

1. Call Meeting to Order

Chairman Eastman convened the Board at 7:00 PM in the Nowak Room of the Town Office and introduced other members of the Board: Ms. Julie Gilman, Mr. Lionel Ingram, Mr. Joe Pace, Mr. William Campbell, and Mr. Russell Dean, Town Manager.

2. Public Comment

Mr. Pete Shibelhute, contractor working on the Squamscott Block project, was present to address a letter he submitted to the Board regarding his need to connect the utilities overnight. Chairman Eastman asked him what hours he thought his crew would be working. Mr. Shibelhute said the sewer line is in the middle of the road and he expected it would take 6-7 hours to get it to the curb. He felt the most important question would be when they could get started. Chairman Eastman wondered when traffic slowed down going through town.

Mr. Dean said this letter has been referred to the Police Department and the Building Inspector for their recommendations. Mr. Campbell asked if he was hoping to start immediately or if he could wait a few days for their recommendation. Mr. Shibelhute said he was hoping to start by the end of the week or the beginning of next. He anticipated it would take two weeks but it would not be every night during that two-week span. He was fine with waiting to hear from the Police and Building Inspector.

Mr. Eric Waleryszak, owner of Exeter Elms Campground, which borders the Exeter River, has seen a huge amount of trees in the river after the recent storm. Some are crossing the entire river. He explained that last year's storms loosened many trees, and in this year's storm they let go. Typically the campground advertises that people can canoe down 4-5 miles of the river, but now that is impossible. He is open to having the Board of Selectmen come to view this. He's also losing land due to these problems. The trees in the river are redirecting the river and this is causing a lot of soil erosion. He said there are a lot of new loose trees and he believes the next storm will cause the same problem. They have 60 waterfront sites and this is causing a lot of problems.

Mr. Ingram thought Mr. Dean had done a walk-through to view damage before the storm, and Mr. Dean said he and Mr. Perkins will be going out in the next week or so.

Mr. Arthur Baillargeon next approached the stand and stated he recently attended a Global Warming Event at Swasey Parkway. There was no traffic control and vendors were set up, people were walking everywhere and traffic was still going through.

Mr. Perkins, Swasey Parkway Trustee, was also present and said yes, there was a problem, and they were not supposed to be in the road. The Police were called and they pushed the people and the vendors back and there were no further problems at that point.

Mr. Brian Griset also notified the Board that there was a tree in the culvert on Linden Street that they should address if they plan on taking a tour of the trees in the river.

3. Proclamations

Mr. Campbell read the following proclamation:

- PROCLAMATION -
LIVESTRONG Day 2007

WHEREAS, according to the New Hampshire Department of Health and Human Services, cancer is the leading cause of death in New Hampshire for all age groups between ages 35 and 75 and the second leading cause of death across all ages; and

WHEREAS, New Hampshire has the fifth highest overall cancer incidence rate among the 50 states and the District of Columbia; and

WHEREAS, 3 out of 4 people in their lifetime will have a family member diagnosed with cancer, 1 in 3 women and 1 in 2 men will be diagnosed with cancer in their lifetime, and 1.4 million people will be diagnosed this year; and

WHEREAS, there were about 6,500 new cancer cases last year in New Hampshire; and

WHEREAS, more than 1,500 Americans are expected to die from cancer every day this year, cancer is the number one killer of those under age 85, and for the nearly 65,000 young adults in their 20s and 30s diagnosed each year, survival rates have not increased since 1975; and

WHEREAS, the cost of cancer in the United States last year was \$210 billion; and

WHEREAS, there are more than ten million cancer survivors in the United States, and the number will only grow as cure rates continue to improve; and

WHEREAS, by uniting people affected by cancer to raise awareness through education, prevention, screening and early detection efforts, we gain strength in the fight against cancer; and

WHEREAS, we are committed to ensure all cancer patients are treated with compassion and respect, and are provided with the tools and resources necessary to battle the physical, emotional and practical challenges of a cancer diagnosis; and

WHEREAS, Exeter, New Hampshire, is home to the Center for Cancer Care at Exeter Hospital; and

WHEREAS, LIVESTRONG Day exemplifies the spirit of people affected by cancer—survivors, caregivers, friends, family, physicians, nurses, social workers and researchers throughout our community;

NOW, THEREFORE, we, the Board of Selectmen of Exeter, New Hampshire, do hereby proclaim May 16, 2007, as "LIVESTRONG DAY" and commend this observance to our citizens.

