

1,2. Convene the Regular Meeting; Introduction of Board Members.

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. Lionel Ingram, Mr. Bob Eastman Mr. Joe Pace, Mr. William Campbell, and Mr. Russell Dean, Town Manager.

Chairman Binette asked the Board to pause for a moment of silence to remember the tragedy that occurred five years earlier on September 11<sup>th</sup>, 2001.

3. Minutes: August 28<sup>th</sup>, 2006.

*Mr. Pace moved to waive the reading of the minutes of August 28<sup>th</sup>, 2006 and accept the minutes as presented; second by Mr. Ingram. VOTE: Unanimous.*

4. Bid Opening: Stewart Park Seawall Project.

Chairman Binette opened bids for the Stewart Park Seawall Project:

Bid Item #1: All work complete: Lump Sum  
 Bid Item #2: Addition – Timber Fenders  
 Bid Item #3: Addition – Bollard Installation  
 Bid Item #4: Addition – Turbidity Curtain, partial depth  
 Bid Item #5: Addition – Turbidity Curtain, full depth

Bids received: **H.B. Fleming, Inc.**, South Portland, ME

Bid Item #1: <u>\$306,700</u>	Bid Item #3: <u>\$400</u>
Bid Item #2: <u>\$3,800</u>	Bid Item #4: <u>\$2,000</u>
	Bid Item #5: <u>\$2,500</u>

**Eastern Seaboard Construction**, Newton, NH

Bid Item #1: <u>\$326,221</u>	Bid Item #3: <u>\$1,500</u>
Bid Item #2: <u>\$5,600</u>	Bid Item #4: <u>\$5,000</u>
	Bid Item #5: <u>\$6,000</u>

**Pepperell Cove Mooring**, Portsmouth, NH

Bid Item #1: <u>\$319,000</u>	Bid Item #3: <u>\$1,500</u>
Bid Item #2: <u>\$3,000</u>	Bid Item #4: <u>\$3,000</u>
	Bid Item #5: <u>\$3,762</u>

**Maritime Construction & Engineering**, Eliot, ME

Bid Item #1: <u>\$298,995</u>	Bid Item #3: <u>No Bid</u>
Bid Item #2: <u>\$4,345</u>	Bid Item #4: <u>\$3,240</u>
	Bid Item #5: <u>\$3,240</u>

**Riverbend Masonry**, Exeter, NH

Bid Item #1: <u>\$277,600</u>	Bid Item #3: <u>\$800</u>
Bid Item #2: <u>\$4,000</u>	Bid Item #4: <u>\$3,000</u>
	Bid Item #5: <u>\$5,000</u>

***Mr. Campbell moved the Board to return the bids to the Town Manager and the appropriate departments to review and make a recommendation; second by Mr. Pace. VOTE: Unanimous.***

5. Appointments: Budget Recommendations Committee.

Mr. Dean said there are currently several vacancies on the Budget Recommendations Committee. Mr. Dean met with Mr. Chris Moutis, Chairman of the Budget Recommendations Committee, and Mr. Moutis forwarded three people who are interested. The Board has the ability to approve these committee members until the Town is able to vote on them at the next Town Meeting. All three have served on this committee in previous years.

***Mr. Pace moved the Board of Selectmen appoint Eileen Blanchard, Jim Knight and Jeff Warnock to the Budget Recommendations Committee, term to run through the next Town Meeting; second by Mr. Campbell. VOTE: Unanimous.***

6. Appointments: Seacoast MPO Technical Advisory Committee.

Mr. Dean explained that the Town Planner serves as the Board's representative to the Seacoast Metropolitan Planning Organization. This is an appointment made by the Board of Selectmen. The MPO has asked for an appointment for FY07 and the Town Planner, Ms. Sylvia von Aulock, has expressed interest in serving for another year.

Mr. Ingram added that he is enthusiastic to have a representative there, and he is please that Ms. von Aulock will be serving another year.

***Mr. Ingram moved the Board of Selectmen appoint the Town Planner, Sylvia von Aulock, as the Town's representative to the Seacoast MPO; second by Mr. Campbell. VOTE: Unanimous.***

7. Meetings with the Board: Nora Arico re: sidewalk on Westside Drive.

Ms. Nora Arico distributed pictures to the Board to illustrate the present state of the sidewalks on Westside Drive. Ms. Arico said this situation has been going on for some time, and she has been told that this street is not a priority. Although she understands that there are other places in town that need attention, she fears her neighborhood will never be a priority, and she worries about the safety of children in the area, as they walk down this road to the bus stop on the end of the road. She is not asking for all new sidewalks. She believes the current sidewalks need major repairs done to them. She has lived there for 36 years and she doesn't remember the sidewalks ever having repairs done to them.

