

## FINAL MINUTES

### BOARD OF SELECTMEN MEETING

### MINUTES

April 4, 2011

#### 1. Call Meeting to Order

Chairman Robert Aldrich convened the Board at 6:00 pm in the Wheelwright Room of the Town Office Building to interview several candidates for the Housing Authority, Planning Board and Water/Sewer Advisory Committee. Chairman Aldrich then reconvened the Board at 7:08 pm in the Nowak Room of the Town Office Building. Other members of the Board present were: Selectman Frank Ferraro, Selectwoman Julie Gilman, Selectman Don Clement and Town Manager Russ Dean. Selectman Matt Quandt was absent due to illness.

#### 2. Public Comment - None

#### 3. Minutes & Proclamations

##### a. Regular Session Minutes of March 28, 2011

**Mr. Clement moved to approve the Regular Session Minutes of March 28, 2011 as presented. Ms. Gilman seconded. Vote: Unanimous**

#### 4. Appointments - None

#### 5. Departments Reports – Town Clerk

Town Clerk Linda Hartson said that they have licensed 550 dogs to date. Last year's total was 2,378. She reminded dog owners that all current dog licenses expire on April 30<sup>th</sup>. There is a late fee of \$ 1.00 per month for any dog not licensed by June 1<sup>st</sup>. After that State law requires the Town Clerk's office to inform the Police Department of any unlicensed dogs. Civil forfeiture can be issued which carries with it a fine of \$ 25.00 per dog. If any dogs need rabies vaccinations, the New Hampshire SPCA will be holding two rabies clinics in Stratham. One is on Sunday, April 17<sup>th</sup> and the other one is on May 15<sup>th</sup> from 10 am to 1 pm.

The Town Clerk's legislation committee is continuing to follow Senate Bill # 156 which pertains to auto dealers processing vehicle registrations. Motor vehicle registration is the second highest source of revenue for municipalities. They are very concerned about the potential impact to the Town if SB156 were to pass. There would be a need for software integration, potential purchase of interface software/hardware and testing. Neither the State nor the vendors would be paying for this. They are concerned about municipal audits and the expenses of having auditors travel to multiple locations. Resolution of problems and discrepancies made by the dealers would be left to the Town Clerk's office, as well as dealing with returned checks. They are also concerned about the reconciliation of fees collected by the dealers and the increased workload this would create for the Town Clerk's office as well as the Finance Department. There would also be up to a 20 day delay in receiving monies if the municipality does not choose to receive electronic transfers.

The Town Clerks have been trying to insist upon a trial year for this with a sample of both large and small municipalities. Town Clerks are going to have to train the vendors. There is a big focus on the electronics of this which would speed up the process and this has appeal at a time when the State is cutting back. Ms. Gilman asked if the State is looking at more than one vendor for this. Ms. Hartson said there is only one vendor being considered.

Ms. Peg Duhamel, Chairman of the Checklist Supervisors, is working on the checklist purge. New Hampshire State law requires the Supervisor of the Checklist to purge names of inactive voters every 10

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years. Any voter currently registered who did not vote in any election in the past 4 years and who has a registration date on or before November 2, 2010 will be sent a letter stating that their name will be removed from the checklist and they will need to re-register to vote. Information about the re-registration will be included in the letter. After the letter goes out, they have 30 days to come into the Town Clerk's office or to a checklist session (which will be advertised) and re-register to vote. They would then stay on the checklist. If they don't take any action after receiving the letter their name will be removed from the list. The purge is required to be completed by September 1<sup>st</sup>. Mr. Aldrich asked about how many names are subject to being purged and Ms. Hartson said that it is around 1,300 to 1,500.

Ms. Gilman mentioned that Ms. Hartson has inquired whether the Board will raise the administration fee in conjunction with the implementation of the local transportation option fee increase. This is a decision for the Board and will be placed on next week's meeting agenda.

### **6. Discussion/Action Items**

#### **a. New Business**

##### **i. Haven Lane Beekeeper Signs**

Resident Wayne Patten was present to discuss an email that he sent to the Board requesting that he be allowed to keep "Native Honey" signs that are attached to utility poles in the Jady Hill neighborhood area. These signs direct customers to his home based honey business. Mr. Doug Eastman, Code Enforcement Officer, was also present. Mr. Aldrich said that there are some concerns with the signage on the poles, particularly the design.

Mr. Patten said that he has had an abundance of signs on Chestnut Street and Green Hill Avenue. At this point in time he has removed them all at Mr. Eastman's request. At a minimum he feels that he really needs 3 signs at the following locations in order to maintain his business and support the bees: at Portsmouth Avenue leading into Haven Lane, at the corner of Green Hill and Bonnie Drive and at the end of Bonnie Lane into Haven Lane. He is completely willing to cooperate in modifying the signs in any way that they wish.

Mr. Eastman said that there are existing blue signs around Town which were approved by previous Boards without any consultation with the Building Department. Mr. Eastman said that Mr. Patten's Native Honey signs were brought to his attention by someone in the Public Works Dept. According to Exeter's zoning regulations, off site signs for home occupations are not permitted and he has no authority to violate these regulations. Therefore he advised Mr. Patten accordingly and asked that they be taken down. Mr. Patten has complied. Mr. Eastman pointed out that there does seem to be some conflict between the zoning ordinances and town ordinances on the books for this.