Mr. Scott Joy was present to speak to this issue, and he is a four year cancer survivor. He was very happy to witness the signing of this proclamation, as he is sure that everyone in the room, if not personally, has been affected by cancer in one way or another. He appreciated the Board's support of LIVESTRONG Day.

4. Minutes

Mr. Pace moved to waive the reading of the minutes of April 9th, 2007 and accept the minutes as presented; second by Ms. Gilman. VOTE: Unanimous.

4. Appointments
a) Arts Committee

No action was taken.

b) 2007 Town Board Appointments

Mr. Campbell moved to reappoint Ms. Gwen English as a regular member and Ms. Kathy Corson as an alternate member of the Rockingham Planning Commission, terms to expire April 30, 2011; second by Mr. Ingram. VOTE: Unanimous.

Mr. Campbell moved to reappoint Ms. Peggy Lamb to the Council on Aging, term to expire April 30, 2010; second by Mr. Ingram. VOTE: Unanimous.

Mr. Campbell moved to move Wayne McCrae from a regular to an alternate member of the Water and Sewer Advisory Committee, term to expire April 30, 2010; second by Mr. Ingram. VOTE: Unanimous.

5. Discussion/Action Items
a) Wright Pierce River Study Phase I Report

Mr. Dean recognized the Town Engineer and acknowledged her diligent work on this project. Ms. Perry was present to introduce the Wright Pierce Study – Phase I final report. The Board was provided copies, and it is also on the Town's web site. The Executive Summary of the report had also been posted. Copies of these documents are also available at the Library as well.

She reviewed that this study has been done over the past two years, and she noted only one part of the report is being presented. At the end of May they will have one more public hearing on this as well.

Ms. Perry then introduced Mr. Rick Davee of Wright Pierce to discuss the report. Mr. Davee noted how the River Advisory Committee was also a major piece of this project. There were many issues related to this project, and the group had to narrow it down to pieces that they could address.

Mr. Davee reviewed information in the front of the report, which reviewed the work that had been done in 2005 and 2006. They had an opportunity to look at the conditions of the dam and how to pass more water through the dam. They also looked at options for changing the dam.

One thing that they found interesting was that the Great Bridge is really a bottleneck of the river. Even without the dam, there would still be a bottleneck that would cause flooding. The Great Dam is a piece of the flooding issue but it is not **all** of the flooding issue. Mr. Davee said that had been a focus, but it had not been their focus. They had to focus on how to get water through the dam without having it back-up.

They came up with six criteria set to determine potential modification ideas:

- Complete dam removal is not acceptable.
- Maintain existing impoundment volume.
- Achieve regulatory spillway capacity for 50-year and possibly 100 year storm events.

- Do not adversely impact existing water quality in the Great Dam impoundment with increased water detention time.
- Any flow control gates that are added to the time will not require manual labor to operate.
- Need to maintain or improve fish passage.

At this point, they do not have one true recommendation because the study is still ongoing. The study has been sent to a number of other state agencies for their input. They're waiting for feedback from regulatory agencies before moving forward.

Ms. Gilman felt the study was very well done and explained it well for those who are unfamiliar with the project. Mr. Pace asked Mr. Ingram where the report stands at this point, and Mr. Ingram said this report allowed them to focus on the issues. He noted that in May the State will come to the public hearing to discuss the "big picture." They're waiting to get feedback from the regulatory agencies, from the public, and then discuss this feedback with the State. He added that the River Committee also spoke with someone about removing the dam, and they will be further discussing this on Thursday. They will come back at a future meeting with more information on this.

