

**BOARD OF SELECTMEN
DRAFT MINUTES**

BOARD OF SELECTMEN

MAY 21, 2012

1. Call Meeting to Order

Chairman Matt Quandt called the meeting to order at 7:00 pm in the Nowak Room of the Town Offices. Other members of the Board present were Selectman Frank Ferraro, Selectman Don Clement, Selectman Dan Chartrand, Selectwoman Julie Gilman and Russ Dean, Town Manager.

2. Public Comment

Don Woodward, Exeter Resident comes forward to express his appreciation to the Board for their support in retaining a grant for the manufactured home cooperative he resides in. He also wishes to thank Christine Szostak of the Building and Planning Department for her assistance in the application for the grant. He notes that Exeter is recognized as the only town in Rockingham County to receive this kind of grant and while they did not get the full \$1,000,000 they were hoping for, the funds they did receive will contribute to the cost of repairing over a hundred homes in the park.

Renee' O'Barton, Exeter resident comes forward to request an update in the near future on the Water Street projects. Chairman Quandt calls upon Jennifer Perry, Director of DPW to compose an update for an upcoming meeting.

Brian Griset, Exeter resident comes forward to inquire why the Selectman's Goal Setting sessions were held at the DPW as opposed to in the Town Offices. Chairman Quandt advises him that the meetings are very informal and tend to take place in a casual atmosphere. Mr. Chartrand adds that the Goal Setting Session was held at the Chamber of Commerce last year, thus setting the precedent. Mr. Griset inquires if due public notice was given and Chairman Quandt indicates that it was. Mr. Griset also expresses his concern that he has heard no response to his inquiry on the policy and procedure regarding what email correspondence goes into the Board of Selectman packet. He recounts a request he made several meetings ago as to the policy on who decides what correspondence goes in and what does not. Chairman Quandt indicates as the Chairman, he has final say on what does or does not go into the Selectman's packet.

3. Minutes & Proclamations

a. Regular Meeting: May 7, 2012

Mr. Chartrand moves to accept the minutes of the May 7, 2012 meeting as presented to the Board. Mr. Clement Seconds. Vote: Unanimous.

4. Appointments - None

5. Discussion / Action Items

a. New Business

i. Public Hearing: Fire Training Funds

Mr. Clement moves to open the public hearing on Fire Training Funds. Mr. Chartrand Seconds. Vote: Unanimous

Assistant Fire Chief, Ken Berkenbush comes forward to summarize the grants available to the Town of Exeter Fire Department. As he has presented to the Board at previous meetings, the Fire Department employees are eligible for part of a \$4,400,000 grant that will fund classes for firefighters in New Hampshire. The grant includes compensation for overtime, if required, and for back filling the positions of the firefighters attending classes. He expresses that the Department has this opportunity to take the time and go to as many trainings as they can. There are no questions or comments from the public. Chairman Quandt closes the public hearing.

Mr. Chartrand moves the Board of Selectman accept up to \$90,000 in unanticipated grant funds from the Department of Safety for firefighter training purposes. Ms. Gilman Seconds. Vote: Unanimous.

ii. Emergency Plan Update – Emergency Management

Assistant Fire Chief, Ken Berkenbush introduces Dylan Smith, Senior Planner for Rockingham Planning Commission.

Mr. Ferraro moves the Board of Selectmen allow Mr. Smith to speak before the Board as he is not an Exeter resident. Mr. Clement Seconds. Vote: Unanimous.

Mr. Smith presents a summary of the grant offered annually from NH Homeland Security Management to conduct updates to municipalities Emergency Management Plans. Exeter was on the schedule for an update to the plan. He summarizes the ten step process of looking into the potential hazards and brainstorming of new mitigation answers to those potential hazards. He advises that this presentation is a formality required by FEMA prior to submittal of a plan update, affording the residents of Exeter the opportunity to express their opinions or concerns. Mr. Clement comments that he has read the plan update and it is very thorough. He asks Chairman Quandt if this update needs to be voted upon by the Board now. Chairman Quandt advises that voting on the adoption of the updated plan can be put off for another meeting. Mr. Clement expresses his concerns regarding some of the proposed mitigations. He wonders if the Board approves and adopts this plan update, is it implied consent that the Town of Exeter will then go ahead with some of the projects in the Capital Improvement Program. He notes some of the proposed projects will extend to the year 2017. Mr. Berkenbush indicates that any questions can be directed to himself, RPC or any fire or safety official. Mr. Clement expresses his desire to offer his input regarding the Exeter River flooding issue. Mr. Berkenbush indicates another public meeting will be necessary before the updates to the plan can be adopted by the Board of Selectmen and he would like to have all the questions and comments resolved as quickly as possible. He advises that the capital projects recommended at the back of the presentation are recommendations. There is nothing that will bind the Town of Exeter to these projects, as all capital expense projects require a vote by the Town residents. Mr. Clement clarifies that should the Board adopt this update, the document will go on file as a working document and can be critical to securing future grants. Mr. Smith advises that at the back of the presentation there is an appendix. This is a list of projects regarding Hazard Mitigation Assistance Programs. These are a slew of pre-disaster grants the Town of Exeter would then be eligible to apply for, assuming the Selectmen adopt the updated plan. He hopes the Selectman would recognize this and utilize some of the parts of the plan in going through review of other Town Operations Plans, including the Master Plan. Mr. Clement requests the document be uploaded to the Town Website for public review and possible public comment. Mr. Berkenbush reflects on a few of the disasters the Town of Exeter has seen over the years, in his experience a document such as this is critical. Submittal of the plan to FEMA would make the Town eligible for FEMA reimbursement in the event of an emergency. Mr. Smith reminds the Board that the current Emergency Plan is out of date. His recommendation is to submit the adopted plan to FEMA as quickly as possible for conditional approval.

iii. Sustainability Initiative: RPC

Glen Greenwood, Assistant Director of the Rockingham Planning Commission comes forward to present a program that has been awarded to the Planning Commission of Exeter, NH.

Mr. Clement moves the Board of Selectman allow Mr. Greenwood to speak before the Board, as he is not an Exeter resident. Mr. Ferraro Seconds. Vote: Unanimous.

