

DRAFT MINUTES
BOARD OF SELECTMEN MEETING **MINUTES** **MARCH 5, 2012**

1. Call Meeting to Order

Vice Chairman Matt Quandt convened The Board at 7:00 p.m. in The Nowak Room of the Town Office Building. Other members of The Board present were Selectman Frank Ferraro, Selectwoman Julie Gilman, Selectman Don Clement and Town Manager, Russ Dean.

2. Public Comment

Renee O'Barton, of 5 Blanche Lane, Exeter comes forward. Ms. O'Barton remarks she has been looking online at the Town's website. There are several links not working or broken. Ms. O'Barton remarks on an RSA she hands to the Board, 41:61, which speaks to records leaving the public buildings that are public records. Mr. Quandt states the budget committee minutes discussed last week are online.

Mr. Alan Bailey, 7 Green Street, Exeter comes forward. Mr. Bailey asks about the Town Report, when it will be available. Mr. Dean informs the Board according to the printer it will be here tomorrow morning. Hopefully all will go well.

Ms. Priscilla Eddy, 21 Crawford Avenue, comes forward. Ms. Eddy asks what the process is for filing a formal complaint against the Exeter Police Department. Mr. Quandt replies she can send a letter to the Board. Ms. Eddy states she has gone to the public library and has been told they are out of the police department surveys. She asked and she says she was told twice they asked for more but did not get any. She states the Police Department is real problem in Town and people have their head in the sand.

Mr. Quandt thanked all for their comments. He moves on to minutes and proclamations.

3. Minutes & Proclamations

a. Regular Session: February 27, 2012

Mr. Quandt notes the minutes from February 27th are not yet available. They will be held until next week.

4. Appointments – There are no appointments this evening.

5. Department Reports - None

6. Discussion / Action Items

a. New Business

i. Bid Opening: Norris Brook Culverts

Mr. Quandt proceeds to the bid opening for the Norris Brook Culvert project. Mr. Quandt opens the bids and the following bids are received: Brown Industrial Group: \$388,250 and \$304,300. Clarification is sought from DPW Director Perry on the two numbers. She states one is a base bid, the other includes raising Water Street to alleviate drainage and flooding concerns. The higher number includes the alternate. Mr. Bailey asks the Board to cite what the total dollar figure is. Mr. Clement repeats the first set of bid numbers for Mr. Bailey. The bids continue. JA Polito & Sons, \$613,000 and \$690,500. MAS Building and Bridge: \$420,500 and \$514,400. Earth NE Mechanics Inc. from Pittsfield NH: \$423,500 and \$351,600. Jamco Excavators \$533,600 and \$454,550. CPM Constructors \$633,570 and \$566,870. T Buck Construction from Auburn ME \$698,858 and \$650,358.

Selectman Clement moved to refer the bids to the DPW and Town Manager for review and recommendation. Selectwoman Gilman seconded. Motion carried unanimously.

Mr. Ferraro asks about other pieces to this project. Ms. Perry reminds that CMA Engineers is the engineer and all permits are in place.

ii. Bid Opening: WTP Filter #3

Mr. Quandt proceeds to the second bid opening, a rebuild of Water Treatment Plant Filter #3. The following bids are received: RH White Construction, \$25,396. Penta Corporation, \$31,000. Waterline Services, LLC, Seabrook, NH \$27,150. PRB Construction, Gilford, NH \$26,400. Methuen Construction, Methuen MA \$31,300.

Selectman Clement moved to refer the bids to the DPW Water Department and Town Manager for review and recommendation. Selectwoman Gilman seconded. Motion carried unanimously.

iii. Website RFP Update

Mr. Ferraro remarks the RFPs for the website update project were opened today in the Nowak Room at 4:00 p.m.. The following proposals were received: Local Link Internet, \$14,000; Blue Liner Marketing, \$30,256; Bad Dad Design, \$18,000; Park Group Solutions, \$38,500; Tidal Media Group, \$22,200; Municipal CMS, \$14,495, Aha Consulting, \$9,000; and Harbour Light Strategic Marketing, \$21,690.

Selectman Clement moves to refer the proposals to the working committee of Mr. Ferraro, Mr. Dean, Mr. Clement and IT Coordinator Swanson for review and recommendations. Ms. Gilman seconds. Motion carries unanimously.

b. Old Business

i. Tattoo Ordinance

Mr. Dean indicates this is the formal first reading, nothing on language has changed since last week. Mr. Quandt asks for public comments. Ms. O'Barton of 5 Blanche Lane approaches the Board and refers to the date of February 27th at the bottom of the page. It says first reading, and she wishes to confirm that tonight is the first reading. Mr. Quandt and the other members concur tonight is the first reading. Mr. Clement confirms this will take three readings. Mr. Quandt mentions 2 readings and a public hearing. Mr. Dean indicates all readings are public. Mr. Clement asks that this proposed ordinance be put on the website so people can see it. Mr. Dean indicates he will follow up.