Mr. Ingram said their hope is that they can do something by 2009, and the State feels they can continue as-is by sandbagging, but he hopes they do not have to do that.

Mr. Pace said he thought it sounded like there would be additional benefits for spending more. Mr. Davee said they are just similar ways to solve the problem, but some have more emphasis on aesthetics.

Mr. Dean asked Mr. Davee about their recommended option, and asked if the highlighted text was it. Mr. Davee confirmed that it was. Because of its configuration, there's not as much of having to raise and lower it, which means less stress on the operators. The downside is that it does not look as nice. Mr. Ingram added it would lower maintenance costs, but noted he is not sold on any concept just yet. He said there's still a lot they need to discuss about these concepts. Mr. Ingram said the River Committee is still has to come to a decision on a recommendation to bring to the Board.

Mr. Brian Griset, member of the Water & Sewer Advisory Committee who also sat on the River Committee for a time, was present and had some questions.

So the public and Board of Selectmen understand the limitations of this report, prior to making any decisions, these questions are to illustrate for the Board the limitations of the report. (reference to still photograph of moving car). This is important as this report does not address the major underlying issue which is the flooding and damage of citizens' property, the reason the River Study committee was originally formed. The people need to be aware that after the analysis of limited data of this report, all three of the proposed alternatives do not deal with the major issue; they only deal with safety of the dam, with flooding as an auxiliary item. You and they need to understand that all three of the proposed modifications call for raising the western abutment, riverbank, by 1.4 feet, from the fish ladder complex to the Great Bridge, or beyond, thereby institutionalizing near current flood levels.

Questions:

1. Within this report, the scope and criteria were defined narrowly as compliance with the 50 year state regulation concerning only the safety of the dam, correct? "correct"

2. You were not given a scope which dealt with the major issue of eliminating flooding of peoples property in excess of the deeded flowage rights the town now has, correct? "Correct"
3. You were not tasked with determining the flood elevations per those flowage rights nor tasked with modifications of the dam to solve this problem, correct? "Correct"
4. This report provides no analysis of the flood elevations per the original dam-used to establish those rights- although NHDES has run and provided those calculations and flood elevations, correct? "Correct"
5. Your report states that a 25% increase in discharge is possible with the elimination of the fish ladder/ concrete weir, but, the report contains no recommendation regarding modifying the 21 feet lost to the fish ladder structure to increase this discharge, correct? "Correct"
6. This report does *not* contain any time variation modeling which would show the reduced flooding impacts resulting from the lower overall discharge elevation, correct? Clarification; with time variation modeling, it would be possible to differentiate the flooding effects resulting from the later arrival of the upper watershed runoff. Based upon the data collected from the USGS monitoring station at Haigh Rd in Brentwood, it clearly shows during this last flood that the upper watershed floodwaters actually peaked 24 hours after the rains stopped here in Exeter. This type of modeling would show that increasing the discharge capability of the dam, not just reducing the elevation of the current discharge would allow quicker release of local flood waters thereby reducing overall flood elevations once the upper watershed waters arrived in Exeter. Mike gave his analogy of the bucket and the hose. His answer was "correct, the report does not include this type of modeling or determinations".
7. The report does not contain any mention or analysis of flooding impacts caused by the higher water tables, ground saturation, reduced storm water channel capacity or increased runoff rates resulting from the reduced discharge at Great Dam cause by the Milliken and Fish and Game modifications, correct? Long answer but essentially correct.

At this point Bill Campbell said he didn't understand the point being made with this technical information and the need for further questions..

