

BOARD OF SELECTMEN'S MINUTES

MAY 13, 2002



1. Convene the meeting

Chairman Pace convened the Board at 7:00 on the above date and introduced the members to the audience. Present in addition to Chairman Pace were Robert Eastman, Lionel Ingram, William Campbell and Paul Binette. Also present was Town Manager, George Olson

2. Minutes of the Board meeting of April 29, 2002

Chairman Pace recognized Mr. Olson who noted an error in the minutes. On the 5<sup>th</sup> page, last paragraph, the reference to Exeter Fall Road, should read Exeter Farms Rd. **It was moved by Mr. Binette, second by Mr. Campbell to accept the minutes as amended. SO VOTED.**

3. Bid Award – skid mounted travel vac – DPW

Chairman Pace asked Mr. Olson to address this item. Mr. Olson recommended that the low bidder for the skid mounted travel vac, the Wachs Company of Wheeling Ill., be accepted in the amount of \$9,240. **So moved by Mr. Binette, second by Mr. Campbell. SO VOTED.**

4. Execution of agreement between the State Employees' Association of New Hampshire, Inc., SEIU Local 1984 and the Town of Exeter

Chairman Pace asked Mr. Olson to address this item. Mr. Olson noted that representatives of the union were present in the audience in anticipation of execution of the new collective bargaining agreement with the Town. **It was moved by Mr. Binette to accept the new agreement as funded at the 2002 Town Meeting.** Mr. Binette noted his and ex-Selectman Paul Scaffidi's years of negotiation efforts and thanked the union for the ease with which the agreement had been reached. **Mr. Eastman seconded the motion. SO VOTED.**

Members of Local 1984, along with Brian Mitchell of the State Employees Association came forward to sign the agreement with the Selectmen.

5. Town/Perkins' Lawnmower Service agreement

Chairman Pace asked Mr. Olson to address this item. Mr. Olson reminded the Board of last meetings discussion and updated the Board on Counsel's opinion that the agreement was current and enforceable. Mr. Eastman noted that he had driven by the property and it looked to him as if all of the equipment was now in the proscribed area though some cleanup of the area was still in order. Mr. Binette suggested that if Mr. Perkins could keep the equipment within the area proscribed in the agreement he would be in compliance.

Mrs. Pearson came to the mic. She explained that she had been forced to ask the driver of a delivery truck unloading equipment at Mr. Perkins' business to move so she could get out of her yard. She noted that her neighbor was parking his car on the street to keep other cars visiting Mr. Perkins' business off the grass between the sidewalk and the street. On another topic she asked if the radar machine could be set up on Washington St. since people were speeding. She agreed that during the past two weeks Mr. Perkins has cleaned up his business but that he was still not in conformance.

Mrs. Laframboise came to the mic. She stated that the issue was the amount of machinery and the expansion of the business that the Board had not addressed. She stated that it was not right for Mr. Perkins to expand his business.

Chairman Pace noted that the agreement states that Mr. Perkins' business operates apart from the limitations contained in the Zoning Ordinance. The matter at issue is to insure that the parameters of the agreement are met by what is a non-conforming use. He went on to state that the issue is a geographic one. Is Mr. Perkins' operation kept within the confines of the agreement? Mr. Ingram questioned the difference between the recitals in the agreement and the agreement itself, expressing concern that the agreement itself was silent on the matter of what Mr. Perkins was allowed to sell. He went on to suggest the value of clearly marking the 12 foot and 18 foot areas where business is not to be under taken. Chairman Pace asked for suggestions as to how this would be done. Mr. Ingram suggested a couple of stakes in the ground would do the job.

Mr. Perkins came to the mic. He suggested that rather than stakes, that a mark be made on the driveway, and that he never operates within the 18-foot side buffer. Mr. Perkins went on to note his efforts at cleaning up the site and that the neighbor behind him had not complained. Mr. Campbell related the concerns Mr. Perkins had expressed at the last meeting about his inability to operate within the confines described in the agreement. Mr. Perkins responded that it was his intention to go to the Board of Adjustment to obtain a variance for his business.

Mr. Ingram stated that as far as he was concerned using the area outside that shown in the agreement was a violation of the agreement and that it was more than just neighbors complaining. Violation of the agreement was a matter of Town concern as well as the Washington St. neighborhood. Mr. Campbell suggested that Mr. Perkins be asked to go to the Board of Adjustment for a variance as allowed in the agreement within a specific period of time. Mr. Eastman while favoring Mr. Perkins taking this initiative did not believe that the Board had the power to require Mr. Perkins to act.

Chairman Pace agreed that while the Board could not mandate that Mr. Perkins go to the Board of Adjustment it could encourage him to do so. Mr. Campbell suggested that any formal Board action, beyond simple enforcement of the agreement be put off until such time as Mr. Perkins goes to the Board of Adjustment. Mr. Perkins confirmed his intention to go the Board of Adjustment. Mr. Binette stressed the need to enforce the agreement regardless of Mr. Perkins' actions.

