said there was a meeting a week ago about the TTHM issue. DPW is proposing work be done to the Epping Road tank. The work will be done by Suez to install proper ventilation equipment at a cost of \$24,169.

Ms. Perry said the town has been out of compliance with the TTHM issue for several quarters now. TTHM's are a concern because they are a carcinogen. The type of TTHM formed in the town's system is volatile and can be removed. She said the next thing they need to look at is how they can aerate the TTHMs out of the water. She said the Epping Road tank will be taken out of service in September for painting, so it is the perfect time to install this ventilation equipment. She said this money would have to come out of reserves.

Selectwoman Surman said this sounds like a phased approach, and asked why this wasn't budgeted for if it was phased. Ms. Perry said they didn't know what to expect, so they couldn't budget for it. Ms. Perry said they do have mixers already and added them because of stagnation in the tanks, not just for aeration.

Mr. Dean said four specific sites are causing the non-compliance issues, so they continue to take samples frequently.

Selectwoman Belanger asked if the price for this would go up if they didn't approve tonight. Ms. Perry said it most likely would.

Selectman Clement said he attended the meeting on the TTHM issues and learned a lot. He agreed that the timing is right for this because they will be draining the tank already. He said this is a growing problem that they need to address and should move forward strenuously to correct it.

Vice Chair Gilman asked Ms. Perry if she considered delaying painting because of the drought. Ms. Perry explained they only have a small window to do the painting, as it needs to be above 45 degrees to do.

**Motion:** A Motion was made by Vice Chair Gilman and seconded by Selectwoman Belanger to approve the use of \$24,169 in water fund reserves for the purchase and installation of pax ventilation equipment at the Epping Road tank for the purpose of assisting TTHM compliance. Motion carried – all in favor.

**iv) Pickpocket Dam Breach Study VHB Proposal - DPW**

Mr. Dean said there is a Letter of Deficiency in the packet. He said a breach analysis is needed on Pickpocket Dam to determine if it needs to be reclassified as high hazard.

Ms. Perry said there are a couple additional charges, but they are at their full budgeted amount of \$35,000. She said she is having Primex review the language and they have made a couple changes already.

Vice Chair Gilman said this is a study, and doesn't promote action until the DES says something.

**Motion:** A Motion was made by Vice Chair Gilman and seconded by Selectwoman Belanger that the Selectboard approve the Agreement with VHB in the amount of \$35,000 to conduct a breach analysis for the Pickpocket Dam as required by the NEDES Letter of Deficiency dated March 28, 2011. Motion carried – all in favor.

**v) 2016 BOS Goals – Community Relations – Outreach**

Chair Chartrand read Goal #3 – Community Relations and Outreach.

Mr. Dean said there are many mechanisms to communicate internally and externally. Internally, meetings, email and phone are all important parts. Externally, reaching out to the community and asking how they think the town is doing is important.

Selectwoman Belanger said regarding the town website, Sheri Riffle sent out questions asking for recommendations on improvements.

Vice Chair Gilman said regarding the “meet and greet” in the goal description, nobody has initiated anything. She wondered if the BOS should organize something with the Planning Board to get this started. She said this is important especially since they are working on the Master Plan.

Selectman Clement said the Planning Board agendas are very full with applicants and CIP. He said Jen Mates gives a weekly recap of projects and it is great. He said she has been pushing it out by email. He asked if there is a way to get her emails out to more people. He went on to say the town website has a lot of space taken up by the graphics and said it should be more informational.

Selectwoman Surman said they have not done any outreach with the school Riverwoods, PEA, or the hospital. She said maybe in the fall they could resurrect that.

Chair Chartrand encouraged each selectman to act individually to do outreach.

Vice Chair Gilman said there is a representative from the hospital, one from PEA, and one from Riverwoods on the Master Plan Steering Committee, so that is a good start.

Selectman Clement said he is uncomfortable with individual selectman outreach. He thinks they should act as a Board, not individuals. Vice Chair Gilman agreed, saying they want to give a unified message. She said they could gather information and bring it to the Board though.

#### **vi) Legislative Update – Chapter Acts of 2016**

Mr. Dean said he asked the Departments to begin putting together information based on the legislative changes this year. For example, he said there are many things in Law Enforcement changing so they can ask Chief Shupe to weigh in.