My response: It is not necessary to ask the remaining questions. I believe the point has been made that this report is very limited in nature. The reason I'm making this point is that the Selectmen and citizens will be asked to make recommendations and pay for corrections to the dam. This report does not address the larger issue of flooding upstream of the dam, only the dams safety itself. Flood levels are only reduced to the point of protecting the dam structure, not citizens' property. Although the report quantifies the level of impact of the 21 feet of flood discharge lost by Fish and Games modifications, it places all of the impacts, corrections and costs upon the citizens of Exeter to pay for. My point is, with the limitations of this report, we are not ready to make decisions on proposed alternatives. There is a binding legal agreement between the owner of the dam and Fish & Game which specifically makes the State responsible for damages resulting from the fish ladder. There is documentary evidence that Fish and Game failed to comply with its Wetlands permit and failed to secure flowage rights prior to construction of the last fish ladder modification. And there are the overall flowage rights issues and the flooding of citizens' private property. For the people who live on Franklin Street, River Street and PEA, I would like to read from a deed from 1849 which established the flowage rights of your property; "...the full right and privilege of keeping and maintaining forever the said Dam across said Exeter River at its present height, and I do hereby release all claims fro any damages which have already occurred or may hereafter occur or take place on or to any of said land on account of the height of the present dams, as it is now built and erected". It is clear the dam was altered, we now most come up with a solution which address all concerns.

b) Realignment of Seacoast MPO (Forest Griffin)

Mr. Forest Griffin, Rockingham Planning Commission Representative, has asked the Board to approve a resolution which would realign the boundaries of the seacoast MPO (Metropolitan Planning Organization) to increase the effectiveness, efficiency and accountability of metropolitan transportation planning and land use planning in the RPC region. Mr. Griffin introduced Mr. Cliff Sinnott, Executive Director of the RPC, to discuss this idea.

Mr. Sinnott said that the RPC is in the process of re-designating the transportation side of what they do. 30 years ago, there were strange quirks in how an MPO was formed. These conditions have now changed, so now there is an opportunity to realign the region. After researching this, they realized it's a wise thing to do. He explained the RPC is not the same as the county. The regional planning districts were established by the State, and ours and Strafford County's are the only ones that transportation and land use take place along the same boundaries.

Cliff showed a map of Southern New Hampshire and pointed out the different urbanized areas. They are proposing to change the boundaries of the Seacoast and Salem-Plaistow-Windham MPO regions so that there is one MPO for the Rockingham Planning Commission and one for the Strafford Regional Planning Commission, in an attempt to help make their operations more efficient. Mr. Sinnott said he was here tonight to answer any questions the Board may have. He explained that the Governor designates MPOs and what he needs is 75% of the Towns impacted to approve and support these changes.

Mr. Campbell read the following resolution into record:

RESOLUTION

TO REALIGN AND REDESIGNATE

the

SEACOAST METROPOLITAN PLANNING ORGANIZATION (MPO)

and the

SALEM-PLAISTOW-WINDHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Whereas the Town of Exeter is a member of the Rockingham Planning Commission and either the Salem-Plaistow-Windham MPO or Seacoast MPO; and

Whereas the Rockingham Planning Commission region is presently divided into two separately designated MPOs, the Salem-Plaistow-Windham MPO and the Seacoast MPO, and shares transportation planning responsibilities in the Seacoast MPO with the Strafford Regional Planning Commission; and

Whereas the present division is no longer mandated by Federal urbanized area designation; and

Whereas the Commission finds that a realignment of the MPOs in accordance with the established planning commission boundaries and as described in the document "Realigning Regional Planning And MPO Boundaries in the Seacoast And Southern Rockingham Regions of New Hampshire, (revised through April 2006) will improve the effectiveness, efficiency and accountability of metropolitan transportation planning and land use planning in the RPC region; and

Whereas the Rockingham Planning Commission has committed to ensure continued equitable and proportionate division of MPO planning resources and consideration of project priorities between the municipalities formerly part of the Seacoast MPO and the municipalities formerly part of the Salem-Plaistow-Windham MPO; and

Whereas both the existing Seacoast and Salem-Plaistow-Windham MPO Policy Committees, the Rockingham Planning Commission and Strafford Regional Planning Commission have approved the proposed realignment and re-designation and have authorized their respective Commissions to seek approval of the re-designation from the governing bodies of the municipalities within the existing MPO and RPC regions in accordance with 23 CFR 450.310, as amended; and

Whereas the New Hampshire Department of Transportation has endorsed the MPO re-designation as proposed.