Mr. Ingram asked about the matter of traffic on Washington St. He asked what Mr. Perkins could do to help with this matter? Mr. Perkins responded that his business was not the only generator of traffic on Washington St., and that the roadway was very busy.

Chairman Pace affirmed that the sense of the Board that no action be taken at this time so long as the agreement is complied with. He stated that if the matter appears once again on the agenda the Board's action would likely be different.

#### 6. Request to address the Board re water/sewer bill adjustment – Roland Goupil

Mrs. Goupil was asked to come to the mic to explain the situation. She stated that neither she nor the Town has any explanation of the high water use for the quarter, sharing a letter to the Board with details of her investigations. (Attached)

Mr. Ingram asked Mr. Olson if there were instances when meters sped up? Mr. Olson responded no, that they often slowed down, but did not speed up. Mr. Binette asked about the number of meters associated with the property? A single meter serves the property. Mr. Binette asked if this had ever happened before? Mr. Goupil responded that it had not. Mr. Campbell asked if it could be a problem with an outside faucet? Mr. Goupil responded that there was none.

Mr. Ingram indicated that since water use was back to normal and that there was no explanation for the use, that some arrangement should be made to adjust the bill to bring in closer to what the normal quarterly use would have been had there not been the problem. Discussion followed on how the average could be developed. **It was moved by Mr. Ingram, second by Mr. Binette, to adjust the bill to reflect the use of quarter in question, based on the average use for the quarter over the past 3 years.** Discussion followed on how to make sure that this sort of thing does not happen again, including doing every test possible to determine the reason for the water loss.

Mrs. Goupil expressed concern that water use had increased over the past three years and that she did not wish to cheat the Town. It was noted that Mr. Goupil had made a \$500 payment for the quarter as a good faith payment in anticipation of a resolution to the problem. **Mr. Ingram withdrew his motion with the concurrence of Mr. Binette. It was moved by Mr. Ingram, second by Mr. Binette, to adjust Mr. Goupil's water bill for the second quarter of 2001 to reflect the \$500 payment already made. SO VOTED.**

7. Request to address the Board – Peter J. Goodwin, Administrator, Bureau of Court Facilities

Chairman Pace asked Mr. Olson to address this topic. Mr. Olson responded that Mr. Goodwin could not be here this evening but had sent a letter explaining the State's position on rent for use of the Town Hall. Mr. Olson read the letter to the Board. (Attached) Mr. Ingram stated his concern that the State had failed to address the future relationship between the Town and the State. Perhaps a one year extension was in order with something in writing from the State agreeing to the principal that the rent will go up as maintenance costs go up for the building. Mr. Binette agreed with Mr. Ingram that there needed to be some agreement by the State that it would accept increasing rent based on the cost of repair.

Mr. Campbell reminded the Board that in discussing rent at the last meeting the figure could have been higher and that the Board had agreed to a fixed rent for 3 years, even in light of the additional costs that could be applied to the rent. He suggested holding the line and not backing off.

Chairman Pace affirmed the consensus of the Board to hold the line at the agreed to rent and to ask Mr. Goodwin to come to a meeting and demonstrate why the rent should not go up on July 1.

8. Request to address the Board – Ron Tony Giordano, Community Liaison, Senator Smith's Office

Chairman Pace noted that Mr. Giordano was not present.

9. Discussion of Ambulance Study Committee proposed charter and ambulance rates.

Chairman Pace described the steps taken by the Board to date on the matter of developing an ambulance charter and the setting of a new ambulance rate. He asked that the Board turn to the Charter once again. Mr. Ingram described changes he has proposed at the last meeting. Specifically

the deletion of the words "some revenues other than tax revenues" from the first sentence of "Purpose of the Fund" and the words "such as but not limited to base salaries and overtime directly" from the fifth bullet under "Purpose of the Fund". Discussion followed on what this meant, with Mr. Campbell opposing the use of ambulance funds to pay for administrative and base salaries. Mr. Ingram responded that there were many ways this could be done, the simplest using a percentage of time spent on the ambulance. Following more discussion it was agreed that the language for the fifth bullet should read: "Payment of over time labor costs associated with the ambulance service"

It was agreed that the language of the charter and the ambulance rates should be reviewed on an annual basis to keep them current.

Mr. Ingram recalled and supported Mr. Eastman's request that the section titled "Fund Limitations" be deleted from the draft charter, since the matter of rates and the expenditure of money from the trust fund would be a part of the annual budget process. This was agreed to, and the need to take the Charter to Town Meeting for action was confirmed.

