

1. Convene the Board.

Chairman William Campbell convened the Board at 7:00PM on the above date in the Nowak Room. He introduced the other board members: Lionel Ingram, Joseph Pace, Robert Eastman, Paul Binette and Town Manager George Olson.

2. Minutes of January 31, 2005.

Mr. Binette moved to accept the minutes of January 31st, 2005 as submitted; second by Mr. Ingram. VOTE: Unanimous.

Mr. Pace moved to accept the minutes of the February 9th, with an amendment to the adjournment time of 5:55PM; second by Mr. Eastman. VOTE: Unanimous.

3. Open bids: Blue trash bags.

Chairman Campbell opened the bids received from 5 of the 6 vendors contacted. (Results attached). ***Mr. Pace moved to remit the bids to the Town Manager and appropriate Department Head review and to report with the proposed award; second by Mr. Binette. VOTE: Unanimous.***

4. Proclamation – Red Cross month - March

Chairman Campbell read a proclamation for the Board to declare March as American Red Cross month (copy attached).

5. Third reading of addition to Town Ordinance – possession of drug paraphernalia.

Chairman Campbell read the proposed addition of Section 712 (attached). ***Mr. Ingram moved to approve the ordinance addition as read; second by Mr. Eastman. VOTE: Unanimous.***

6. Discussion of concerns raised regarding acquisition of open space easements.

Chairman Campbell, in referring to the January 17, 2005 Board meeting when Mr. Alan Bailey presented the Board with documents, read from his response (copy attached).

Mr. Eastman noted he has reviewed all the minutes Mr. Campbell references in his response and finds Rockingham Land Trust mentioned no where. He also reviewed the Conservation Commission public hearing and no discussion or vote concerning Rockingham Land Trust was found, as well as minutes from Open Space Land Committee minutes. He also stated Rockingham Land Trust (RLT) had meetings in non-public sessions but there are no minutes shown or being made available. He has not yet reviewed the audio tape but the written minutes show no mention of RLT being authorized to hold the easement deed.

Mr. Eastman went on to note Attorney Lynn Morse's response that the 'Board acted appropriately'. He agrees but feels someone else did not when it was agreed that RLT was included in the deed without an actual Board vote.

Chairman Campbell stated he had not reviewed the minutes but thought discussions included RLT to oversee the easements, on behalf of the Town. He does not wish to look for errors this evening but wished to clarify/sort out the issue.

Mr. Ingram stated he has asked about the executory rights relating to RLT and Conservation Commission and was satisfied when he voted that RLT was involved, though it may not state that in the minutes. The Town's attorney states it's okay and Mr. Ingram feels we should go on with the business of the Town.

Mr. Eastman noted the Board found the bond was not issued in November and though the Conservation Commission, Finance, Town Manager and Board Chair were kept informed on all transactions, the rest of the Board did not know about it. He feels the Board should be the first and not the last to know of those decisions.

Mr. Pace stated the Board has a long-standing arrangement with the Conservation Commission that they are the Town's "vehicle" to acquiring land. The Board doesn't prepare the acquisition or manage it. The Board approves what is proposed to them by the Commission and Town Meeting then raises the funds for the Conservation Fund. Rockingham Land Trust has been handling the inspections through their stewardship. In the future, it should be more explicit by the Commission in regards to stewardship when acquiring land at the Town's expense. The Town owns the deeds even if others are noted to handle the management of them. Mr. Pace stated he is tired of some people's desire to make someone else look back, instead of going forward and searching out how to better handle communications. He does not want the 'witch-hunt' to continue. It is not a wrong-doing if it's only a mis-communication between groups.

Mr. Ingram moved to affirm the relationship between the Rockingham Land Trust and the Town as stated in those easement deeds; second by Mr. Pace.

