

1, 2. Convene the regular meeting, Introduce Members of the Board.

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

3. Minutes: May 1<sup>st</sup>, 2006.

***Mr. Pace moved to waive the reading of the minutes of May 1<sup>st</sup>, 2006 and accept the minutes as presented; second by Mr. Eastman. VOTE: Unanimous.***

4. Town Manager Report: Flood Remediation Efforts 2006

Mr. Dean noted that last week, the Town of Exeter had record rainfall, and the Town was able to deal with the rain due to the efforts of police, fire, public works, and countless volunteers who stepped up to ensure the safety of Exeter residents.

The Water Treatment Plant, which saw serious flooding in 1996, had some anxious moments but avoided a flood by some creative thinking done by the public works department. The power station on River Street was another area of concern. Unutil's Director of Operations was in constant contact with the Town Manager's Office, and had we needed to shut that down, 60% of the town would have been without power, but through a lot of hard work that was also avoided.

Mr. Dean also recognized all of the people who volunteered, including the Exeter High School football team who helped fill sandbags. We also received great support from our State Representatives, but luckily we had enough local resources so we did not need to utilize them.

Mr. Joe Kinik was also recognized for his help during this time. Mr. Kinik has such a great knowledge of structures in the Town, and together with Mr. Glenn Stewart, an Exeter Lieutenant Firefighter, were able to identify some structures that could have had potential problems.

Mr. Eric Wilking, Assistant Fire Chief, was also on hand to discuss the situation as well. Mr. Wilking reiterated Mr. Dean's thanks to all of the town employees and volunteers that assisted during the flood. The fire department had 8 rescues with a total of 14 people on Sunday. Luckily there were no injuries and everyone was evacuated safely. The Fire Chief also met with FEMA and they counted 74 structures that received moderate to heavy damage. In addition, 135 properties sustained minor damage. FEMA will return but gave them a preliminary estimate of \$24 Million in damage. FEMA officials said they would return in 10-14 days to discuss moving forward.

Mr. Wilking also gave some contact information for those who need assistance:

- 1-800-458-2407 – This number goes to a combined FEMA/NH Bureau of Emergency Management, and they can assist both residential and business callers.
- 603-778-9097 – This is the local Emergency Management line here in town. Residents can leave a message for emergency management personnel at this number.
- 603-773-6130 – The American Red Cross has provided a number of clean-up kits for residents, and by calling this number residents can schedule a time to pick up a kit.

Mr. Ingram asked that this information also be posted on Channel 22 and our web site. Chairman Binette also noted how important it was to have information posted on our web site. He applauded Town Office Personnel who were very responsive and quick to post updates after emergency management debriefings. On behalf of the Board of Selectmen, Chairman Binette thanked all Town employees as well as the residents for helping us through this difficult time.

5. Proclamation: National Public Works Week, 2006.

Mr. Pace read a proclamation declaring the week of May 21<sup>st</sup> to May 27<sup>th</sup>, 2006, as National Public Works Week. Public Works employees play such an integral part in the safety, upkeep, and development of the Town and we thank them for all of their efforts on a daily basis.

6. Bid Award: Full Depth Pavement Reclamation.

Mr. Dean recommends the Board accept the bid from Bell & Flynn Inc. of Stratham, NH. He did point out that we would only be doing 3 of the projects on the list (reclamation, liquid asphalt emulsion, and Marshall mix design).

***Mr. Campbell moved the Board of Selectmen approve the award of bid for full depth pavement reclamation to Bell and Flynn, Inc. in the following amounts: 1) \$6.00 per square yard for reclamation, 2) \$2.50 per gallon for liquid asphalt emulsion; and 3) \$2,000 for Marshall mix design; second by Mr. Eastman. VOTE: Unanimous.***

7. Bid Award: Raising and Lowering of Castings (Paving & Reclamation).

Mr. Dean recommends the Board accept the lowest bid from C&Y Construction Company for the raising and lowering of castings (paving & reclamation).