Mr. Greenwood summarizes this as the first time the Regional Planning Commission Association's of New Hampshire have attempted federal funding on a large scale, from the Department of Housing and Urban Development. The grant is for sustainability. The grant was successfully secured by the Rockingham Planning Commission and he expresses his appreciation in the Town of Exeter agreeing to participate in the program in order to have the application for the grant accepted. He points out that participation by the Town of Exeter comes with no monetary requirement, only that the Town elect a few member Commissioners in the three year initiative. In finalizing the nine Regional Commissions across the state, utilizing funds from this grant, the goal is to assist the State of New Hampshire to finish the development of the state wide Development Plan. He notes the process is already underway and several meetings have already taken place. He hopes his presentation this evening will entice some Exeter residents to attend any upcoming meetings or listening forums and participate at their convenience, as the public perspective is critical to the process of developing and finalizing this plan. The finalized Regional Development Plan will serve as an advisory document for communities to use in preparation of their own Master Plans. A number of chapters that the Commission would otherwise not have funds to develop will be addressed. The program is named "Granite State Future." He notes the regional plan is being developed in conjunction with the eight other regions in the State. Mr. Chartrand asks for clarification of the expectation to the residents of Exeter. As he understands it, any resident can participate in any meeting and asks for the procedure for residents wishing to have sustained participation. Mr. Greenwood advises that the DHUD is requiring a more broad scope of public participation than the Planning Commission is used to. Part of the requirement is that outreach is diligent to ensure a fully body representation of the general public is available. The goal of the "equity group" is to ensure all residents are encouraged to participate. The topics and areas of upcoming meetings and open visioning sessions will be posted

to the Rockingham Planning Commission website. www.RPCNH.org. He believes the site is likely to have a separate link for a page dedicated to the Granite State Futures second in the near future. Ms. Gilman notes a grant UNH is currently seeking from HUD for a sustainability project in which Exeter would be used as the model for open meetings. She also notes the HFA has a program for citizen involvement and planning. Mr. Greenwood recognizes these grants and notes they came from the same funding round for Community Planning Grant Programs. Mr. Clement notes that the RPC has provided great resources in the past and that Exeter is one of the largest communities in the region. He feels if through promotion, he can involve community members this would be a worthwhile endeavor. Chairman Quandt inquires if the Town of Exeter is current on the RPC Commissioner Appointments. Mr. Greenwood believes the Town is current. Ms. Gilman expresses her desire to see the Regional Plan in full development as many parts of it are inclusive to the Town of Exeter Master Plan.

Brian Griset, Exeter resident comes forward to express his concern regarding Exeter's participation in this initiative. He notes that the large portion of the packet talks about sustainability based on climate change. Many of these documents are used to create regulations at a State and Local level. He hopes the Board takes into consideration the Conservation Law Foundation is enjoined in this initiative and Conservation Law Foundation has filed suit against the Town of Exeter regarding the Great Bay.

Mr. Chartrand extends his appreciation to the RPC, taking on a multiyear initiative. He notes it is an enormous charge and the RPC should be commended.

iv. Grant Designation: CLG Grant

Ms. Gilman presents a grant application she has prepared for a survey of High Street in conjunction with the Historic District Commission. The grant, if approved would address each building, giving it a narrative description, resulting in a document to provide the HDC to utilize in decisions relating to renovations at the historic locations. The grant is in the amount of \$26,100 and requires no match of funds from The Town. She requests approval for submittal of the application and to be designated as the Administrator.

Mr. Chartrand moves that the Board of Selectman support the grant application in the amount of \$26,100. 00 and designate Selectwoman Julie Gilman as the Administrator. Mr. Clement Seconds. Vote: Unanimous. Ms. Gilman Abstains.

v. Resignation of Town Treasurer

Chairman Quandt advises the Board and the public that the Town Treasurer, Don Brabant has offered his resignation as Town Treasurer effective June 30, 2012. Chairman Quandt notes that Mr. Brabant has served as the Town Treasurer for thirty-three years. Mr. Chartrand wishes to offer his personal thanks to Mr. Brabant for his diligent service and guidance. He marks Mr. Brabant as a primary resource of education in his experience serving on various Boards and Commissions with him. This is a true example of how one individual can have a significant impact on the arc of a Town as a whole, an exceptional display of public service. Mr. Clement agrees with Mr. Chartrand's sentiment. He feels the resignation of Mr. Brabant will be difficult as he has been a tremendous asset to the Town of Exeter. He notes Mr. Brabant has served as Treasurer and a multitude of other capacities and he and Mr. Brabant have worked together on various Committees for over fifteen years. Mr. Clement praises Mr. Brabant's skills and personally attributes him as a welcomed addition to any Town or Committee. Mr. Clement wishes to congratulate Mr. Brabant on his retirement and his upcoming nuptials.

Don Woodward, Exeter resident comes forward to offer his suggestion to dedicate the 2013 Town Report to Don Brabant, as a tribute.

Mr. Dean advises the Board that the position is an elected position and the resignation letter officially means the position is vacant and the office can only be filled by a resident of the Town of Exeter. It is the charge of the Board of Selectmen to appoint a replacement until an election can be held. As Mr. Brabant will serve as Treasurer until June 30, 2012, the Board can also elect to approve Mr. Brabant appointing a Deputy Treasurer on an interim basis. Mr. Brabant currently has no recommendations for filling the position. He has offered his assistance in the transition of a new Treasurer to the position. Mr. Ferraro asks if the advertisement of the position will include the required qualifications. Mr. Dean notes that the position is an elected position; therefore there is no formal qualifications requirement. There is a sample job description available. Mr. Dean notes the position pays \$8,800 per year causing the pool of interested candidates to be limited. Chairman Quandt expresses his desire to appoint Selectman Clement and Selectwoman Gilman as a Selectman workgroup to begin filtering through the process and prepare a recommendation. Mr. Clement asks if the Board envisions an interview process for the candidates. Mr. Dean

expresses the importance of the position of Town Treasurer. He notes again, the position pays minimally, has no official job description and is restricted to Town residents. He recommends due diligence in the immediate future to fill this vital role. He notes the characteristics of the position are unique and traditional advertising channels may prove difficult. Mr. Ferraro expresses his desire to have the opportunity to sit in on the interviews. He notes the Board interview people who sit in on Committees and feels this position is as important, if not more important than that. In light of the limited population of candidates and the limited set of skills required to perform the position, he would prefer to participate in the interviews as opposed to only Mr. Clement and Ms. Gilman assigned to the Selectman Workgroup.