Ms. Arico referenced the pictures given to the Board and pointed out that grass is starting to grow in the cracks of the sidewalk. Also, portions of the sidewalk are actually below the road. In areas where there are no sidewalks, the trucks drive right up onto the edge of the road. She hopes there can be some sort of sidewalk plan to help this situation. She feels it would be foolish to replace the sidewalks when the Town could simply repair the sidewalks to avoid that cost. She was told by the Highway Department that all they could do is fill in the sidewalk, and she can't fathom that would be the only way to solve the problem.

Chairman Binette said he took a ride to Westside Drive and through that general area, and he knows the history of how it was built and how the area used to be a frog pond at one point. He agrees that the sidewalks are not in the best shape. To address her concern about safety, he said that in that area, he counted twelve basketball hoops on Town property, which does not create a safe situation either.

Mr. Jay Perkins, Highway Superintendent, spoke to the issue as well. He said she was right about the sidewalks. In the areas that they are in place on Westside Drive, they are more like paths than sidewalks. In the sidewalk improvement plan, they plan on filling those sidewalks in, as it does not make much sense to make the road narrower by putting in new sidewalks.

Mr. Campbell wondered if there was any advantage to at least paint a stripe to mark a designated bike and walking path. Mr. Perkins felt that would work better than putting in a full width sidewalk as they would not be able to maintain them.

Mr. Eastman said he also went to Westside Drive and agrees with Mr. Perkins. The best solution would be to remove the sidewalks altogether and paint a stripe for a designated bike and walking path and have cars park outside of those lines.

Mr. Eastman said that over the last five years, \$135,000 has been budgeted for sidewalks, and only \$43,000 has been budgeted for new sidewalks. He believes we need to look at the budget to see if we should consider cutting back in other areas, for example street paving, to put towards new sidewalks.

Chairman Binette asked how long it would take to either fix the sidewalks entirely, or would it make more sense to do a band-aid approach. Mr. Perkins said they could start this winter to take out the sidewalks, but they could put a line on the road much sooner than that.

Ms. Arico felt it would be a horror if the sidewalks were filled in. She said especially in front of her house, it is getting more difficult to dig out the sidewalk after storms. She also said the children meet at the mouth of the street, and she feels new sidewalks should be put in at least there and on LaPearl Street. Mr. Perkins said that there currently is a sidewalk at the entrance of the street for kids to wait for the bus, and the Highway Department does plow that sidewalk for the kids, but it is a difficult area to plow and they may not be able to plow all of the sidewalks in the area if they were put in.

Ms. Arico said yes, there is an overhang for the kids to stand on, but they don't stand there, they go farther down the road to be picked up in front of another house. She said that unfortunately she could not speak to the problems any other residents have, as they could come and speak for themselves. She can only speak to what she has to deal with. She understands the issues the Town faces but she hopes a solution can be found to help her situation. Chairman Binette thanked Ms. Arico for bringing her concerns to their attention.

#### 8. Squamscott Block Project Grant Agreement.

Mr. Dean stated that he is requesting to have a motion put into record giving the Town Manager authorization to sign off on agreements with the Community Development Finance Authority for the Squamscott Block Project.

Mr. Dean added a brief update, saying there was a bid opening one week ago, and this time they did get acceptable bids so the project is continuing on schedule. Mr. Nathan Szanton will come to the

next meeting of the Board on September 25<sup>th</sup> to discuss the easements and revisit ideas for temporary parking.

***Mr. Ingram moved the Board of Selectmen to give the Town Manager authorization to sign off on agreements with the Community Development Finance Authority; second by Mr. Eastman.  
VOTE: Unanimous.***

9. Status of Negotiations CATV: Verizon.

Mr. Dean said this was another “housekeeping” measure. As many people are aware, Verizon has decided to pull out of New Hampshire. The Town’s counsel on this matter, Donahue, Tucker & Ciandella, has advised the Board to enter into record a statement expressing the Town’s continued desire to negotiate with Verizon.