***Mr. Campbell moved the Board of Selectmen approve the award of bid for raising and lowering of castings to C&Y Construction Co., Westminister, MA in the amounts of: 1)\$100 for removal and plating of existing castings; 2)\$180 for raising castings to final grade; 3)\$180 for adjusting castings for paving; and 4)\$150 for additional 6" increments to lower/raise plus masonry work; second by Mr. Eastman. VOTE: Unanimous.***

8. Bid Award: Public Works Copier.

Mr. Dean recommends the Board accept the lowest bid from Imagistics, Inc. for the Public Works copier.

***Mr. Pace moved the Board of Selectmen approve the award of the DPW Copier Replacement to Imagistics, Inc. of Bedford, NH in the amount of \$4,981, to include the copier and maintenance agreement; second by Mr. Eastman. VOTE: Unanimous.***

9. Request for Authorization for Use of Impact Fees: Recreation Spray Pad.

Mr. Mike Favreau was present to give an update on spray pads. The installation of spray pads was initially a CIP item, but when it was put out to bid they did not receive any bidders, so they initially thought they would re-bid it in the fall. Their original plan, which the State said on numerous

occasions would be fine, was then rejected by the State in December. Mr. Favreau also spoke with Mr. Jay Perkins, Highway Superintendent, and Mr. Perkins felt they would be able to reduce the cost by having the public works department handle excavating and demolition for the area. Mr. Steve Tucker, Water/Sewer Utility Foreman, also suggested that Water/Sewer employees could help with the plumbing. Mr. Keith Noyes, DPW Director, and Mr. Dean both signed on, and the project was underway.

Mr. Favreau reviewed photos of the project so far and showed the Board that having the Department of Public Works do this work saved them about \$15,000, and the system in place is actually more complex than what they had originally envisioned, so if they had actually bid the project out with the current specifications, it would have cost much more.

Officially Mr. Favreau was here for authorization to use impact fees to pay for this project. Mr. Ingram wanted to confirm that they were just looking for approval to have \$14,710 allocated for this, to which Mr. Favreau said yes. Mr. Eastman wondered if they had any items for the CIP that would then need to draw on these funds, and Mr. Favreau felt comfortable to allocate these funds and then let the remaining money sit and build again.

***Mr. Ingram moved that the Board of Selectmen approve the use of \$14,710 in Recreation Impact Fees for the purpose of partially funding the Recreation Spray Pad project; second by Mr. Eastman. VOTE: Unanimous.***

10. Second Reading: Amend Water/Sewer Ordinance: Meter Replacements.

Mr. Dean stated the first reading was on May 1<sup>st</sup>, 2006 in response to a request from the Department of Public Works to update an ordinance on meter replacements to give it more “teeth” to deal with non-responders. Ms. Victoria Del Greco, Water/Sewer Superintendent, was available to answer any questions. There were none.

11. Second Reading: Amend Parking Regulations: Epping Road Extension.

Chairman Binette mentioned last time there were concerns about automobiles being parked at that road with For Sale signs, and since then that seems to have stopped. There were no other questions or comments on this topic at this time.

12. First Reading: Amend Water and Sewer Rates.

Mr. Bob Kelly, Chairman of the Water/Sewer Advisory Committee, made a presentation to the Board detailing the proposed change to Water and Sewer rates.

Mr. Kelly stated there were three primary reasons for this change. First, operations costs are rising, in some cases by double-digit percentages. Fuel, chemicals, labor and overhead (including insurance), and they currently have a sewer-side deficit and an impending water-side deficit. Second, the current rate model is not managed by the Town. There is a third-party consultant responsible for this, which gives us no control over data input and it also gives us no forecasting abilities. Third, there are ongoing inequities between small consumption and large consumption users.

Mr. Kelly referred to a grid which compared the percentage of water used versus what they pay. For example, those who used less than 3,000 gallons make up 0.6% of users, and they pay 4.2 % of the total revenue received.