Brandon Stauber, Exeter resident comes forward for clarification. He interprets the conversation to presume the Board is speaking of a temporary appointment of a Treasurer until an election can be held. He is concerned this will presumably be found that the Board is recommending or endorsing a new candidate. Mr. Stauber is concerned the Board of Selectmen could be influencing the opinion of the voters.

Mr. Clement responds that the Board of Selectmen is faced with the charge to appoint a Treasurer until the next scheduled election. It is not an endorsement, it is a temporary appointment. Mr. Chartrand affirms the Board should bear in mind this would be an interim appointment and acknowledges the Board should be mindful of the appointee being recognized as the incumbent. Mr. Clement feels the appointment needs to be made, and quickly. Chairman Quandt advises the entire Board will make the final decision, not one or two members. Mr. Ferraro expresses his desire to participate in the process in any facet. Mr. Chartrand notes that the Town Manager works closely with this elected official and his input should have a major impact on the appointment. Ms. Gilman recommends allowing the Town Manager to perform the initial impression summary of interested candidates, followed by allowing the Board to interview the candidates. She agrees there is no need for a Selectman's Workgroup. Chairman Quandt directs Mr. Dean to begin advertising the position and screening applicants for possible interviews with the Board. The Board agrees a Selectman's Workgroup is not necessary. Mr. Dean notes that all interested parties should send a statement of qualifications to be considered a candidate for the position.

b. Old Business

i. License Agreement – 1 Hampton Road

Mr. Dean presents the memo from the Town Counsel, Attorney Spector Morgan regarding the license agreement that was forwarded at the request of Mr. Ferraro from a previous Board meeting. The Attorney recommended that some language to the "whereas" section regarding jurisdiction be changed. Aside from that minor change, in the estimation of Attorney Spector Morgan, the License Agreement seems to be in order. Ms. Gilman wonders if the agreement is between the Town of Exeter and the tenant Access Sports Medicine, or the property owner, Brooks Properties. Mr. Dean confirms the agreement is between the Town of Exeter and the tenant, Access Sports Medicine.

Mr. Chartrand moves that the Board of Selectmen approve the License Agreement between the Town of Exeter and Access Sports Medicine and authorize the Town Manager to sign the agreement. Mr. Clement Seconds.

Mr. Ferraro asks for clarification. He wonders if Access Sports Medicine is the only company with the right to sign the agreement. Mr. Chartrand confirms that in the initial presentation, as the largest tenant in the building, and in accordance with their lease, they were entitled to the largest sign. Mr. Clement reminds the Board that the sign would still need to go through Planning and Zoning along with DPW to be certain the sign is compliant with local ordinances. Mr. Dean notes the picture sent with the original proposal will be attached to the agreement along with the conditions set forth in the agreement; the entire document will go on file with the Town Clerk.

Vote: In favor; Mr. Clement, Chairman Quandt, Mr. Chartrand and Ms. Gilman. Opposed: Mr. Ferraro. Motion Carries.

ii. Private I and I Program Outline

As a two part discussion, Mr. Dean introduces the first part regarding the contract on the project as a whole. The DPW is recommending the construction project to the accepted bidder. All reports were provided by the team overseeing the project. Paul Vlasich, Town Engineer, has assessed the financials for the project. He has made the recommendation to extend the contract through the balance of phase ii to the current contractor JA Polito and Sons. In offering the contract to the current vendor, the opportunity to save the Town a significant amount of money is available. Mr. Dean believes that utilizing the same contractor simplifies the work, as they are familiar with the area and know the project. The cost savings would be mostly contributed to favorable unit pricing. He predicts the project can be finished by the end of 2012. Mr. Vlasich comes forward to offer his summary of the program outline. His

summation of the recommendation is presented to the Board. The analysis was compiled by from the design engineers at Wright-Pierce. Construction is currently underway and bids were due in September. The construction was started at the end of 2011 on the lower portion of Haven Lane. The construction was resumed in April on Jady Hill Ave and other areas. After the sewer construction is complete, the water main construction will begin until phase ii is solidified with a contractor. The current contractor can hold the current unit prices from phase i. They are the identified lowest bidder from phase 1. Mr. Vlasich directs the Selectmen to the last page of his summation to review the warrant articles that relate directly to the project. The summation is a detailed breakdown of the cost savings benefits of awarding the contract to the current vendor. Mr. Clement seeks clarification on the result of \$161,700 in savings. Mr. Vlasich explains that the approved funds from the warrant articles and general fund, presuming the prices and quantities remain the same, compared to the projected amount that will actually be paid for the construction would result in the balance of roughly \$161,700.00. There is a table on the last page of the summation to explain each of the steps taken to determine the cost, presuming the Town of Exeter award the contract to JA Polito and Sons.

Mr. Chartrand moves the Board of Selectmen approve accepting and extending the current construction contract with JA Polito and Sons through phase 2 of the Jady Hill Project as presented by the Department of Public Works. Mr. Clement Seconds. Vote: Unanimous.

Mr. Dean presents a summary of the second part of the discussion in dealing with the parameter of the private I and I work. In a summary of the comments received by Attorney Spector Morgan, this would be similar to a sewer rental fee pursuant to RSA 149-I: 8. She indicates the charge is permitted in the circumstance where a property owner is benefited from the cost of constructing and maintaining the sewer. She further notes that the Town may pass on any interest it is incurring on the bond, but there is no clear authority to impose interest on the payments beyond that. Mr. Dean advises that the charge would run with the property, not the property owner. Potential purchasers will need to address it at closing. A lien could be placed if the account becomes delinquent just as the Town would assess a tax lien, only it would be for a sewer fee. There is a sample agreement that was submitted for the Selectman's review. All agreements would go on file at the registry of deeds. Mr. Dean addresses the concern of property owners who choose not to participate. He reminds the Board of ordinance indicating if a homeowner is noncompliant they must make modifications to deal with the issue. Mr. Dean believes the entire framework to be lined up and in order. Mr. Ferraro reminds the Board of his last suggestion, in the last discussion regarding this issue, to pass along the interest rate that the bond carries and charging interest on the outstanding balance based on the bond interest rate. He rationalizes this recommendation indicating the rate payers will subsidize the \$500,000. He feels the property owners should be charged interest on the bond note at the current bond interest rate.