Mr. Pace read the following statement:

The Board of Selectmen, as the local franchising authority for cable matters in the Town of Exeter, wish to place the following statement into the record of this regular meeting regarding the proposed Verizon cable franchise agreement.

1. The Town of Exeter is very interested in having a competitive cable service provider in Town.
2. The Town of Exeter is expecting to conduct ascertainment hearings, which are anticipated to be joint ascertainment hearings attended by representatives of Comcast and Verizon.
3. Donahue, Tucker, & Ciandella, PLLC, Town’s special counsel in these negotiations, had arranged for a meeting to be held in May with Verizon representatives. That meeting, at Verizon’s request, was to be held prior to the Town receiving a proposal from Verizon. Verizon withdrew from that meeting.
4. The Town has expended some resources to date on establishing the future cable-related needs of the Town and on counsel fees and expenses.
5. There has recently been publicity regarding what New Hampshire towns seek in the cable franchise with Verizon, including parity on the number of PEG channels and franchise fees. This parity is an operation of New Hampshire law (RSA 53-C:3-b), which provides, in part:

“All franchises shall be nonexclusive. No municipality shall grant any additional franchises to cable service within its jurisdiction on terms or conditions more favorable or less burdensome than those in any existing franchise within such municipality.”

In accordance with New Hampshire law, the Town must ensure that the cable franchise being negotiated with Verizon, taken as a whole, is not more favorable or less burdensome than the franchise to be negotiated with Comcast when the renewal process begins later this year.

6. The Board of Selectmen wants to bring Verizon to the Town as a competitive cable provider. The Board is committed to executing an efficient, expeditious negotiation to accomplish this; the Board needs a negotiating partner, however, and we urge Verizon to return to the negotiations with Exeter.

Mr. Campbell asked if a copy of this statement would be sent to Verizon. Mr. Dean said it would.

10. Third Reading: Permit Policy.

Mr. Dean took the suggestions given by the Board at the last meeting and changed the language of the Permit Policy. If it meets approval, it can be adopted tonight.

Mr. Eastman asked what the policy number would be, and Mr. Dean said it would be policy # 0601.

***Mr. Ingram moved the Board of Selectmen approve the permit policy as presented by the Town Manager as policy # 0601, effective September 18<sup>th</sup>, 2006; second by Mr. Eastman. VOTE: Unanimous.***

11. Board Discussion: Parking Regulations.

Now that the high school has moved to Epping Road, we now have a few roads loaded with 2 hour parking signs, including Pine Street and others in and around the old high school site. The Town Clerk has also asked for a parking amendment during elections.

Chief of Police Richard Kane was present to discuss parking around the old high school site. He said there are 13 streets affected in this area. Chief Kane has started conversations with residents on Pine Street to see what they would like to have done in this area. He feels some may need to stay, some can go, and some may need to be amended. He would like the opportunity to better evaluate the area with Lt. Dockery so that he can come back to the Board with more specific recommendations.

Mr. Campbell asked if the Seacoast School of Technology (SST) is still a problem. Chief Kane said that there is so much parking available behind the school that it's no longer an issue. Chairman Binette commended Chief Kane and his entire department for what they're doing on Epping Road near the new high school.

The second topic was regarding parking regulations during elections. Mr. Eastman felt that at Town Meeting, two hours may be required if there are forty warrant articles on the ballot in addition to the school's ballot. He thought during primaries we may be able to change it to one hour, but not during Town Meeting. Mr. Pace added that during partisan elections, it seems to be a race for candidates to park in these spots and put signs on their cars.

Mr. Pace would be hesitant to change any time limits on Water Street because the majority of people parking there are for visiting local merchants. He would suggest targeting the parking spaces on Front Street in front of the Town Hall. Mr. Eastman said he would also include spaces in front of the Town Hall on Water Street in front of the Chamber of Commerce.

Mr. Pace added that the next topic of discussion is a potential new election location. He thought the Board may want to consider a temporary ordinance until we have a better idea where elections will be held in the future.

Chairman Binette believed there are quite a few parking regulations that will need to be deleted or changed. He asked if there was anything else on the list that should be addressed at this time. Mr. Dean said they have not gone through the entire list but they certainly could. Mr. Ingram pointed out

that it says no parking on the sidewalk, and it would be beneficial to better define a sidewalk. We could include bike path lines in this. Chief Kane said they have a lot of problems with that people parking on bike path lines. Mr. Dean thought this could be a good time to revisit adding a fire light on Front Street. Chairman Binette wondered if we should look at the parking ordinance for snow emergencies, and Mr. Perkins said it has been working very well since its last amendment. Chief Kane agreed that he did not see a need to change that particular ordinance at this time.