Mr. Binette stated he understands both sides of the Board and believes Mr. Eastman feels discrepancies were done with the handling of easements and he agrees. Maybe the Conservation Commission feels they have more power than they actually do and did something, though for the good, but without authority. He stated the Board has no problem with RLT managing the land but they have no deeds to the property. Mr. Campbell clarified that the deeded easements are to keep the land from being developed and not deeds to own the property.

Mr. Eastman questioned the difference of "first option to purchase" and "first right of refusal". Peter Dow, representing the Open Space Committee, explained 'first option to purchase' has the owners having title to the property but the easement allows use limitations, including development rights. Those rights are distinguished and cannot be sold or done away with by anyone else.

Mr. Dow went on to comment that Conservation Commission minutes may not always cover each discussion but noted RLT currently handles the 'Harrington' properties and the abutting property, Baglin, would also be able to be monitored by RLT. They have the expertise and staff to assist the Commission with acquiring properties and monitoring same. He noted the Board must approve choices of the Commission prior to any deed, easement or purchase and the Open Space Committee has been making these recommendations to the Commission to forward to the Board. They have asked for a Selectmen's representative to the Open Space to further help explain issues to the Board. Non-public meetings with the Conservation Commission are held prior to release of names of property owners. Once negotiations are complete, the public hearings are held and residents may

view agreements. He noted no one has yet to ask what the risk is to the Town. No questions have been raised concerning terms, etc.

Alan Bailey, 7 Green Street, noted the Town's Committees may need assistance with getting their 'motions' together. The one in question appears quite different from that at the 7/26 meeting. Mr. Ingram suggested getting the business done and to not go back over something that has been determined as legal. Mr. Bailey just noted that the motion made at the meeting is different than that which was filed at the Registry of Deeds.

Lynn Morse, Town's attorney, stated he gave the opinion he did, as he read the motions he viewed them as funding articles approved for purchase and related costs. None of them said who would hold the property. In his letter, he stated the Board may wish to clarify their beliefs on whether the RLT and the Conservation Commission would be working together, as questioned in Mr. Bailey's document.

Mr. Bailey asked for the motion to be re-read, which Mrs. Blenk did. Chairman Campbell asked for a vote. **VOTE: 4-1.**

Chairman Campbell continued with his letter (his page 3) concerning Mr. Bailey's questions. As Mr. Bailey received Mr. Campbell's responses this evening he noted he may return with further questions once he reviews the packet.

Chairman Campbell noted that by covering the questions and answers, perhaps it will help educate all by asking questions when issues arise.

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Mr. Eastman questioned an earlier statement that the Town saved approximately \$2500 by not going with a bond but using available funding. Was the interest lost by using the available funding figured into the \$2500 savings figure or was that off-set by not having bond costs this year? Chairman Campbell suggested Don Brabant (Treasurer) could answer that question when he comes before the Board soon.

Mr. Eastman also stated there are members of the Open Space Committee that are also on the Rockingham Land Trust. When a vote is taken to recommend a deed to RLT, do those members not vote, as it is a conflict of interest?

Mr. Binette, in reading RSA 36-A:2, asked if the Conservation Commission was doing what was required. Were they keeping accurate records of meetings and their actions and, as noted in the RSA, filing annual reports to be printed in the Town's annual report. Donald Clement, Conservation Commission Chairman, reported they report annually and include a list of all properties and easements held. It includes highlights of the year. Copies of minutes are given to the Town Clerk and the Selectmen, as well as being shown on the Town's website. The public hearings are posted and, he noted, Mr. Bailey never came to those. He also noted he was never presented documentation with the questions and issues of concerns the Board received from Mr. Bailey. The first he heard of the issues was tonight. Perhaps better communication is needed and if the Board wishes to receive monthly reports, someone could certainly present reports at the Board's meetings.

Mr. Ingram noted the issue is specific concerning the control over the easements. When the time comes, decisions should be made for specifics of that relationship and people should not assume. Motions should be crafted to include that information.

Mr. Bailey asked for clarification of “managing easement” vs. “have title to easement”.