At this point Chief Comeau was asked for his perspective on the Board's actions. Chief Comeau came to the mic and agreed that the language now in the Charter provided the Board with the flexibility that was needed and that he was supportive of the language as agreed to.

Mr. Eastman suggested that it would be appropriate not to act on the Charter this evening but to await the 2003 budget process at which time the language for the warrant will be prepared and the changes to the Charter may be needed. Discussion followed on matters of timing.

**It was moved by Mr. Ingram, second by Mr. Eastman, to adopt the charter as discussed this evening, with the understanding that the charter will be reviewed during the budget process. SO VOTED.**

Chairman Pace turned to the matter of rates. Following discussion it was agreed that the Chief would bring recommended rates to the Board, reflective of the Board's action on the Charter, prior to the budget season.

10. Second reading of change to parking at Front and Tan Lane

The third and final reading of the ordinance change will be placed on the next agenda for action.

11. Authorization for release of sewer reserve funds for partial bond payment.

Chairman Pace turned the matter over to Mr. Olson. Mr. Olson read the attached statement describing his failure to budget the first year's payment on a loan received from the State. He asked the board to release \$70,000 from the Sewer reserves for purpose of making a partial payment.

Mr. Binette questioned the impact of the error on the tax rate. Mr. Olson responded that there would be higher than \$235,000 payments for the next three years, but that at the end of the 10-year loan period the taxpayers would pay the same for the project. The good news was that as a result of the error there is no 2002 tax rate impact.

Chairman Pace stated that the Board does not look upon this matter lightly and that steps have been taken to make sure that all will be made right in the future and that hopefully such an error will not occur again.

**It was moved by Mr. Eastman, second by Mr. Campbell to release \$70,000 from the sewer reserves to make the first annual payment on the Court St./ Webster Ave/SCAD State Revolving Loan Fund issue. SO VOTED.**

#### 12. Permits

**Moved by Mr. Binette, second by Mr. Campbell, to permit Maureen Barrows to use the front steps of the Town Hall (and the main Hall in the event of rain), from 11:30AM to 1:00 PM on May 21<sup>st</sup> for the purpose of making a political announcement. SO VOTED.**

**Moved by Mr. Eastman, second by Mr. Ingram, to permit Casey Family Service to use the Nowak Room from 10 until 11:30AM, May 28<sup>th</sup>, for a team meeting to discuss a child's welfare. SO VOTED.**

**Moved by Mr. Eastman, second by Mr. Ingram, to permit the Squamscott Coalition to use the Wheelwright Room from 8 until 10AM on June 5, July 3, August 7, September 4, October 2 and November 7, for monthly meetings of volunteers. SO VOTED.**

**Moved by Mr. Campbell, second by Mr. Eastman, to permit the Granite State chapter of IAEE to use the Nowak Room from 1 until 3 PM on June 6, for instruction for certification of inspectors from the Seacoast Area. SO VOTED.**

**Moved by Mr. Binette, second by Mr. Eastman, to permit the closing of Washington St. from the Brentwood Road to Spruce St., from noon until 8:00 PM, on July 20, 2002, for a block party. SO VOTED.**

**Moved by Mr. Campbell, second by Mr. Ingram, to permit the Veteran's Council to hold the Town's annual Memorial Day Parade beginning at 9:30 AM on November 27, 2002. SO VOTED.**

#### 13. Town Manager's items

Mr. Olson noted the election of Water and Sewer Superintendent Victoria DelGreco to the Executive Board of Directors of the Water Environment Federation, and the completion of Level 1 Certification from the New Hampshire Public Works Academy for Public works employees Ernest Barham, Ed Bugbee, Phyllis Duffy and George Sturgis. He went on to remind residents that the Town Offices will be closed on Memorial Day May 27<sup>th</sup> and that rubbish and recycling pickup for the week will be a day late that week. Discussion followed as to the next meeting date of the Board. It was agreed that the Board would next meet on June 3<sup>rd</sup>, and that the Chair would open bids form rubbish bags at 4:00 PM on May 20<sup>th</sup> and that the bid would be awarded and reported at the June 3<sup>rd</sup> meeting.

#### 14. Selectmen's Committee reports

Mr. Campbell noted the passing of papers on the Raynes property last week, the May 1 meeting of the Water and Sewer Advisory Committee and a workshop he attended on the location of the new

water treatment plant on the land now used by the Sportsman's Club. Problematic issues surrounding the site include access to Holland Way, the required set back from the pond and wetland issues. Chairman Pace noted upcoming meetings of the Arts Committee and the Historic District Commission and the closing on the Raynes Property.

15. Public Comments

**There being none, it was moved by Mr. Ingram, second by Mr. Campbell to adjourn. SO VOTED.** Time: 8:40 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. Olson', with a long horizontal line extending to the right.

George N. Olson  
Town Manager