Mr. Chartrand believes the reason for the project and getting private lines included was to reduce the amount of storm water that goes into the waste stream system. He feels the more simple the procedures, the better. He notes that storm water is separate from waste water on Jady Hill. He also notes he would be hesitant to make it any more complicated than it already is. Mr. Clement reminds the Board that his position has always been, and continues to be that it should be interest free. Mr. Ferraro responds that paying 80% of the private costs seems like a pretty good incentive considering there is a Town ordinance in place that indicates they are responsible for 100% of it. He feels his suggestion is a token of recognition that 80% of the cost will be picked up by the Town and the rate payers are going to have to carry the charge in addition to the \$500,000. Mr. Chartrand agrees that the token of recognition is understandable and still feels if the process is made more complicated it could deter homeowners from participating. Mr. Clement reminds the Board that the homeowner cost is not \$1,000 it is up to \$1,000. Mr. Dean confirms there are 120 parcels this immediately affects, of which 25 are below the \$1,000 threshold. Mr. Clement clarifies that the policy voted on was the first \$1,000 would be owner responsibility. In the case of these 25 homeowners, the entire project work will cost less than \$1,000. Mr. Vlasich confirms this to be the case for those particular parcels. Mr. Chartrand announces that he is in the process of cosigning on a home on Jady Hill and has a personal interest in the future of this project. Chairman Quandt asks Mr. Dean to modify the agreement to reflect the differentiation between \$1,000 and up to \$1,000. Mr. Dean indicates the differentiation will be made, it will be reflected as \$1,000 for the parcels in which the cost will be above the threshold and the exact dollar amount for the parcels that are not. Mr. Clement inquires if the DPW can define exactly what work will be completed and that detailed account be added to the agreements. Mr. Dean indicates this is in the job scope; the variability will be defined and managed on a property by property basis.

Mr. Ferraro moves that the Town of Exeter charge the interest rate at the rate of the bond on the homeowner portion that is financed. There is no second. Motion Fails.

Chairman Quandt instructs Mr. Dean to modify the agreement to reflect the agreed to changes and send it back to

legal counsel for review.

iii. Review Street Sweeper Operation

Mr. Chartrand requested this discussion be placed on the agenda as he was not a Board member when it was initially discussed. Mr. Chartrand feels strongly that the DPW has a very full plate currently. He expresses that he has no desire to ask them to prioritize street sweeping efforts at this time. Mr. Ferraro notes that the previous Board voted on the requirement that the DPW investigate the possibility of contracting a street sweeper and possibly present an RFP by the end of March, 2012. He has asked for the results of that evaluation and the RFP and feels Mr. Chartrand's opinion is irrelevant. He further notes that at any time, any Department or the Town Manager can request an extension of time, but not after the fact.

Mr. Dean acknowledges that since the vote was taken by the previous Board of Selectmen, many things have changed in the priority list of the DPW. A different Board voted on that issue. Mr. Dean reports that the DPW is prepared to offer a presentation, but reminds the Board that no one envisioned the DPW would have five capital projects along with paving etc... to be proud of at the moment. Operations are often modified based upon extraneous factors.

Chairman Quandt also acknowledges that Jennifer Perry, Director of Public Works had previously approached him in regard to an extension on this evaluation prior to the deadline. He admits he did agree to give the DPW an extension and apologizes if any other Board member feels he has overstepped his authority. Mr. Ferraro feels he is a reasonable person and recognizes that schedules can change. He does not feel it appropriate to come, after the fact, and say, "we decided not to do the work." He feels it's necessary to come before hand and ask for more time. Mr. Ferraro notes he has waited until after the end of March to begin asking about the evaluation. He reminds the Board that this was a Board vote and with no disrespect to the Chairman, indicates no one Selectman has the authority to over ride the vote of the Board. He is prepared to hear the evaluation and review the RFP.

Jennifer Perry, Director of Department of Public Works presents her draft request for proposals for outsourcing street sweeping. She advises this is a draft format, and has not been issued. She believed the responsibility of the DPW was to create the draft and bring it before the Board. She feels as though diligence has been done, and is prepared to offer her report without a full blown financial analysis. She advises the Board that the sweeper the Town of Exeter currently operates is called a mechanical / vacuum sweeper. The benefit of this type of sweeper is that it is exceptionally good at minimizing particulates. It meets the PM 10 requirements. She advises that Jay Perkins, DPW has been reaching out to vendors with this type of equipment. She acknowledges it's been difficult to find vendors with newer equipment that perform the mechanical and vacuum sweeping. The previous bid was for mechanical sweeping only. After a thorough inspection of the current unit, a six year old sweeper, she believes it can conservatively be operated effectively for approximately two more years. Ms. Perry estimates the cost to run the sweeper as follows: The initial cost was estimated at \$15,000 - \$20,000, Fuel at approximately \$5,000 per year, personnel is approximately \$45,000 per year including wages and benefits at 66%, or 2/3 of the annual personnel cost, for a total cost of approximately \$65,000.00 annually to continue to operate the sweeper the Town is currently using. The previous bid of \$55,000 was strictly for mechanical sweeping and did not include a performance bond. It is the recommendation of the DPW that the Town of Exeter continue using the current sweeper for a minimum of two years.

Mr. Chartrand thanks Ms. Perry for taking the time to evaluate this possibility with so many other projects requiring the DPW's attention.