Mr. Kelly described a new ratemaker software that helps them make sense of this data. Mr. Eastman helped enter all of the information and included all users in the Town, which gives us more control over managing the information. It also allows us to look at all fixed costs versus variable costs involved.

The Water/Sewer Advisory Committee is proposing a change to one flat fee, and thus all residents would be responsible for paying for what they use. Mr. Kelly reviewed a comparison of the current fee schedule to the proposed flat fee schedule within a 3-tier system. This proposal factors in the cost of the new water tank as well as other projects that require funding. Mr. Kelly showed different scenarios – a two-person user will see virtually no change in their bill. Those who use a high volume of water will see an increase in their bill.

Mr. Campbell felt this system would allow the user to have more control over their bill. Mr. Kelly thanked him for bringing that up – our current system gives no incentive to conserve, and this system will help promote water conservation.

Mr. Jack Sheehy, Finance Director, asked at what point would the tiers be broken down? Mr. Kelly said they tried to find levels where it would be a more obvious break in user levels.

Mr. Ingram thought this would create a more manageable process, and would allow the Water/Sewer Committee to report back to the Board to see how various factors are impacting billing and then could be adjusted accordingly. It was also noted that this software can be integrated with the billing department software with will make it easier for everyone involved.

Mr. Campbell asked if it would be possible to put this information on the web site to help explain these proposed changes to residents. Mr. Pace thought it would also be helpful to put something on the web site to enter their current usage to see what new bill would be under this proposal.

### 13. Appointments with the Board: St. Michael's Church.

Mr. Dean acknowledged that last December St. Michael's Church petitioned the Town to extend water/sewer lines to Stratham so that St. Michael's could try to develop property that had been gifted to them. Since the last meeting, the Water/Sewer Advisory Committee met with representatives from St. Michael's and recommend in favor of extending lines to the portions of their property in Stratham.

Mr. Dan Blaze, Consultant from TF Moran, reviewed the proposal again with the Board.

Mr. Campbell questioned if they should grant this to the site or to the Church itself? Although he felt confident St. Michael's could meet their 10 year deadline, he questioned what would happen in the small chance that they could not? Mr. Eastman clarified that the Water/Sewer Advisory Committee recommended this specifically for the Church.

Mr. Campbell also questioned why the Board would approve to extend water lines outside of Exeter for the first time since the Board had adopted a policy not to do that. He referenced a situation that

occurred in the past, and Mr. Eastman stated that the Board did not actually make a ruling on that case, but rather the Planning Board made the decision.

Mr. Campbell questioned if we had the ability to sustain the addition of these water lines, and Mr. Dean added that Public Works has assured him that there will not be any problems with adding this.

Mr. Pace recalled a past discussion about “wholesaling” water, and it was decided that this was not a practice they wished to do. If you look at this situation as a one-off, already understanding that the Town does not want to enter the business of “wholesaling” water, then it should be acceptable.

Mr. Ingram added that we’re not looking to extend these lines to Hampton or other more remote towns. The purpose of extending these lines would be for the benefit of our people, our residents and our community. As for the Town Policy, he feels the ultimate Town Policy is to do what is in the best interest of the Town.

Mr. Brian Griset, member of the Water/Sewer Committee, clarified that when the situation was discussed, the committee did look at it as a Church and non-profit organization. He felt that was something the Board should add to their approval.

Mr. Kurt Seastrand felt regardless of where the Town line is, the Church will be an asset to Exeter and will serve the spiritual needs of residents and should be approved by the Board.

***Mr. Ingram moved the Board of Selectmen approve the application of St. Michael’s Church for water and sewer services, subject to successful review of the Technical Review Committee and the conditions outlined by the Water/Sewer Advisory Committee; second by Mr. Eastman.***

Mr. Campbell suggested changing the verbiage of the motion to “providing water and sewer services to St. Michael’s Church.”