Return to New Business. Mr. Quandt remarks he skipped over something on the agenda and goes back to the LGC agreements. Mr. Dean reviews the agreements with the Board and indicates the Town now has moved over to Primex for Worker's Compensation, Unemployment, and Property/Liability Insurance as of January 1st. These used to be with LGC. Through the last process Primex bid very favorably and the Town saved money by switching over to Primex. This amended agreement is with LGC, reflecting the Town continuing with LGC on Health Insurance, Dental Insurance, and Life Insurance, and other services such as COBRA billing and Retiree Health Insurance billing administrative services. The HealthTrust handles this now, retiree health plans are through the Health Trust and are not part of the Town budget. Mr. Clement asks if there are changes in coverage. Mr. Dean states no, the COBRA is opt in, but health, dental, life is the same. The HealthTrust won't handle the other services excluded and have not been since January 1st. Mr. Dean states the Board needs to authorize the signing of the documents so the changes can be finalized with the LGC. He refers to Exhibit A and reads the resolution and the details of the changes in service.

Selectwoman Gilman moves the Town Manager be authorized to sign the resolutions for the Local Government Center HealthTrust. Selectman Clement seconds the motion. Motion carries unanimously.

Mr. Ferraro asks about who carries liability for Town Officials. Mr. Dean indicates Primex does this, it used to be the LGC, but has switched to Primex as part of the property/liability policy.

Return to Old Business.

Proposed Pawnbroker Ordinance

Mr. Quandt then opens discussion on the first reading of the proposed pawnbroker ordinance amendment. Mr. Dean reports the Police Department will be present next week to speak to this item. Ms. Shirley Pitts, a resident and merchant who owns Two Flights Down, appears before the Board. She notes the ordinance includes second hand dealers. She is a consignment shop and wonders if she would be included. She is concerned about having to keep additional paperwork and has not had an issue in her store in 24 years. Mr. Quandt is not clear whether it applies to Ms. Pitt's store. Ms. Gilman believes it does. Ms. Pitts says she does not take things she does not know the value of. She believes bookkeeping is fine but photos would be difficult. Mr. Clement suggests any exchange of money is what triggers the dealer responsibility to seek proof of identification from someone. It is additional paperwork, each transaction must be recorded. Ms. Pitts indicates each transaction is recorded already. Ms. Pitts does a total inventory, has names, addresses and phone numbers. Ms. Pitts asks

who at the police department has the time to take this on and is it necessary. Ms. Gilman indicates this is when theft occurs when the department knows they have items that have been pawned or sold it will be easier for the Police to recover property. Ms. Pitts indicates she keeps an inventory already. Mr. Ferraro asks Chief Kane be present at the next reading. Mr. Ferraro asks that consignment and secondhand dealers should be told Chief Kane will be here. Mr. Dean refers to RSA 322, and he will ask the Chief what the differences are between the proposed ordinance and the RSA. Is it additional or is it access to information already kept on file. Ms. Pitts in her first five years had 2 to 3 break ins, and she would like the Police to come in to visit. Mr. Brandon Stauber, 141 ½ Brentwood Road appears. He asks as a member of the EDC this be referred to the EDC for review and comment. Mr. Dean states the EDC already has a copy of the ordinance and perhaps it just needs to be put on their agenda. Ms. Gilman indicates the next EDC meeting is tomorrow. Mr. Clement asks that staff makes copies of the proposed ordinance. Mr. Dean reports yes, and copies are already online, and any citizen can weigh in on this. Mr. Stauber suggests that since specific stores are impacted the Town should be going to stores and telling them. He feels it is unfair if they are not notified. Mr. Stauber asks it be tabled until the EDC comes up with a recommendation. Mr. Ferraro asks for feedback from the EDC. He asks several questions about the ordinance and why the Town needs an ordinance if state law already covers this topic. Mr. Dean says the Police Department will have representatives from the Police Department here next week. One protection in the ordinance is it allows the Police Department to go in and follow evidence procedures. Mr. Clement cites other Towns such as Pelham and Plaistow that have the exact same language in their ordinances. Mr. Clement cites the language is boilerplate and models others. Mr. Stauber asks why Plaistow has an ordinance. Mr. Dean reads a memo that cites the need for the ordinance that originated with the Police Department. He clarifies differences between the state RSA and the local ordinance. This is an issue that requires follow up. Ms. Gilman states the RSA in her view is not specific. Mr. Ferraro has questions and would like to wait for the Police Department, like what is the definition of fitness. Mr. Stauber asks about antiques, what constitutes furniture versus regular antiques. There is a store down the street that has collectibles and how does the law handle that. Ms. Gilman cites the legislative intent has not been updated since 1890. Mr. Quandt remarks he sees bills on this issue every session in the legislature. Ms. Pitts states she would never have known about this unless someone brought this to her store. She is a bit computer illiterate. It would be nice if people got a heads up.

