

## BOARD OF SELECTMEN'S MINUTES APRIL 29, 2002

### 1. Convene the meeting

Chairman Pace convened the Board at 7:02 PM on the above date and introduced the members to the audience. Also present: Robert Eastman, Lionel Ingram, Paul Binette, William Campbell and Town Manager George Olson

### 2. Minutes of the Board meeting of April 15, 2002

**Mr. Binette moved, second by Mr. Eastman, to accept the minutes of the meeting of April 15, 2002 as submitted. SO VOTED.**

### 3. Bid opening – skid mounted travel vac - DPW

Chairman Pace opened the two bids received.

E. H. Wachs Co., Wheeling Ill. - \$9,240  
Hydron Inc., Rockland ME - \$9,250

**It was moved by Mr. Binette, second by Mr. Campbell, to turn the bids over to the Town Manager for review and recommendation. SO VOTED.**

### 4. Bid opening – Fire Pumper

Chairman Pace requested that Mr. Olson address this item. Mr. Olson recommended that the low bidder, Greenwood Fire Apparatus of North Attleboro MA be awarded the bid for the pumper for the sum of \$371,620. **So moved by Mr. Binette, second by Mr. Eastman. SO VOTED.**

### 5. Transfer of the Rayne's property – Don Clement, Chairman, Conservation Commission

Chairman Pace invited Mr. Clement to the mic. Mr. Clement stated that on May 1 papers will be passed that will make the subject property the Town's. He reminded the Board of the funds raised for this purpose at the last two Town Meetings and the Land Conservation Investment Program grant received from the State. The result is Town ownership of a 50-acre track of land as well as a barn dating from 1860. He thanked the Raynes family for their patience throughout the process, Peter Dow for all of his work on the project and Tom and Patience Chamberlain for the 30-acre development easement, adjacent to the Raynes property, granted to the Town.

Mr. Clement next turned to the Management Plan that had been developed for the site, describing each of the plans objectives. He noted that \$22,000 had already been raised to preserve the barn and the help received from the Exeter Historical Society.

He completed his presentation by asking the Board to act to authorize the Conservation Commission to manage the property on behalf of the Town. Mr. Eastman asked how a lease on the land would work, in light of the interest the Conservation Commission had in having the land continue in agricultural use. Mr. Clement responded that it was his understanding that the Commission could approve any lease under a year but that any longer lease required Town Meeting action.

Mr. Ingram noted that the map of the site provided to the Board was out of date. Mr. Clement concurred, explaining a recent change.

Mr. Binette recommended that no action be taken this evening until such time as the matter of lease revenues was cleared up. Mr. Clement responded that no revenues had ever been received. A long-term lease may envision such revenues, but that no recommendation was being made to this effect.

**It was moved by Mr. Campbell, second by Mr. Ingram, to authorize the Conservation Commission to manage the land described in the plan as submitted to the Board by Mr. Clement (attached). PASSED, 3 to 1.**

Mr. Clement invited the Board to a meeting scheduled for May 23, from 7 to 9 in the Town Hall at which the regional impact of natural resources will be discussed.

6. Request to speak to the board – Nan Pearson, Washington St. resident

Chairman Pace invited Ms. Pearson to the mic. Ms. Pearson expressed her frustration with the expansion of Perkins Lawn Mower Service on Washington St. She stated that, as a growing business, it has outgrown the site and is in violation of the 1980 agreement with the Town. She read a letter (attached) from an abutter, Mildred LaFramboise, describing the problem.

Chairman Pace noted a copy of a letter from the Town's Building Inspector, Doug Eastman, to Mr. Perkins regarding violation of the 1980 agreement. Mr. Eastman was invited to the mic. Mr. Eastman noted that each spring the problem of the violations comes up and that he approaches Mr. Perkins with the complaint. He noted that as business slows during the summer the degree of violation declines only to return with snow blower season. Chairman Pace asked Mr. Eastman if his letters were being ignored. Mr. Eastman agreed. He went on to note that the issue was enforcement of the agreement between Mr. Perkins and the Board of Selectmen, and not a matter of enforcing zoning.

Mr. Perkins was invited to the mic. He indicated that he complied with the 1980 agreement as best he could but that his business was growing. He suggested that the agreement be looked at.

Chairman Pace noted that the agreement is quite clear, non-compliance by Mr. Perkins means that the Selectmen are no longer obliged to honor the agreement. He solicited the Board's thoughts on the matter.

Mr. Binette stated that based on the layout in the agreement, was the problem the older machines placed out front? Mr. Perkins responded that there was no room for the equipment out back and that the machines were being repaired and when repaired were picked up by their owners. Mr. Binette noted in response to Ms. Pearson's reference to "18 wheelers" on the street making deliveries to Mr. Perkins, that this was necessary if Mr. Perkins was to receive equipment for sale.