Brian Hart, Executive Director of Rockingham Land Trust, explained that “managing” is the annual monitoring and evaluation of the use of intent and enforcement. “Hold title” means you are responsible for monitoring and evaluating reports. The \$1250 charged as part of the “costs” in closing, is the required contribution to the stewardship fund for RLT’s annual funding to handle monitoring. It also funds for legal issues. This is a one-time fee and managed and pooled with other funds.

In answer to Mr. Eastman’s “conflict of interest”, Mr. Hart noted that statement usually deals with money issues. He is paid by RLT; board members are volunteers because they care and feel it is the right thing to do – and do not make money. Mr. Eastman asked if they are members of RLT and feel that 20 hours of monitoring is needed this year, isn’t that a conflict? Mr. Hart stated the funding is paid by private contributions, grants and, in Exeter’s case, about 140 private citizens from Exeter.

Mr. Bailey asked if RLT was part of the Land Trust Alliance. Mr. Hart stated they were a member of this national membership, and they guide their work.

7. Permits:

- Exeter Area Chamber of Commerce requested use of the Nowak Room on March 2nd to discuss their kitchen tour, from 8:30-10:30.
- Oyster River Players requested use of the Town Hall main floor and stage from March 28 through April 3rd for a play.
- Chamber of Commerce requested the Wheelwright Room on May 7th for a workshop from 8:30-10:30AM.
- Oyster River Players requested the Town Hall and stage for their After School Program from May 9 through 15th (after school hours);
- P.E.A. requested permission for a road race on May 19th from 2-6PM, with the route already approved by the Police Chief.
- Friends of Swasey Parkway Pavilion and Trustees requested use of the Town Hall on May 21st (22nd if rain) for an Art Auction from 8AM to 9PM. They will charge admission to help raise funds and request permission to serve food and wine inside the Hall.
- Oyster River Players requested use of the Town Hall and stage from July 4 through 10th for a play.

Mr. Ingram moved to approve all as presented; second by Mr. Pace. VOTE: Unanimous.

8. Town Manager’s Items:

- Volunteers are needed for a variety of Boards and Committees. Interested residents should submit a letter, application (as available in the Town Report or on the web) or stop by to the Selectmen’s office.
- Spring Clean-up (bulky pick-up) will be the week of April 4 through 8th, with any item not in a blue bag requiring a \$2.50 sticker, available at the reception desk at the Town Office form 8-4:30 or the DPW office from 7-3:30.
- The Town Meeting warrant is available on the web and copies are available at the Town Office. Voting is March 8th.

- A yard sale will be held at the Town Hall on February 19th from 9:30-3 to benefit the Swasey Parkway Pavilion. Early admission is available at 8Am with a \$5 fee. Drop off of items is on the 18th.
- The Town's offices are closed Monday the 21st for Presidents' Day.

9. Selectmen's Committee reports:

Mr. Pace: The Library Long Range Committee continues to meet and is compiling a report for review.

Mr. Ingram: The River Study Committee met Thursday with Bob Tucker and George Olson speaking on the operation of the dam over the years and a representative from DES speaking on the co-operative relationship between the State's agencies and the Town regarding many water issues, including safety, conditional quality and federal water standards. A plan is to be developed.

Mr. Eastman: None but Planning Board meets Thursday to discuss the project proposed on Water Street by the Citizen's Bank.

Mr. Binette: None.

Mr. Campbell: None.

10. Public Comments:

- Grace Rogers (Swasey Parkway Trustee) and Evelyn Orr (GFWC Women's Club) stated the Swasey Parkway Pavilion Committee meets every 3rd Monday and they currently have \$23,000 toward funding. The Yard Sale is planned for this Saturday, along with the Don Campbell Band at CMS in April and the Wet Art Auction in May. They urged everyone to come and support the events.

Mr. Pace moved to adjourn; second by Mr. Ingram. VOTE: Unanimous. Time: 8:55PM.

Respectfully submitted,

Barbara A. Blenk
Admin. Asst/ H.R. Dir.

Attach.