***Mr. Ingram moved the Board of Selectmen approve the application of St. Michael’s Church for water and sewer services to St. Michael’s Church, subject to successful review of the Technical Review Committee and the conditions outlined by the Water/Sewer Advisory Committee; second by Mr. Eastman. VOTE: Unanimous.***

14. Appointments: Boards, Committees, Commissions.

Mr. Pace read a list of new appointments to various Boards and Committees:

Planning Board: Anthony Zwaan to full member, term to expire 4/30/07  
Gwen English, term to expire 4/30/09  
Dennis Derby, term to expire 4/30/09  
Amy Bailey as an alternate, term to expire 4/30/09

Zoning Board: Joseph Stone, term to expire 4/30/09  
Stephen Cole as an alternate, term to expire 4/30/09

Historic District: Edward Chase as an alternate, term to expire 4/30/07  
Judy Rowan as an alternate, term to expire 4/30/08

Pepita Walker to full member, term to expire 4/30/09  
Jeanette Lackey to full member, term to expire 4/30/09  
Greg Gilman as an alternate, term to be determined

Conservation: Virginia Raub, term to expire 4/30/09  
Don Briselden, term to expire 4/30/09  
Peter Richardson, term to expire 4/30/09

Housing Authority: Mary Palmer, term to expire 4/30/09

Recreation Advisory: Norma Roberts as an alternate, term to expire 4/30/09

EDC: Hal Macomber, term to expire 4/30/09

Arts Committee: Rose Bryant, term to expire 4/30/09  
Betsey Hall, term to expire 4/30/09  
Dean Scott, term to expire 4/30/08

Water/Sewer: Robert Kelly, term to expire 4/30/09  
Joseph Baillargeon, Sr., term to expire 4/30/09

CATV Advisory: Frank Heffron, term to expire 4/30/08  
Herb Moyer, term to expire 4/30/08

***Mr. Pace moved to appoint as presented; second by Mr. Eastman. VOTE: Unanimous.***

15. Continue Annual Review of Boards, Committees, Commissions.

Mr. Dean referred to a handout in the Selectmen's packet that clarified which committees are not currently meeting, which includes Affordable Housing, Benefit Review Committee, Train Committee (Mr. Dean is currently in discussions with Mr. Hall about the future needs for this committee), and the Trust for New Hampshire Land, which was formed for a specific reason and is not currently meeting.

Mr. Ingram had a question on the River Committee. Since it is a mixed organization consisting of town employees, Philips Exeter Academy students, and residents, would it make sense to have residents for a fixed term? Mr. Ingram asked the Board if it would be acceptable for him to go back to the committee to get their thoughts on this. The Board agreed that was acceptable.

Mr. Sheehy also pointed out that the Benefits Review Committee has to meet on occasion to approve disbursements from deferred compensation accounts. Although the committee has not had a request in quite some time, he felt it should remain in place should any future requests be made.

***Mr. Pace moved the Board of Selectmen to dissolve the Trust for New Hampshire Lands Committee; second by Mr. Eastman. VOTE: Unanimous.***

16. Disposition of Winterfest Funds.

Mr. Sheehy was there to discuss options for disbursing the Winterfest Funds. Mr. Sheehy has checked with the Town Auditor and is waiting to hear back with a definite answer. It looks like there are a couple options. The funds could be absorbed into the general fund. If they wanted to roll it over to the Christmas Parade funds, it would have to be considered “unanticipated revenue” and since it’s over \$5,000 we would have to hold a public hearing first.

Mr. Bob Spoerl, founder of the Winterfest festivities, was also on hand to discuss this topic. Mr. Spoerl said the Winterfest has been defunct in the last couple years due to the lack of volunteers. Mr. Spoerl raised the majority of the money and would like to see it split equally among these different organizations: New Outlook Teen Center, Seacoast Hospice, Exeter Historical Society, Friends of Swasey Parkway, New Hampshire SPCA, Ritchie McFarland, and Friends of the Senior Center.