Ms. LaFramboise responded that the equipment under repair was not the problem; it was the expansion of the use. Ms. Pearson asked about a letter "grand-fathering" the use. Chairman Pace stated that he had no such letter, but that the 1980 agreement seemed to reflect this intent with certain stipulations. He read from paragraph 6 in the agreement, noting that Mr. Perkins retains the

right to go before the Board of Adjustment for relief, scale back his operation or find a new site for his business. He went on to stress the need for the agreement to be honored.

Mr. Ingram stated that his reading of the agreement made it very clear that the agreement prohibited any expansion of the business. He stressed the need to balance the interests of the neighborhood with those of Mr. Perkins.

Mr. Campbell suggested that the matter be postponed until May 13 in order for counsel to review the agreement and to provide guidance on options and enforcement. **So moved by Mr. Ingram, second by Mr. Campbell. SO VOTED.**

#### 7. Presentation to Board – Chamber Parking Study, Tracy McGrail

Chairman Pace invited Ms. McGrail to the mic. Ms. McGrail noted that a copy of the report had been provided each Selectman. She explained that parking has been a problem for decades and that a year ago the Chamber undertook a study of the issue in an effort to get something done on the matter. The study results suggest that the good news is that on street parking is not a problem, with only 59.8% of the spaces taken at any time. The bad news is that the long-term parking lots are regularly at above 90% full and at times over 100%, with people parking illegally.

Ms. McGrail suggested several solutions including a parking garage at Citizen's Bank, one at the Water St. lot, and parking at the Mill. The problems with these solutions is either cost, with parking garages costing from \$20,000 to \$30,000 per space, or the site is too distant to insure use. The most practical option the Committee has come up with is to approach Phillips Exeter Academy to determine if a lot could be constructed adjacent to the Swasey Parkway, behind the Baker's Peel, on Academy land. The cost of the project would be about \$1000 a space. Ms McGrail passed out a plan of the site. She asked the Board to authorize the Committee to formally approach PEA to determine if this option was a real possibility.

Ms. McGrail thanked the Board for their interest and solicited questions. Mr. Campbell asked if building a parking lot on PEA land would require a long-term lease. Ms. McGrail answered that this was one of the issues the Committee wished to pursue with the Board's support. Mr. Campbell questioned the access to the lot from the Parkway, suggesting that it may be better from the existing lot behind the Baker's Peel. Ms. McGrail answered that this access was favored because the land surrounding the site on three sides is private and that access from the Parkway was over public lands. Mr. Douglas Eastman, a Swasey Parkway Trustee, confirmed his support for access to the proposed lot off the Parkway.

Discussion followed on options to fund the construction of the lot including adding a \$5 fee for every car registered in Town. Mr. Eastman warned that there is some inconsistency in the statues over charging such a fee for the purpose described.

Mr. Binette asked if there was a specific number of additional long-term parking spaces that were being called for. Ms. McGrail responded that this had been discussed but was such a moving target with the changes in downtown employment that no number had been determined. Mr. Binette asked if the 62 new spaces shown in the plan would be enough. Ms. McGrail responded that it would be in the short run, but that further expansion of downtown businesses would mean that even more parking would be required in the future. Mr. Binette asked how many years it would be

before a parking garage had to be built. Ms. McGrail answered that the Committee planned to bring in a professional to look at this very issue.

Mr. Ingram noted from the report there is a recommendation that some 2 hour spaces on the street be turned into all day spaces. He asked what the impact of this change would be on the need for 2-hour spaces. Ms. McGrail stated that the impact would be very limited since the study shows that these spaces are used relatively infrequently. She also noted that few spaces were involved. Mr. Ingram asked why not simply lease parking spaces from the Mill. Ms. McGrail responded that this was an option, and that the Mill would likely be agreeable so long as the relationship was with the Town and not with individuals. She expressed the need under this scenario for downtown employers to stress the need for employees to use the Mill lot given its distance from Water St.

Mr. Campbell expressed concern over employees' willingness to walk from a lot off the Swasey Parkway and the proximity of the children's playground from the site.

**It was moved by Mr. Ingram, second by Mr. Binette to authorize the Committee to approach Phillips Exeter Academy and the Mill regarding use of their property for long-term parking, and to consider the purchase of land from the Mill. PASSED 3 to 1.**

#### 8. Second reading of change to Front St. parking

Chairman Pace described the proposal to address parking in front of the Baptist Church and the Historical Society. Mr. Ingram, author of the amendment, indicated that he had received word that the position of the Exeter Historical Society had changed. Ms Pinnell was invited to the mic. Ms. Pinnell indicated that the Exeter Historical Society had discussed this matter of parking and agreed that the needs of the Baptist Church were paramount and that they would support the Church's position in the matter of parking.