Mr. Campbell asked Mr. Dean to draw up something to address parking during elections and the Board could try to pass something before the General Election in November. Mr. Dean agreed to do so.

12. Board Discussions: Town Election Date and Location.

Mr. Dean explained that during the discussion on potentially changing the fiscal year, it has been brought up that this could be a good time to discuss changing the date and location of the Town Meeting.

Mr. Dean said that adopting a new fiscal year would put us on the same schedule as the school district. Two major benefits would be that residents would be able to vote on the budget prior to the implementation of the budget, instead of operating for two and a half months without knowing what our budget will be for the year. Secondly, instead of collecting taxes in arrears, we could collect taxes up-front and have money in the bank to put towards investments. On a good year, that could impact and hopefully lower the tax rate.

Mr. Dean explained the calendar that was in front of the Board, which costed out the additional six months in the eighteen month transition budget. The question that this raises is does the Town use the fund balance or do they use bonding. One recommendation is to put an article on the 2007 ballot to put an amount to be determined in the general reserve fund for this period.

Mr. Pace felt that we need to put the topic of changing the date of the Town Meeting on the shelf at this time, because to do that would require the Town to coordinate this with all other towns in the school district. Mr. Pace loves the idea of changing the fiscal year and thinks we should focus on that, because he cannot envision having all five other towns easily change the date of their Town Meeting.

Mr. Pace also asked if the Town goes to an 18 month fiscal year, wouldn't that mean the Town would collect taxes three times during that timeframe. Mr. Ingram added that the idea of paying ahead sounds good in theory, but as a taxpayer, he would rather have his money for longer than have the Town have it earlier with only a possibility of having the tax rate impacted.

Mr. Dean said the most important notion to remember in an 18 month budget is that residents would also be getting 18 months worth of services. Mr. Pace felt that the additional six months could be funded by the regularly scheduled tax bill during that time period. This would eliminate the need of having a warrant article to fund this.

Mr. Ingram said he can see a number of benefits for changing the fiscal year but he isn't excited about changing how or when taxes are collected. Mr. Pace felt that taxpayers aren't really going to be care about a possible better financial position for the Town. He thinks there are so many benefits

to changing the fiscal year that he would hate to see the proposition clouded by the idea of taxpayers having to fund this change. Mr. Ingram agreed.

As for the site of the election, Mr. Ingram wonders what sites are being considered. He thought the old gym would be quite a bit easier to hold the election.

Chairman Binette thought we should find out if storage space would be available. Mr. Pace thought we could easily move the booths and other supplies back and forth if needs be.

Mr. Pace wondered, as the town approaches 15,000 residents, if we should begin considering having two precincts and having two election sites. Mr. Ingram felt we would not need to worry about that until we outgrew the gym. Mr. Campbell suggested we approach the School Board with this idea.

Mr. Ingram asked if the Board has officially told Mr. Dean that they would like to see the fiscal year change as a warrant article next year. Mr. Pace would like to see what the verbiage would be and the final cost involved. Mr. Eastman felt they were not ready to agree to have this as an article yet. Mr. Dean said one of his colleagues in Bow has offered to speak to the Board on this topic, as Bow recently adopted the new fiscal year and went through the change.

### 13. Town Manager's Report.

- The next Board of Selectmen Meeting will be held on September 25<sup>th</sup>. Next Monday, September 18<sup>th</sup>, the Board will be having a work session. Mr. Eastman asked if this would be televised, as many residents enjoy watching these meetings. Mr. Dean said if there were no objections, it would be.
- The State Primary will be held tomorrow at the Town Hall from 7:00 am to 8:00 pm.
- Last Friday night they had the dedication of the new football stadium. Governor Lynch, Chairman Binette, some members of the School Board and I were there.
- The Harris Center was also dedicated on Friday afternoon. Chuck Harris donated most of the money for this facility, and because of the generosity of Mr. Harris and others, they have built a first-rate facility and a nice addition to the community.
- Fall Bulky Pick-up will be the week of November 6 – 10
- Mr. Ken Berkenbush, Assistant Fire Chief, was present to give updates on EEE and the Sportsman's Club:
  - Mr. Berkenbush said they have continued testing for EEE and have not had any cases thus far. They have done limited spraying, mainly near playing fields and stadiums. In conjunction with Parks and Recreation, we will be doing some spraying in the parks this week, including Gilman Park, the Skate Park, Brickyard Pond and the playing fields on Hampton Road.
  - Using XRF technology, over 60 samples have been taken from the area around the Sportsman's Club. They have tested the test wells and surface water in that area and anticipate receiving results on September 22<sup>nd</sup> and he will have a report to follow shortly thereafter. He hopes to have more of a detailed update to present to the Board by the end of October.