Mr. Pace questioned, once the funds have been raised, if it is then considered the Town’s money? If people donated money anticipating it go towards X and then instead the money goes towards Y, how would people react?

Mr. Spoerl felt the money has to go somewhere, and in his opinion these are all worthy causes.

Mr. Ingram thought if it is the public’s money, we may have a problem. In order to expend public money, we need make sure it is handled properly. Mr. Dean felt we should go back to the Town Auditors to find out, and we could also hold a public hearing to help decide disbursement options.

Mr. Campbell also wondered how that would impact the budgeting process. The Town already gives these organizations money, and if we then gave them even more money during the course of the year, how would that impact future donations and future amounts budgeted?

Mr. Ingram recommended a public hearing be held. Mr. Spoerl, who helped raise a majority of this money, could rewrite his letter to include all of the organizations he would like to disburse the money to, and this letter can be used as the foundation of the meeting. A solution can then be determined after this public hearing. The Board agreed to hold a public hearing at the next Selectmen’s meeting.

17. Town Manager’s Report.

- Next Board of Selectmen Meeting will be held on June 12<sup>th</sup> and 26<sup>th</sup>. There was discussion among the Board members, and the meetings could potentially be moved to the 5<sup>th</sup> and 19<sup>th</sup>. This will be discussed among the Board and will be notified once a decision has been made.
- The Town Clerk’s office will be closed this Wednesday, May 24<sup>th</sup>, for a state-wide Town Clerks Seminar. The office will reopen on Thursday, May 25<sup>th</sup>.
- All Town Offices will be closed on Monday, May 29<sup>th</sup> for Memorial Day.
- Property tax bills will be going next month and will be due by July 5<sup>th</sup>.
- CIP is starting up again, and plans are due this Friday, May 26<sup>th</sup>.
- The Memorial Day Parade will be held on Monday and will follow its typical route.
- Jack Sheehy has been working on the financial procedures review, which has been moved to June 2<sup>nd</sup> and they may come back the following Monday to wrap up.
- Mr. Dean and Mr. Campbell attended a court meeting in Brentwood. A committee of administrative services said there were “political forces” at the State level lobbying against it.

Some feel the Superior Court needs construction before a District Court. Mr. Campbell stated that one thing that bothered him was that they did not send out any announcements and thus smaller communities were not represented.

18. Permits.

Mr. Dean first presented a permit request from Mr. Peter Datillo, who is a hot dog vendor in Swasey Parkway, who is looking for a one-year permit. Mr. Eastman stated he has a problem with this request.

Mr. Jay Perkins, Highway Superintendent and member of the Swasey Parkway Trustees, said that Mr. Datillo went before the Trustees and they were also skeptical at first. Mr. Datillo really did his homework and was very prepared for this. He parks across from the elderly housing and the residents there love it since they do not have many options within walking distance. Mr. Datillo cleans up after himself.

Mr. Eastman asked why the Trustees were giving out permits, and Mr. Perkins said that Mr. Datillo came to the Town Office and asked for a permit and was told he did not need one. To Mr. Datillo's credit, he did jump through all of the hoops required to obtain the permit.

Mr. Dean also clarified that the Trustees are looking at this as a "trial run." Mr. Ingram suggested they give him a four month trial to see how this impacts the Town and they can reevaluate the situation at the end of that trial period.

After some discussion, the Board agreed to modify the permit to allow him to operate his hot dog stand from 9 am to 9 pm, 7 days a week, through September 30<sup>th</sup>, 2006.