Chair Chartrand said this Legislative Bulletin is on the town website for residents. He said it is a great summary of actions the legislature took that impact municipalities.

Vice Chair Gilman said there is a lot of information involving money and how municipalities run their business. Also, the State is going to get a committee together to study Complete Streets.

Mr. Dean said he likes the change to long-term storage of electronic records.

Selectman Clement asked if they should get a copy of this to each Department. Mr. Dean said they already have it and he has asked how these regulation changes will affect the Departments.

Mr. Dean said as the Board reviews these changes, if any questions come up send them along and he can try to get an explanation.

#### **vii) Unanticipated Revenue - \$2,190.39 from Council on Aging**

Mr. Dean said the Council on Aging was disbanded and the Treasurer sent a note to the BOS saying they have \$2,190.39 in an account they managed. They would like this money to go back to the town. Selectman Clement said they should send the Treasurer a letter of confirmation that this has been done.

**Motion:** A Motion was made by Vice Chair Gilman and seconded by Selectwoman Belanger that the BOS accepts \$2,190.39 plus any residual and unanticipated revenue from the Council on Aging for the purpose of purchasing items for the Senior Center to include bridge tables. Motion carried – all in favor.

**b. Old Business**

**i) Stratham Water Request – former Gibbs site**

Chair Chartrand said he attended the last Water/Sewer Advisory Committee meeting and their advice was to move forward with this.

Bob Kelly, Chair of the W/S Advisory Committee, said they met on July 19 and Chair Chartrand had asked that they revisited this. He said as a Committee, they thought this was a good opportunity to work with Stratham. He said it is paid for by someone else and Exeter will get impact fees from Stratham. He said the Committee did not see the down side to this.

Chair Chartrand said he would like to move forward with this. He thought Mr. Kelly gave good advice and said he is committed to growing the number of users on Exeter's water system.

Vice Chair Gilman said she was opposed to this initially, but after looking at it as a new customer, changed her mind. She thinks this is a good opportunity.

Selectwoman Belanger agreed with the W/S Advisory Committee advice.

Selectman Clement thinks this is the wrong approach. He said they will not be collecting impact fees. He went on to say that Stratham's proposal with the State only talks about this from a Stratham point of view. He asked who would pay for the metering site. He said to put this in for one customer in Stratham is not beneficial to Exeter.

Selectwoman Surman agreed with Selectman Clement. She said they had a meeting months ago and the amendment that this involves concerns her. She said if the original agreement had passed, they wouldn't even be talking about this. She thinks the Town of Stratham needs to vote this in before doing anything at all.

Mr. Kelly apologized for misspeaking on the impact fees, saying he meant rates. He said it is his understanding that metering is a part of their cost and there is no cost at all to Exeter.

**Motion:** A Motion was made by Selectwoman Belanger and seconded by Selectman Clement to allow Mark Stevens to speak. Motion carried – all in favor.

Mr. Stevens said he is a resident of Stratham and thinks this is a big opportunity to both Stratham and Exeter. He said this is costing nearly \$500,000. He said for him to buy the property, he doesn't need water from Exeter. He went on to say nobody will be able to afford to extend water from Exeter to Stratham because the first step is \$500,000.

Vice Chair Gilman asked who will install the metering station. Chair Chartrand said it is his understanding there will be no cost to Exeter, so they can add that in the Motion.

Selectman Clement said if they approve this, they can basically tear up the contract with Stratham including the \$2 million buy in fee. He said they would also be violating their own policy Section 4.9 by approving this.

Mr. Kelly said this is an opportunity to put a large pipe in at no cost to Exeter.

## **ii) Cemetery Trustees Discussion**

Chair Chartrand said the BOS need to frame a way for inactive cemeteries to be maintained. With nobody in charge of this, he said it has been suggested that the Selectboard take this on.

Vice Chair Gilman said responsibility also includes providing burial spaces. She said there is an informal agreement between the Cemetery Association and the town to provide cemetery spaces. She said someone needs to take this on and she suggested the BOS do.

Chair Chartrand said it sounds like the Board is comfortable with taking this on.

Mr. Dean said he just wanted to make sure the Board reads through all the requirements for this. He said it may also be helpful to have the current Cemetery Association members come in and talk to the BOS.