NOW, THEREFORE, the Board of Selectmen (governing body) of the Town of Exeter hereby endorses the realignment and re-designation of the existing MPOs such that the Town will be part of a single MPO that is co-terminus with the planning district of the Rockingham Planning Commission.

Mr. Campbell moved the Board of Selectmen sign the resolution as presented, endorsing the realignment of the Seacoast MPO; second by Mr. Ingram. VOTE: Unanimous.

c) EMHA Sewer Lift Station (EMHA)

Mr. Eastman asked Mr. Dean if the agreement included in their packets between the Town and Exeter Meadows Homeowners Association has already been approved by Town Counsel. Mr. Dean confirmed the agreement presented is in its final form.

Mr. Bob Winn said two weeks ago, there were still a couple of things being considered, and he believed the main points of concern were surrounding the trigger points. They wanted an agreement that is simple yet thorough and comprehensive. Mr. Winn said he was ready to revise the language to accommodate RSA 149-I if needs be, but he believes both sides feel the language as-is satisfies what they need to accomplish.

Mr. Dean said that this is a “best effort” agreement. He highlighted the three trigger points, and he said the Town is targeting August 1, 2007 to begin construction. Even if construction is delayed, he believes it looks very good that construction will be completed by mid-to-late September. It also says that if the Town chooses not to move forward with the gravity flow system, the EMHA is asking for notice within 10 days of the decision, and that the Town will take over responsibility of the lift station within 30 days of that notice. He also noted that the Town is constrained by the municipal budget law and both sides agree to work together to come to an agreement should the Town’s portion exceed \$100,000.

Mr. Ingram moved the Board of Selectmen authorize the agreement as presented; second by Mr. Pace. VOTE: Unanimous.

Mr. Winn thanked the Board of Selectmen, Mr. Dean, the Water & Sewer Advisory Committee and the Department of Public Works employees for all of their hard work and efforts. The EHMA is very proud of the actions taken and appreciate all of the efforts of everyone involved.

d) 2007 Property Value Update (Town Manager)

Mr. Dean noted that the Board received information on the property value update. He said that the Town Assessor gave him an analysis of the costs of instituting an alternative valuation program, and if they choose to go to an annual revaluation of property, they will need to hold two public hearings to discuss this.

He also referenced the Warrant Article that passed in March. It did not have actual amount appropriated for this change, but the comparison shows the difference in cost for our current system versus the proposed method.

Mr. Pace said when a Warrant Article does not have any money appropriated with it, it's more advisory for the Board. He stated he is materially opposed to this Warrant Article, and he wonders if they had attached a \$300,000 value to that Warrant Article if it would have passed. He feels the Board should continue as they have been doing, and if they want to put a price tag on this, they can come back next year with another Warrant Article.

Mr. Eastman felt in September they should put out a Request for Quotation on a total revaluation and they can decide at that time whether it is worth the expense or not, but for the remainder of this year they can continue as-is. Mr. Eastman thought it could be done either as part of the budget or as a Warrant Article.

Mr. Campbell asked for clarification of whether it would impact taxes in 2008 or 2009. Mr. Dean said the current process would be frozen in place until it is replaced by a new process.

Mr. Ingram liked this approach, as it allows the Board of Selectmen as well as the Budget Committee to completely review the process and then decide how to proceed. He feels this is a good approach. Mr. Dean noted that Mr. DeVittori, the Town Assessor, will be scheduling these soon so stay tuned for more information.

6. Public Hearings

There were no public hearings this evening.