7. Regular Business

a. Bid Openings - None

b. A/P and Payroll Manifests

Mr. Ferraro moves to approve a weekly payroll warrant for checks dated 2/29/12 in the amount of \$153,175.81. Ms. Gilman Seconds. Vote: Unanimous

Mr. Ferraro moves to approve an accounts payable warrant for checks dated 3/2/12 in the amount of \$55,896.01. Ms. Gilman Seconds. Vote: Unanimous

c. Budget Updates – None. Mr. Dean has information that Mr. Ferraro has requested and he will send it to the Board and Mr. Ferraro. Mr. Ferraro asks about the fund balance for the general fund. Mr. Dean says it is unaudited and draft but he will provide it.

d. Tax Abatements & Exemptions

Elderly Exemptions: Mr. Ferraro moves to accept Map 64, Lot 105, Unit 103. Gilman second. Motion carries. Mr. Ferraro moves Map 104, Lot 79, Unit 133. Gilman second. Motion carries. Mr. Ferraro moves to grant Map 65, Lot 124, Unit 15. Gilman seconds. Motion carries. Abatements. Mr. Ferraro moves Map 115, Lot 25 amount of \$150.61. Gilman second. Motion carries. Mr. Ferraro moves Map 115, Lot 28 in the amount of \$20.54. Gilman seconds. Motion carries. Mr. Ferraro moves denial of Map 98, Lot 35. Gilman seconds. Motion carries. Mr. Ferraro moves denial of Map 64, Lot 55, Ms. Gilman seconds. Motion carries. Mr. Ferraro moves to accept a supplemental tax warrant on Map 115, Lot 31 in the amount of \$71,137.92. Ms. Gilman seconds. Mr. Dean comments this is the collector's warrant for the Fairpoint tax on utility poles. This money will be put in a side account and held onto while the process unfolds, but we will have it in the event we get a challenge. Motion carries.

e. Water / Sewer Abatements - None

- f. **Permits** – None. Mr. Clement discusses an approval from last week for work done on Front Street. Mr. Dean reports it will actually be next week not this week. Mr. Clement strongly suggests it not be done Tuesday, election day. Mr. Dean will follow up.

Reports

a. **Town Manager**

Mr. Dean reports the Town Hall will be used Sunday for a Court of Honor. This past weekend was busy with the IOKA rally and Stephen King speaking in Stratham. He reports that the Town has taken several initiatives to get information out to voters prior to next week's Town Election. The website has sample ballots for both the Town and the School Districts. The Town Report as reported earlier is on its way and should be here tomorrow morning. The DPW finished their work on the video on the warrant articles and are to be commended, this is running on Channel 22 and 98. The candidates forum will continue to run on Channel 22 and 98. The deliberative session replays continue to educate the public on the articles. The Town website also has information on all of the articles. Mr. Dean reports on the broken links on the website. We have interns creating a minutes archive and we're asking for patience while that work gets done.

b. **Selectmen's Committee Reports**

Mr. Ferraro reports no committee meetings this week or last week, that the website RFP has been his main focus.

Ms. Gilman cites zoning review committee work with form based code. They are looking at Portsmouth Avenue and will bring a presentation to zoning board, planning board, and here. First target is Portsmouth Avenue, they see potential there. It could be good timing with the Portsmouth Avenue project. Mr. Clement mentions EDC is tomorrow as well.

Acting Chairman Quandt has nothing to report.

Mr. Clement reports he is attending the Conservation Commission is meeting tomorrow night.

c. **Legislative Update**

Mr. Dean discusses a vote on Wednesday on the spiking bill. He explains the spiking bill, it would make municipalities responsible for any amounts over 125% of base pay. It applies mainly to public safety employees. Exeter is doing better than others on the topic but it is still a major concern as it downshifts pension costs to municipalities so there is a push to see it repealed until the formula can be improved. Mr. Quandt reports many bills will be heard this week, legislature is in a heavy session, House bills are finished this week and next week is crossover.

d. **Correspondence**

There is no correspondence this evening.

8. **Review Board Calendar**

The Board will meet again on Monday, March 12, 2012 at 7pm. Mr. Ferraro remarks he will not be in attendance. Mr. Clement asks about the culvert bids, there may be a recommendation. The citizens of the Town are anxious that work begin so it can be completed. He asks whether Mr. Ferraro has any issues with awarding the bid. Mr. Ferraro cites his main concerns were aired regarding staying within the total budget of \$575,000 including the \$70,000 in the capital reserve fund. Mr. Dean agrees the culvert funds available in the capital reserve fund will be used to cover part of the project cost and in total will be used against the total project cost. Mr. Ferraro confirms yes, the funds would be used and it will not exceed \$575,000 in total. Mr. Dean reports the \$67,800 contract for engineering is included, and adding the low bid amount and the lowest two bids, we are under the \$575,000. Mr. Ferraro suggests proceeding if the bids are evaluated and under those total numbers he is OK.

9. **Non Public Session**

Ms. Gilman moves to go to a non-public session under the 91A:3 II a exception e pending claims and litigation. Mr. Clement Seconds. Vote: Clement yes, Quand yes, Gilman yes, Ferraro yes.

10. **Adjournment**

The Board emerged from non public session at 8:25 p.m.. Selectman Clement moved to adjourn. Selectman Quandt seconds. The Board stands adjourned.

Respectfully submitted,

Russell Dean
Town Manager