## **7. Regular Business**

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

A Motion was made by Selectwoman Belanger and seconded by Selectman Clement to deny abatement for map 64, lot 86. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Vice Chair Gilman to deny abatement for map 64, lot 51. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectwoman Surman to approve an Intent to Cut for map 71, lot 119. Motion carried – 4-0-1 vote. Vice Chair Gilman abstained.

A Motion was made by Selectwoman Belanger and seconded by Selectwoman Surman to approve an Intent to Cut for 76 Old Town Farm Road. Motion carried – 3-0-2 vote. Selectman Clement and Vice Chair Gilman abstained.

#### **b. Permits & Approvals**

Dennis Smith, from Puddle Jumpers, was present to ask permission for his business to keep its canopy up through the end of August. He said he has support from the Green Bean and The Chocolatier.

Mr. Dean said that because of the new sidewalks, it is easier to notice things like sidewalk sales and canopies, which may not be permitted. He said the ordinance requires anyone having a sidewalk sale to come to the BOS.

Chair Chartrand suggested they approve this for this year and revisit this before next summer.

Vice Chair Clement agreed that is what they should do. He said it is worthwhile to do this through August, but said they should take a look at the sidewalk obstruction ordinance.

Mr. Dean said the issue came up of who enforces this and he would assume the Code Enforcement Officer does.

**Motion:** A Motion was made by Vice Chair Gilman and seconded by Selectwoman Belanger to approve a waiver to Dennis and Cheri Smith to allow a 10' x 10' canopy located at 31 Water Street for a period through August 31, 2016, contingent on providing proof of insurance as required for signs on the right of way. Motion carried – all in favor.

**Motion:** A Motion was made by Vice Chair Gilman and seconded by Selectwoman Belanger to approve an application for use of the Town Hall by Martha Shepardson-Killam for the Heronfield Academy to have seventh grade play rehearsals and play on February 14-17, 2017. Motion carried – all in favor.

**Motion:** A Motion was made by Vice Chair Gilman and seconded by Selectwoman Belanger to approve an application for use of the Town Hall by Martha Shepardson-Killam for the Heronfield Academy to have an eighth grade play rehearsals and play on May 16-19, 2017. Motion carried – all in favor.

**Motion:** A Motion was made by Chair Chartrand and seconded by Selectwoman Belanger to approve a Heron signage request for the dates August 11-24 to place a temporary banner no larger than 42" high by 84" long at the corner of the public park adjacent to the town parking lot. Motion carried – all in favor.

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

Mr. Dean talked about the following:

- capital projects continue
- line striping is finished
- solar work in the town hall landfill is in queue
- a public outreach meeting about the Kingston Road project is on August 17
- the town was offered a Christmas tree by Southeast Land Trust
- September 9 is the dam ceremony
- budget work and departments are working on next year's budget
- the Board needs to think about Trick or Treat night options

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

Selectman Clement reported the Planning Board met and talked about a site plan review. He attended the TTHM meeting. Planning Board will meet this week, as well as a Safety meeting.

Selectwoman Surman reported that Conservation Commission will meet tomorrow.

Vice Chair Gilman reported a Master Plan Steering Committee meeting on the 16<sup>th</sup>. Also, the HDC will meet with the new consultant on the 17<sup>th</sup> and 18<sup>th</sup>. On September 9, there will be a site walk at the Winter Street cemetery with the LCHIP folks.

Chair Chartrand reported the EEDC met on July 26 and they got a report from Mike Favreau.

### **e. Correspondence**

The following correspondence were included in the packet:

- letter from Andrew Stollar re: his tax bill experience
- email from Don Clement re: minutes
- memo from Andie Kohler re: minutes
- letter from CMA re: Kingston Road project

- memo from Kevin Smart re: Carr property acquisition
- public meeting for Kingston Road Improvement Project

### **8. Review Board Calendar**

The BOS will next meet on Monday, August 22 at 7pm. Also, there is a joint meeting with the BOS and the W/S Advisory Committee on August 24<sup>th</sup> at 6:30pm.

### **9. Non-Public Session**

A Motion was made by Vice Chair Gilman and seconded by Selectwoman Belanger to go into a non-public session under RSA 91-A 3 (a). Motion carried – all in favor. Selectwoman Belanger called the roll call. Selectman Clement, Chair Chartrand, Vice Chair Gilman, Selectwoman Surman, and Selectwoman Belanger voted aye. The Board was now in non-public session.

Respectfully submitted,

Nicole Piper, Recording Secretary