7. Permits & Approvals a) Abatements & Exemptions

*Mr. Campbell moved the abatements in the packet be read into record; second by Mr. Pace.
VOTE: Unanimous.*

Veteran's Tax Credit Application

Map	Lot	Unit	Credit Amount
68	6	317	500.00
104	79	310	500.00
87	18	3	500.00
82	27		500.00
104	79	613	500.00
62	25		500.00
Total Credit:			\$3,000

Disability Exemption

Map	Lot	Unit	Exemption Amount
95	64	304	125,000
Total Disability Exemptions:			\$125,000

Elderly Exemption

Map	Lot	Unit	Exemption Amount
104	79	125	175,000
87	8	C-15	175,000
72	117	4	145,000
104	79	321	145,000
Total Elderly Exemptions:			\$640,000

Abatement Application

Map	Lot	Unit	Abatement Amount	Refund	Interest	Total Refund
70	16		94,800	1,825.85	0	1,825.85
Total Abatement Refunds:			\$1,825.85	0	0	1,825.85

b) Permits

The Town Manager presented the following permits for approval:

- The American Legion requested to have a raffle every Saturday night to support high school scholarships. A representative from the legion was present to speak to this permit. He said last year all of the money raised supported little leagues. He noted that the Legion is not looking to make a profit – all of the money taken in is put right back out to veterans for fuel and other assistance. He’s trying to get more organized with the community and make sure they have all of the required permits in place, which was not something they put much emphasis on in the past. The Board was very appreciative of his efforts.
- Boston Ladder & Scaffolding requested to put a structure (staging) on the sidewalk on Water Street for roofing from April 16th through May 16th. This will depend on the roofer’s schedule and the scaffold should be up for five days during that time period.
- The Exeter Arts Committee requested to use the Nowak Room on May 19th from 9:30 am to noon for a lottery and for Hanging Day.
- Musical Arts requested to use the Town Hall – Main floor with stage use on June 6 – June 9 from 10 am to 8 pm for student recitals.

Mr. Campbell moved to approve all permits as advised; second by Mr. Ingram. VOTE: Unanimous.

The representative from the American Legion Post 32 said there is only one handicap spot in front of their office. He wanted to know the proper procedure to have additional spots changed to be used for handicapped parking. Chairman Eastman told him to send a letter to Mr. Dean, and Mr. Dean stated that he has already received a letter from the Legion. Chairman Eastman told him they would have Mr. Dean look into this.

8. Reports

a) Town Manager’s Report

- Last week the Spring Bulky Pick-up was moved back one day due to the weather. They recovered well and there were no issues.
- They are moving closer to ground breaking on the Water Tank project.
- Under Correspondences, there is a request from Bell & Flynn to extend their paving contract for one more year. The Department of Public Works says they're doing a very good job and all sources say other companies will come in much higher if they were to go to bid. Mr. Campbell asked if they needed a motion for Bell & Flynn, and Mr. Pace said he was nervous about approving things not officially on the agenda. He asked if they could add this to the next meeting. The Board agreed.

Chairman Eastman reminded the Board and Mr. Dean that they should get together with residents to discuss Walter Scott Way.

b) Selectmen's Committee Reports

Mr. Pace: The Arts Committee has a new event starting on April 27th. Their spring show is called "Blossoms" and the grand opening is on April 27th from 7 pm – 9 pm.

Mr. Campbell: The Conservation Commission meets tomorrow and the Planning Board meets on Thursday.

Ms. Gilman: The Recreation Advisory Board was postponed until tomorrow to discuss the revolving fund. The Zoning Ordinance Review Committee is meeting on Friday. They came up with language for conversions. They have also done work on Accessory Dwelling Units. Their next meeting will be on April 19th and they will have two speakers who are specialists on affordable housing.

Mr. Ingram: The Rockingham Planning Commission is meeting on Wednesday.

Mr. Eastman: The Water & Sewer Advisory Committee is meeting on Wednesday also.

9. Public Comment

None.

Mr. Pace noted that although the Winter Parking Ban has been lifted by ordinance, he reminded residents that if it snows, the parking ban will be reinstated and he wants them to please be aware of this.

Mr. Campbell made a motion to move to non-public session under RSA 91:A to discuss a personnel issue; second by Mr. Pace. VOTE: Unanimous. Time: 8:17 PM.

Mr. Campbell did roll call. Ms. Gilman – Yes. Mr. Ingram – Yes. Mr. Pace – Yes. Mr. Campbell – Yes. Chairman Eastman – Yes. The Board then moved to non-public session.

Respectfully submitted,

Julie A Lund
AA/HR Director