Mr. Ferraro asks if the option of selling the sweeper has been considered since contracting the sweeping would render the machine unnecessary to the Town. Ms. Perry advises that the draft proposal requests a sweeper at or around two years old, with a back up sweeper of four to five years old as this is the standard in the industry. She advises that new equipment is high service, high maintenance and high exposure. She believes if the equipment is operated at 90% of the time in other municipalities, it's considered hard duty. Mr. Perkins indicates this is also the industry standard and what the Town of Exeter requires in waste management agreements. Mr. Ferraro feels this is all the more reason to sell the sweeper to the contractor. He does not feel the financial analysis is reflected accurately. He feels the sample analysis should reflect the employee as a part time employee, no longer requiring benefits associated with full time employment. The loss of the full time employee would be reflected in the savings side. If the DPW wishes to justify that employee for other services, that would be different, but not a reflection in this economic plan. Mr. Perkins reminds the Board that a DPW position has already been eliminated; eliminating another position could leave them hard pressed. Mr. Ferraro clarifies that he is not suggesting another position be

eliminated. Mr. Clement reminds the Board that there are union contracts involved and there may be rules the Town is bound to. Mr. Ferraro clarifies again, he is not suggesting eliminating a position, and he is suggesting that economic analysis does not include any benefits. Mr. Clement feels it's difficult to use that economic analysis when there are union contracts involved. Ms. Perry indicates the model was from another municipality's economic analysis. Mr. Ferraro feels that if that is the case, that municipality is reflecting it wrong, and because they are doing it wrong, does not mean that the Town of Exeter should do it wrong. He advises Ms. Perry that UNH has a sweeping company that advertises they have vacuum trucks, the company name is immaculate sweeping. He notes that Granite State Sweeping does the Towns of Newmarket or Newfields. Mr. Perkins agrees to contact both vendors.

Ms. Gilman asks Mr. Ferraro to review the motion from the previous Board. She wonders if it requires a RFP is issued or prepared as she wishes to be clear on the expectations. While she agrees the task is beyond the date of requirement, she wishes to offer the DPW some leniency in light of the circumstance. Ms. Perry advises the Board that the DPW has been prepared to present this topic to the Board for some time, and this was the time they were assigned. She clarifies that the DPW was prepared prior to the deadline.

Renee O'Barton comes forward with a question for Ms. Perry. The mechanical cost is approximately \$15,000 in today's report, what was the original mechanical cost? Ms. Perry indicates that lifetime costs were presented but included the previous sweeper so the figures were a bit higher than they should have reflected.

Brian Griset, Exeter resident, comes forward to express his concern regarding RSA 91;A violations. He wishes to point out that there have been numerous violations of RSA 91;A tonight, with electronic messaging. He reflects that if electronic messages are received and read, they must be read aloud in the public forum. He notes it's also a violation of RSA 91; A, for members to have separate conversations in private. Chairman Quandt agrees to look into the matter.

iv. Bid Awards: Sidewalk Tractor

Jennifer Perry, Director of Public Works has reviewed the two bids received for the sidewalk plow. H.P. Fairfield has bid \$139,500 with a trade in for the 1991 tractor in the amount of \$10,000 with a bid result of \$129,500.00 Chadwick-BaRoss has offered a bid of \$143,300 with a trade in for the 1991 tractor in the amount of \$5,500 resulting in a bid of \$137,800.00. The DPW recommends awarding the bid to Chadwick-BaRoss for \$143,300. The budget for this item is for \$147,500. The DPW also recommends retaining the old machine, in lieu of a trading, as a parts machine. There is another trackless unit the DPW will continue to run and it's become more and more difficult to locate parts for the machine. The value as a parts machine is estimated at over \$20,000. The DPW had each of the proposed units delivered to allow the personnel an opportunity to preview them in detail. The value of the tracked Bombardier is greater than the trackless. Tracked units are not unusual and are currently used by the City of Manchester. The reliability of the tracked model is unquestioned. Exeter used to have tracked units that were made of steel with rubber skids. These skids are completely rubber. Mr. Perkins adds that tracked vehicles, in his experience, outperform especially in the heavy snow. Trackless models articulate from the middle and are consistently getting stuck; they perform poorly in heavy wet snow. The DPW intends to scale back from the current four wheeled vehicles to two. It is also noted that the bid submitted by H.P. Fairfield did not meet the spec requirement in the ribbon track or the snow blower. Mr. Perkins points out that the trackless models have sheer pins and the bombardier does not. Mr. Perkins is confident that keeping the unit for parts will prove well worth it, as the DPW intends to continue to run the identical unit for as long as possible. The one that is discontinued will be taken off the road, the plates will be removed, and the insurance on the unit removed. It will be strictly for use as a parts unit.

**Mr. Clement moves to award the bid to Chadwick-BaRoss for the Bombardier sidewalk tractor in the amount of \$143,300.00
Mr. Ferraro Seconds. Vote: Unanimous.**

Mr. Ferraro asks Ms. Perry if she recalls conversations he and she have had regarding the frustration that the town must clear many sidewalks. He recalls Ms. Perry speaking of court cases she is familiar with and asks if she remembers, based on that recollection if she can recall what the requirement of clearing would be.

Mr. Chartrand advises this topic is not on the agenda and is not prepared to discuss it. He would prefer the topic be added to a future agenda for discussion. It is agreed that the topic will go on a future agenda.

v. Town Office Discussion

Chairman Quandt introduces a chain of emails in the packet between himself and Mr. Ferraro. In the email exchange, it was brought to his attention that he might have been in violation of RSA 91: A by conferring with the Vice-Chair Don Clement regarding the situation. Chairman Quandt proposes that he was not in fact in violation of 91: A according to RSA 91-A: 2 iii part B. He summarizes the situation as Mr. Ferraro sending him an email regarding the Town Manager moving office space asking to have the Town Manager cease and desist. Chairman Quandt was unable to verify the emergency, as he was in Concord. He called Vice Chairman Selectman Don Clement to see if he even had the authority to order a cease of the office moving. Selectman Clement did not feel the authority was within the confinements as the Chairman. Mr. Ferraro recalls his email as a caution as opposed to accusatory. He felt he was cautioning Chairman Quandt in light of recent newspaper articles regarding these types of situations.

Chairman Quandt acknowledges that even third party contact via phone construes a quorum and he wishes for the Town Manager to talk about the entire aspect of the Town Office Moves. Mr. Dean reports the switching of Tax and Assessing as part of a broad plan. The Board authorized this. Finance has been moved. The moving of Tax and Assessing was done after a consultation with Primex. There were some ergonomics issues in both spaces. There were interviews between Primex and Department Employees and several internal meetings to discuss the moves. Tax, Assessing and Maintenance were included in these meetings. In between that, Ms. Kohler, who was elected Town Clerk in March, came to the Town Manager with ideas for her office. She is very interested in relocating the Supervisors of the Checklist and creating better use for the third window which was put in a few years ago. The layout for tax is very basic. Assessing was a bit more difficult. It was always envisioned that the Assessing Assistant would move in to the old Tax Collections Assistant Area. During the planning phase, widening the entry way for accessibility and wheelchair ease was performed, thus creating another issue, which was removing the bubbler, and this will be addressed at a later time. The issue of privacy for the Assessor was raised. The Assessor needs a private office for exemption issues. The idea of him going in that office and able to see out and meet the needs of assessing was ideal. He agreed this solution was workable. The office moves continued with that in mind and created a counter space in the Assessing Office. Eight file cabinets were moved to the basement with the Planning records. The cabinets needed to be secured however they do not lock. As was learned in the reconfiguration of the IT office, building walls does not always work.