***Mr. Campbell made a motion to approve Mr. Datillo's permit, with the modifications agreed upon by the Board, to operate a hot dog stand at Swasey Parkway; second by Mr. Pace. VOTE: 4-1.***

Mr. Dean presented the following for action:

- Mr. Randi Moran of 93 Washington Street requested to have a Block Party along Washington St. from Spruce St. to 111A on July 22, 2006 from 12:00 pm to 8:00 pm.
- Portsmouth Symphony Orchestra requested use of the Town Hall, Main Floor with Stage, on Saturday, June 10<sup>th</sup> for a free concert from 5 -10 pm. This is a non-profit group asking to have the fee waived.
- US Representative Jeb Bradley requested to use the Wheelwright Room on June 2<sup>nd</sup> at 1:00 for public office hour.
- Seacoast School of Technology requested to block off the area in front of Town Hall for a Bake Sale fundraiser on June 10<sup>th</sup> from 10 am – 4:30 pm.
- The Kiwanis requested to hold their 25<sup>th</sup> Road Race on Saturday, August 26<sup>th</sup> at 9:00 am.
- The Chamber of Commerce requested to use the Town Hall Main Floor with the Stage on November 25<sup>th</sup> through December 1<sup>st</sup> for a Holiday Open House and Festival of Trees, beginning at noon daily.
- The Chamber of Commerce requested to use the Bandstand November 25<sup>th</sup> through December 1<sup>st</sup> for a Holiday Open House and Festival of Trees, beginning at noon daily.



- The Great Bay Group Workcamp c/o Christ Church of Exeter requested to use the Bandstand and block off parking spaces for a fundraiser selling Krispy Kreme donuts on June 3<sup>rd</sup> from 8 am – 2 pm with a rain date of June 10<sup>th</sup>.
- Philips Exeter Academy requested to stop traffic on the Right-of-Way on Sunday, June 11<sup>th</sup> from 9:30 am until 1:00 pm. This would be on Front Street, between Tan Lane and Elm Street, and on Tan Lane. In case of rain, graduation in the PEA Love Gym so Court Street is the traffic stop request.
- Rockingham Land Trust requests use of the Nowak Room on May 23<sup>rd</sup> from 8 am – 1 pm. They are a non-profit group and are requesting the fee to be waived.
- Foss Motors is requesting to have a raffle permit approved, through September 13<sup>th</sup> to raffle off a Dodge Calibur with all proceeds to benefit the Rick Germain Scholarship Fund.
- Seacoast Bike to Work Day is asking to have their permit be rescheduled for June 2<sup>nd</sup>, 2006.

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

19. Selectmen's Committee Reports.

Mr. Pace: Historic District is meeting to approve certain permits. Mr. Pace also gave kudos to all Town Employees for helping us get through the events of the past week.

Mr. Campbell: The Conservation Commission met on the 9<sup>th</sup> and discussed a dock on Swampscott. He also discussed the meeting on the District Court. The three conditions the group felt needed to be met when deciding on a location for the court were: 1) land donated by the Town; 2) Water and Sewer available by the Town; and 3) the Town has access to public transportation. He did not know how these conditions would be met.

Mr. Ingram: In regards to the District Court, Mr. Ingram pointed out that nowhere in their discussion has there been any reference to the needs or wants of the two districts involved, and that is very discouraging to him. The River Committee meeting was rescheduled to June 8<sup>th</sup>. The Council on Aging is still short on members and could use additional volunteers. Mr. Ingram also noted there has been one person who has been forgotten in the thanks for last week, and that is Russ Dean. He did a superb job of coordinating the efforts of everyone involved.

Mr. Eastman: Water/Sewer has already been discussed and he has nothing new to report.

Mr. Binette: Recreation Advisory Committee did not have a quorum – they still need more members. Mr. Binette also gave a big thanks to all of the residents of the Town for supporting us during the floods.

Public Comments: Mr. Sandy Mitchell Winter of I.S. Realty Trust asked the Board to review a building permit that was issued. Mr. Eastman said the permit was reviewed a couple weeks ago, and the building permit shows how a fence should have been built and it was not built according to the specs. The Board agreed to review this permit.

***Mr. Eastman 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: 8:43PM.***

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

Respectfully submitted,

Julie A Lund  
AA/HR Director