Mr. Eastman questioned how making the entire street all day parking would address the needs of the Baptist Church parishioners. Rev. Monahan was invited to the mic. She responded that the 2-hour parking was a problem for her parishioners, particularly the older ones who had trouble getting around. All day parking gave her parishioners more options. Several additional options were posited.

Chairman Pace indicated his continued support to return parking to all day. **It was moved by Mr. Ingram, second by Mr. Campbell, to go back to all day parking on the Academy library side of Front St.** Mr. Binette expressed his frustration over no one from Phillips Exeter Academy being present for a second time to hear their position on the matter of Front St. parking. He stated that he felt that they were not being good neighbors. **PASSED 3 to 1.**

Ms Pinnell asked that the Historical Society be informed of any changes to parking on Front St.

#### 9. Discussion of Ambulance Study Committee proposed charter

Chairman Pace reminded the Board that it had been agreed to address the issue of the charter and ambulance fees by the end of the May 13 meeting. Mr. Ingram suggested that wording under "Purpose of the Fund" be amended to reflect the importance of making the ambulance service self-sufficient. Mr. Campbell questioned the financial advantages of making the ambulance service completely self-sufficient. Mr. Eastman asked if the cost of training for fire fighters was kept

separate from the training of ambulance personnel. Chief Comeau responded that in some case this was easily done, in other case very difficult, using the example that to be a career firefighter in New Hampshire you had to have EMT training as part of your firefighter training.

Chairman Pace asked what the bottom line was for the cost of ambulance related expenses in the 2002 budget. Chief Comeau responded \$111,000. Chairman Pace suggested that this matter of ambulance related cost should really be a part of the budget process, since the cost clearly fluctuates each year depending on calls and the need for training. The example of the \$8000 cost of training a paramedic was noted as a cost that does not appear each year. Deputy Chief Berkenbush noted with the anticipated construction of two project in Town being marketed to the elderly leads the department to expect an 18% increase in the number of ambulance runs once the projects are complete.

Mr. Eastman concurred with Mr. Pace as to the need to make the matter a part of the budget process and the importance of making sure that enough funds were set aside each year to insure that an ambulance could be replaced every 5 years. He suggested a figure of \$75,000 for this purpose. In turn Chairman Pace indicated that with the other cost set at \$111,000 in 2002, that an income of \$200,000 per year from the service would be adequate to cover both costs.

Mr. Ingram suggested two more changes to the ambulance charter, making it clear that any money going to construction or maintenance be for ambulance related activates and that the payment of labor cost language be simplified. It was agreed that for the meeting of the 13<sup>th</sup> Mr. Ingram would bring his recommended language for Board consideration.

Mr. Eastman suggested that the section titled "Fund Limitations" be deleted.

The matter will be placed on the agenda for the meeting of May 13<sup>th</sup>.

10. Second reading of request for stop sign, Buzell and Alumni Drive

**It was moved by Mr. Campbell, second by Mr. Ingram to install a stop sign at the intersection of Buzell and Alumni Drive. SO VOTED.**

11. Second reading of 25 mph speed limit signs on Exeter Farms Drive

Chairman Pace asked Ms. Stagnone, a member of the Exeter Farms Homeowners Association to the mic. She noted that it is Exeter Farms Road not Drive. She provided the Board with a history of efforts to set a speed limit in the new development and 1999 correspondence indicating that the limit would be 20 mph. She noted recent correspondence from Chief Kane indicating that the limit, by statute, could not go below 25 mph. While preferring the 20 mph she stated she understood the need to make the limit 25 and praised Chief Kane for his enforcement efforts.

Mr. Eastman noted plans to improve the Guinea Rd intersection and the impact this would have on Exeter Farms Rd.

**It was moved by Mr. Campbell, second by Mr. Binette, to install 25 mph signs on Exeter Fall Road. SO VOTED.**

29 Apr. 2002

Town Mgr. + Board of Selectmen

Re: Perkins Business

Despite the fact that the Town has a bulging folder with memos of tel. calls, copies of letters, etc. indicating our desire to insure that our neighbors hood is protected as a residential area - we are here to inquire why the restrictions have not + are not presently enforced. It is time now to get this situation resolved. (Re: Perkins)

I, particularly, am affected as I live next door and look out my windows each day + ~~face~~<sup>FACE</sup> a yard full of machinery. (25-30 plus) I am unable to open my windows, especially, during the warm weather because of the noise and fumes from machines being demonstrated.

Cars + trucks constantly come + go - driving all over the lawn in the front of the house + across the street. Our street has always been an attractive area - now all the lawns on both sides have been dug up + ruined. I have spent several hundred dollars having to re-surface + seed the area out front of the house.

We as residents + tax payers should be protected. I, urgently, expect that we will be.

Mildred Laframboise