### 14. Permits.

Mr. Dean presented the following for action:

- Rose Bryant requested to have a block party on Union Street this Saturday, September 16<sup>th</sup> (rain date of Sunday, September 17<sup>th</sup>) from noon until 8:00 pm.
- The Exeter Retail Merchants Association requested to use the Town Hall on October 14<sup>th</sup> from 8:00 am to 6:00 pm for Fall Festival activities, including apple pie judging. They would use the Town Hall only in case of rain.
- The Exeter Retail Merchants Association requested to hang a banner across Water Street from September 25<sup>th</sup> through October 10<sup>th</sup> to advertise for the Fall Festival to be held on October 14<sup>th</sup>.
- The Exeter Retail Merchants Association requested to block off parking spaces on Front Street in front of the Town Hall for hay wagon rides and for vendors during the Fall Festival. They are requesting this for October 14<sup>th</sup> from 8 am to 6 pm.
- The Exeter Retail Merchants Association requested to have music in the Bandstand on October 14<sup>th</sup> from 8 am to 6pm for the Fall Festival.
- The Exeter Elementary PTO requested to hang a banner across Water Street from May 7 – 20, 2007, to advertise for the Exeter PTO Get Fit in May 5K Road Race to be held on May 19<sup>th</sup>, 2007.
- The New Outlook Teen Center requested to use the Town Hall main floor with use of the stage on September 30<sup>th</sup> from 1-11 pm for a local ska music show for local bands.
- Rockingham County Community Action Resource Network requested to use the Nowak Room on September 15, 2006, December 15, 2006, and March 16, 2007 for ‘Health Care for the Homeless’ – a subcommittee meeting of local agencies to help the homeless obtain health care.
- Haunted Overload has requested to block off Garfield Street from the storage center entrance to School Street (same as last year) for the annual Haunted Yard (SPCA Fundraiser) on October 30<sup>th</sup> and 31<sup>st</sup> from 4:30 – 9:30 pm.
- Sweetwater Realty requested to block off parking spaces and have a structure on the sidewalk from September 13<sup>th</sup> to the 29<sup>th</sup> from 7 am to 5 pm to make repairs to the overhang over the windows on the first floor across the front of the building at 27-31 Water Street.
- Ian’s Granite State Franks has requested to extend his permit to sell hot dogs at Swasey Parkway through December 31<sup>st</sup>, 2006. He has already paid the annual peddling fee of \$250. Russ received a letter from the Trustees of Swasey Parkway supporting the extension of his permit, adding that he has been a welcome addition to Swasey Parkway.

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

15. Selectmen’s Committee Reports.

Mr. Ingram                    Heritage Commission will have their first meeting on Wednesday at 7:30. Safety Committee is meeting on Thursday morning at 8:30.

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

Mr. Campbell:              Conservation Committee is meeting tomorrow night. Thursday the CIP will be reviewed by the Planning Board.

Mr. Pace:                    Next Thursday the Historic District Commission will be meeting to discuss new designs for the Psychic Readings sign on Portsmouth Ave.



Mr. Binette: Recreation Advisory Committee will be meeting next Tuesday the 19<sup>th</sup>. Also, the dedication of the new high school will be on September 24<sup>th</sup> and they will be having tours of the school. All interested residents are encouraged to see the new facilities.

16. Public Comments:

Mr. Arthur Baillargeon asked what the regulations were for parking near a crosswalk. Chief Kane could not remember the exact amount off the top of his head but believes it is either 20 or 30 feet from the crosswalk. He said you cannot park right on the edge. Mr. Baillargeon said he sees many cars that park right up to the edge, especially in Swasey Parkway.

***Mr. Eastman made a motion to adjourn; second by Mr. Pace. VOTE: Unanimous. Time: 8:50 PM.***

Respectfully submitted,

Julie A Lund  
AA/HR Director