Mr. Dean reports that the Assessing files are standard paper size and have been targeted for automation. They're historical documents filed by address and can be turned into PDF's easily. Primex was consulted again in regard to the Town Clerk and ergonomic issues were again addressed. The counter was constructed with the needs of residents and the needs of collections in mind, essentially opening the space a bit. All of the work was timed to coincide with issuing the Property Tax Warrant in a timely manner. The old finance area worked great and we were able to temporarily stage the Tax Department there. Going forward there is a couple of issues. Carpets are going in soon and paint has been finished over the weekend.

Mr. Ferraro feels the report sounds good with the exception that Mr. Dean did not come to the Board between January 23, 2012 and the time the construction started to advise of the changes he intended to make. If he had, he might be in compliance with a plan approved by the Board. Mr. Ferraro takes exception that the Assessing move to Finance location is reflected in the minutes of January 23, 2012. In conjunction, the Assessor will relocate to the current Finance location. The Board approved moving the Assessor to the Finance Location. Mr. Ferraro's concern in this is there was approval of a plan, by the Board. The Board was never asked to modify that plan. He questions what authority the Town Manager has to decide on a plan that is different than that which was approved. Mr. Clement cannot recall that an actual motion was made to authorize this move plan in the January 23, 2012 meeting. Mr. Ferraro reminds the Board that the Town Counsel has weighed in on a similar situation, on general consensus. He reflects on the Getty Property Purchase and Sales Agreement. He reflects that any objection to the proposed plan was asked by the Chair and no one came forward. The Chairman advised the Town Manager to move forward. Mr. Clement notes that the Town Manager's responsibility is the everyday overseeing of the Town and its Departments. He feels the changes came about under different factors. He wishes to know what Mr. Ferraro expects of this discussion. Mr. Ferraro clarifies his expectation. He wishes to know under what authority, did the Town Manager change the plan. He feels there is a discipline issue here. He recalls the Town Manager given direction to proceed. The Town Manager chose not to come back to the Board and indicate things had changed and he would like consent to change or modify the plan. Mr. Ferraro is referring directly to the authority of the Town Manager. He feels, according to Town Counsel, the decision was binding by the Board consensus.

Chairman Quandt recognizes the conversation has two issues. The discussion of the authority and potential disciplinary action, which would need to be discussed in a non public forum. Mr. Ferraro does not feel this is the case. Non Public forum is only required in the event of disciplinary action. Mr. Clement feels that there comes a time when you must take a step back and stop micromanaging in the Town of Exeter. It's been said the role of the Board is more like a Board of Directors of a large Corporation and we should act as such. Mr. Clement does not feel the Town Manager has exceeded his authority.

Mr. Ferraro clarifies that his objective is not to dictate how the offices are organized. His position is that a decision was made by the Board of Selectmen. The Town Manager was directed to proceed with that plan. He did not proceed with that plan. What authority did he have to deviate from that approved plan? Mr. Dean notes that in looking through what was laid out, there was no site plan, essentially two operations were moved. He interpreted the RSA, the law and the Selectmen's role and the RSA relating to the authority of the Town Manager. In his opinion, the law does allow him some flexibility to do things that are administrative oversight. He did not feel as though he were stepping out of the scope of his authority. Ms. Gilman recalls her expectation of directing the Town Manager to move forward with an understanding that the plan could be adhered to the best of the capacity, especially considering this is a historical building and many obstacles could have arisen. Mr. Ferraro reflects that in the Getty Property Purchase, no one ever said anything about a purchase and sales agreement, but the Town Manager signed one. He responds to Mr. Dean's interpretation of RSA 37-5 and 37-6 which gives the Town Manager general supervision of the property. He notes that RSA 41-6 gives explicit property management to the Board. The plan was that the tax assessing clerk moved and the tax assessor moved. This was counter work and moving files. He asks the Board to educate him when something comes up, whether a vote is need or not. He feels this is all in flux as in the Getty Property Purchase it was talk in general terms and encourage the Town Manager to pursue and in this case where there was a specific plan and we approved it and he didn't adhere to it, in this circumstance it's fuzzy. Mr. Clement feels this discussion is a power and control struggle. If the Town Manager deserves disciplinary action, he suggests also disciplining the entire Board. He also points out that Mr. Ferraro requested the Town Manager be ordered to cease and desist. He feels that Mr. Ferraro went around the entire Board. Mr. Chartrand interjects that he was not consulted on any of this. He feels the Board is a unitary body; no one Selectman has the authority to do anything. He asks that all members of the Board respect that and act accordingly.

Mr. Ferraro points out he has called for a non public meeting to take place no more than ten days later and it has yet to convene. Mr. Clement reminds him he hasn't the authority to call for a meeting. Chairman Quandt advises the Board that he was unable to make it to the Town Office and did not feel this was an emergency that couldn't be managed in a normal meeting. He notes he does not have a personal issue with the decisions made in the move. The decisions appear to be reasonable and work well for that office. The renovations are not complete yet and can be discussed again in the future.

Brian Griset, Exeter resident comes forward to express his opinion. He notes that in history of the Town of Exeter, the issue of restructuring the physical layouts has been going on for years. There have been multiple proposals. The prior Board voted not to accept a proposal previously submitted by the Town manager. This was an issue with the budget regarding the receptionist person. The proposal that came back talked of a clerk's window. Former Chairman Bobby Aldrich came up with a proposal and there were multiple discussions and multiple public hearings with public comment. In January in a public meeting, people came forward. Every single person on the Board agreed there would be a specific directive. A decision, specific decision was made. I have an issue regarding the authority also. There seem to be four Selectmen with no problem with the change. He corrects himself to include 3 Selectmen. The decision included in specific directive, the directive was changed. The board voted. The Town Manager unilaterally changed and reserved space.

As a secondary issue, Mr. Griset points out the new location of the eight file cabinets now stored in the basement. He is concerned they are now not available for immediate inspection. The Town Manager in and of himself cannot decide where records can go. The Selectmen must vote to move records. The Board of Selectmen needs to not delegate the statutory responsibilities. Ms. Gilman responds that the records are still kept in the building and are immediately accessible at this point. She further notes that if the public expects that every record be available in this building, there is a need for a bigger building. Mr. Griset identifies that there was no discussion to change the location of the Assessing Office, or its records. He feels Mr. Dean made an arbitrary decision to move the records. Mr. Chartrand agrees it was a decision, but does not agree it was an arbitrary decision. Mr. Ferraro feels it's obvious the Board is not concerned that the direction was not complied with. Mr. Clement reminds Mr. Ferraro he cannot predict what is of concern to others and what is not. Chairman Quandt closes discussion on the item.

6. Regular Business

a. Bid Openings

Eight vendors submitted sealed bids that were due May 14, 2012 by 4:00 pm for the Water Treatment Plant Roof.

Rockwell Roofing of Rockwell, Ma bid the project for \$59,000.
Skyline Roofing, Inc. of Manchester, NH bid the project for \$55,300.
AW Therine of Manchester, NH bid the project for \$59,853.
Kevin Smith & Son Gordon, ME bid the project for \$46,200.
Exeter Roofing, Exeter NH bid the project for \$47,000.
Eastern Exterior, Hooksett NH bid the project for \$51,248.
Arbor Bowler & Sons bid the project for \$39,450

Ms. Gilman moves to refer the bids to DPW for review and recommendation. Mr. Chartrand Seconds. Vote: Unanimous.

b. A/P and Payroll Manifests

Mr. Chartrand moves to accept a weekly Payroll Warrant for checks dated 5/9/2012 in the amount of \$163,498.50. Mr. Clement Seconds. Vote: Unanimous

Mr. Chartrand moves to accept a weekly Payroll Warrant for checks dated 5/16/2012 in the amount of \$163,238.18. Mr. Clement Seconds. Vote: Unanimous

Mr. Chartrand moves to accept an Accounts Payable warrant for checks dated 5/18/2012 in the amount of \$393,912.66. Ms. Gilman Seconds. Vote: Unanimous

Mr. Chartrand moves to accept an Accounts Payable warrant for checks dated 5/18/2012 in the amount of \$183,528.17. Mr. Clement Seconds. Vote: Unanimous

Mr. Chartrand moves to accept an Accounts Payable warrant for checks dated 5/11/2012 in the amount of \$423,236.79. Mr. Clement Seconds. Vote: Unanimous

c. Budget Updates – None at this time

d. Tax Abatements & Exemptions

Mr. Dean presents two tax deeded properties to dispose of. The procedure is to notify the former owner of the right to repurchase. The addresses are 156 Front Street Unit 111 and 29 Hampton Road. The Town would like the ability to auction the properties off. The auction can be by sealed bid, or as an open auction forum. Mr. Clement clarifies the previous owners have thirty days to respond to the right to repurchase and then an auction can be held at ninety days.

Ms. Gilman moves to auction the two properties at 156 Front Street, Unit 111 and 29 Hampton Road. Mr. Chartrand Seconds. Vote: Unanimous.

e. Water / Sewer Abatements

Mr. Chartrand notes there is a notice for intent to cut that is not initialed. The notice will need to be deferred to the Town Planner. Mr. Dean reports that the property tax warrant has been issued at \$19,735,406.93, for the first half of 2012.

f. Permits

Mr. Dean reports on the upcoming events for the Town of Exeter as a River Study Committee Public Meeting on Wednesday at 5:30 pm. Mr. Clement believes this meeting is actually at 6:30pm.
The Firefighter Boot Drive will be Saturday from 8:00 am to 12:00 pm at the bandstand.
Next Friday, June 1, 2012 is the Exeter Women's Club yard sale.

A permit request was received from Stillwell's Riverwalk Ice Cream on Water Street. The permit is a request to allow a plastic bench to be put on the sidewalk in front of the window. Mr. Ferraro indicates he has discussed this issue with Mr. Eastman earlier this week and it's a question of code. He notes a bench has never been permitted; outdoor seating has been permitted, but not a bench as described in this permit. Ms. Gilman sites that the ordinance is to apply for an exception but that

is primarily for signs. Mr. Ferraro cites a waiver and appeal that came from the previous ordinance 502. He notes this would relate to the waiver from 502, to 502; 3. This ordinance prohibits any objects on the sidewalk. Since the permit application has been submitted, the store front owner has moved the bench to the side of the building, onto private property. Mr. Ferraro notes he has seen its location in passing and feels the side of the building is a perfectly fine location for the bench. He reflects that the sidewalk immediately in front of Stillwell's is already crowded by a post office mail box as well as a tree and one, sometimes two, town trash receptacles. He feels the addition of a bench would make the sidewalk improperly restrictive and passage could be difficult. He notes the success of Stillwell's, as in his experience passing by; there has been a line out the front door on many occasions. Adding a bench, in his opinion, would press the line that forms there out onto the sidewalk making it nearly impassible. Mr. Chartrand wonders how wide the bench is. Having also seen it, Mr. Clement notes that it is narrow. Mr. Clement expresses his desire to have the Town of Exeter give the impression of a welcoming and warm community. He feels that having seen the bench against the front of the building that the bench adds to the charm of the community store front area. He adds that Stillwell's is often crowded with a line, adding a bench will not make it any more or less crowded. He describes the bench as a two person plastic bench of standard height and width. He also points out that park benches are not as plentiful as they could be in the downtown area. Mr. Clement advises he is in favor of this request.

Chairman Quandt asks Mr. Dean if the owners have been approached since the bench was moved to the side of the building. He wonders if the desire to permit the bench in the front of the building is even still an issue. Mr. Dean has not spoken with the owners yet. He expresses a concern that the bench may not be sturdy enough to hold people, he would want to check on it. Mr. Chartrand notes that he could agree to approve the permit, presuming the bench is less than two feet out from the building. He notes that in terms of wellness, Stillwell's is attracting business to the downtown Exeter business community. As long as the owner meets the standard criteria, he would be in favor of approving the permit request. Mr. Ferraro notes he would not question the permit request, had there not been an alternative available, which they are currently utilizing. He feels the owners do not need to have it out front; they want to have it out front. He recommends the Board suggest to the owners that if approved, they may only have one bench and they must declare which side of the door it will be on. He also agrees that it should be limited to twenty-four inches from the building. Mr. Dean agrees to gather more information.

Mr. Clement moves to approve the permit request and grant Stillwell's the right to put one bench in front of the store window, so long as the bench does not extend from the building by more than twenty-four inches. Mr. Chartrand Seconds.

Ms. Gilman notes the permit request indicates the bench will be removed and/or taken in every evening.

Mr. Clement amends his motion to include that the bench must be removed and/or taken in every evening. Mr. Chartrand amends his Second. Vote: Unanimous

Mr. Clement presents a request to the Board. He advises that on more than one occasion, he has visited Swasey Park and found it to be a popular place to eat ice cream and pizza for residents. Trash is collected at the Park on Mondays. In his experience, in the warmer weather, the trash receptacles at the location seem to be overflowing more often. He requests the inquiry be made to the DPW or Waste Management to include another receptacle. Mr. Dean agrees to present the topic to the DPW.

g. Town Manager's Report

Mr. Dean reports that he previewed an upcoming permit for a new cart vendor similar to the hot dog cart vendor. This vendor wishes to sell Italian Ice and is owned by the owner of Sully's Ice Cream. He notes this is the first vendor application since the review of Ian's Franks. Mr. Dean is happy to report the field work is beginning on the audit. It is scheduled for May 24, 2012. He reminds the Board this audit is for the year 2011. He proudly notes the Town of Exeter is approximately three months ahead of where they were at the same time last year. Mr. Dean is pleased to announce the tax bills are prepared and should be going out over the next few days. He urges the community to be watching for them in the mail. Mr. Dean reminds the Board of the Memorial Day Parade, which will be held on Monday. Preparations will be from 9:30am – 10:00am. He advises that the community residents should plan to arrive at Swasey Park before 10:00 am. The Veteran's Council has a speaker this year named Robert Dastin. General Dastin is retired. Mr. Ferraro asks if there is a specific time at which the public can expect that the Swasey Parkway will be closed to automobile traffic. He recalls some confusion from last year. Mr. Dean agrees to investigate any logistics issues. Mr. Ferraro also recalls the request from the group at CMS and the music and signs. Mr. Dean indicates no new letter was found, only the letter from last year's submittal. Mr. Chartrand notes the event has already taken place. Mr. Dean agrees to reach out to the group this week.

h. Legislative Update

Chairman Quandt advises that this is the time of year in which the House of Representatives finish the Senate Bills, and the

Senate finish the House of Representatives Bills. Each body will choose their amendments and return them to be voted upon as a single large body. He advises the reason this occurs is for the purpose of negotiating position. He uses a Municipal Plowing Bill as an example. It might be returned as a Decertification of Unions and Municipal Plowing Bill. The entire legislative body will be negotiating on every Bill that has passed either the Senate or the House of Representatives. Mr. Dean notes the SB238 is establishing a sub 2 committee for the next session. He feels this is a committee the Town of Exeter would be interested in being involved with. Mr. Dean notes that wind turbines are being negotiated in other municipalities in lieu of taxing.

I. Selectmen's Committee Reports

Mr. Ferraro summarizes the second Goal Setting Session of the Board of Selectman in which Primex was present. He feels that Primex helped to keep the Board focused and they were productive. They will create a draft file report to add to the agenda.

Mr. Ferraro reports a Planning Board Meeting Thursday evening. This included a preliminary discussion with Southern New Hampshire YMCA to discuss the conceptual plans for the Junior High School. He details a meeting between himself and Mr. Clement, Mr. Dean and Mr. Swanson regarding the website. A vendor has been chosen to recommend and is identified as AHA Consulting. The project was quoted at \$9,000 and a schedule will come soon. He urges the Departments to be thinking of what they may want to put on the website.

Mr. Clement acknowledges there is an Exeter River Study public meeting on Wednesday evening. He attended a water sustainability meeting and a Transportation meeting last week as well. The Transportation Committee's topic of conversation was the Complete Streets Project.

Mr. Chartrand reports he attended his first EDC meeting two weeks ago. The EDC is developing a sub committee to review the Master Plan. He also attended a Counsel of Aging Meeting. The Counsel is currently brainstorming ways to accommodate their need for new chairs. He notes the Community Senior Center is a well kept and beautiful building.

Ms. Gilman is excited to note the HDC celebrating the designation of the Winter Street Cemetery as a Historical Site. This designation will make it easier to secure rehabilitation grant funds. The HDC meeting scheduled for last week was cancelled. She also notes the grant application for assistance with form based code is ready to be submitted.

Chairman Quandt reports the Cable Committee met last week. The Committee agreed, in the future all meetings will be on an as needed basis. The only item the Committee is still charged with, which complaints are relating to programming or Cable Access and Compliance Process. He notes they will still be a formed Committee that will meet less frequently. Mr. Ferraro recalls there is a Policy to be considered a Committee. He suggests the Committee determine, based on policy, what is required in order to maintain the status of a Committee. His second point is that the charge statement of the Committee will need to be changed or adhered to in that it commits them to meeting four times per year. Chairman Quandt agrees to call for a quarterly meeting.

j. Correspondence

A letter from the Department of Revenue Administration to the Tax Assessor. Mr. Dean explains this is a letter indicating the review of the Tax Assessors office is complete and that compliance was reached to their satisfaction in almost all the areas of criteria. As part of the report there is an application of current use report that indicates the non compliance is a result of two requirements per CUB rules. The Town did not apply the last known town equalization factor and not valuing acreage in a way to satisfy the BTLA.

Ms. Gilman summarizes the letter from the Division of Historic Resources on the listing of the Winter Street Cemetery in the New Hampshire State Register of Historic Places.

A Congressional Letter to the EPA regarding a meeting request with the New Hampshire Great Bay Municipal Coalition.

6. Review Board Calendar

The Board will meet again on Monday, June 4, 2012.

7. Adjournment

Ms. Gilman moves to adjourn. Mr. Clement Seconds. Vote: Unanimous

The Board stood adjourned at 10:08pm.

Respectfully Submitted,

Jennifer Pond
Recording Secretary