Mr. Jay Perkins said that several years ago there were quite a few signs all over town and the Board at that time made a decision to standardize them. This was how the blue sign was created. Property owners worked with the Highway department at that time to design the blue signs all in the same format. The Highway department did the installation also.

There was discussion about whether the blue signs were still a viable option. The Board has approved blue signs in the past by granting a waiver under Town Ordinance Section 502.3. There was discussion about seeking a variance from Zoning. Ms. Gilman said that in cases of ordinance conflict the most restrictive applies which would seem to be a variance in this case.

**Selectman Ferraro moved that the Board approve a waiver under Town Ordinance 502.3 for Mr.**

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**Patten's request. Mr. Patten would then need to request a waiver from the Zoning ordinance. If both are granted then he can work with Mr. Perkins of the Highway Department to get the signs in place. Mr. Clement seconded. Vote: 1-2 Ms. Gilman and Mr. Clement opposed. Motion Fails.**

Mr. Dean said that Town Ordinance Section 502.3 has wording which speaks to the duration of the posting which could be interpreted as having been meant for temporary signage as opposed to permanent. Also it is important to note that the Town doesn't own the pole and any applicant must also check with the appropriate utility company to make sure that anything attached to the pole is permitted by the utility.

**Mr. Clement moved that Mr. Patten first seek relief from the Zoning Board. If the Zoning Board grants him the variance then the Board will grant him a waiver of Town Ordinance 502.3. He can then work with Mr. Perkins of the Highway Department to get the signs in place. Mr. Ferraro seconded. Vote: 3-0 Motion carries.**

Mr. Ferraro said that this recent occurrence has brought to light the fact that there has been inconsistent enforcement of the 502 regulation. He added that his comments are not meant to reflect negatively on the code enforcement officer. He recently noted 15 possible violations of this ordinance in the downtown area alone. Some of these signs are much larger and obstructive. It is incumbent on the Board of Selectmen to insure consistent enforcement of the ordinances.

**Mr. Ferraro moved that effective immediately the Board of Selectmen temporarily suspend enforcement of Town Ordinance 502.2 until they can develop a more consistent approach to compliance with this rule. All other provisions of Town Ordinance 502 will remain in effect. Ms. Gilman seconded.**

Mr. Dean said that Mr. Eastman has been working with the Chamber of Commerce representatives to try to get some resolution on this issue. At this stage it is unclear as to what the outcome would be.

**Mr. Ferraro amended his motion to add that they will have a recommendation by the first Monday in August or earlier. Ms. Gilman seconded the amendment. Vote: 2-1 Mr. Clement opposed. Motion carries.**

Mr. Aldrich said that according to the vote that they just took Mr. Patten can put his signs back up for the interim until such time that the ordinance is amended. Mr. Patten is still encouraged to go before the Zoning Board to seek a permanent solution to his sign problem.

### **ii. Jady Hill Project Update / Next Steps**

Mr. Aldrich said that the Jady Hill warrant article failed in March but there was money approved in 2010 for water and sewer infrastructure improvements. Public Works was present to discuss next steps for the remaining 2010 funds available and for the Jady Hill project and I/I plans in light of the failed 2011 warrant article.

Ms. Jennifer Perry provided a draft one page schematic to the members of the Board which detailed Phase I of the Jady Hill project. She said that Wright Pierce engineers are still working on the preliminary design for Jady Hill as a complete project. Phase I would happen this year and Phase II would happen in a future year. There is still a lot of water line and sewer main line work that needs to be done on Jady Hill that would consume a good portion of the funds appropriated last year. In addition to that, they can also continue with design of the railroad crossing at the Salem Street location. They are

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working on getting the permits needed to do that line this year. If funds allow, they can also start the design of the Lincoln Street water main replacement. Phase I plans avoid any work on private lines.

Ms. Perry said that the plan is that Wright Pierce will have a preliminary design set and ready by April 18<sup>th</sup>. They anticipate that there could be plans for a neighborhood meeting / review again in May. Construction would then follow this summer with the majority of Phase I work being completed this year.

Mr. Clement asked to see a spreadsheet of the work illustrated in the schematic with details written out so that he can get a better understanding of the work to be done.

Mr. Brian Griset asked if there is sufficient money in the paving budget to handle this work. Ms. Perry said that there will be in future years to come. Current plans call for temporary trench patching in areas until such time that final restoration can be complete.

DPW will give more information to the Board at the end of April after the plans are in from Wright Pierce so that a neighborhood meeting can be scheduled for sometime in May.

### **iii. Norris Brook Culvert Follow Up**

Ms. Jennifer Perry said that the Town has received the structural engineering report from Kleinfelder SEA on the Norris Brook culverts. The culverts have deteriorated to the point where immediate action must be taken. The volume of vehicle traffic must be limited. Approximately 6,000 vehicles per day cross the Water Street culvert. Truck traffic must be limited to local trucking only. It is necessary to channelize traffic to the center and get it away from the sides due to the poor condition of the culverts. The date that these culverts were built is unknown.

Public Works has consulted with Police and Fire and the SAU regarding the bus situation. There are several options to consider for one way traffic patterns. DPW is recommending option 1B which would basically make Swasey Parkway one way northbound out of town and would make Water Street from the north end of the Parkway to Summer Street one way southbound. It is about 1,000 feet of Water Street that would become one way southbound. This would be a major change to the way that Swasey Parkway is used and concerns have been expressed about this. However, they feel strongly that it is in the best interests of the traveling public in order to insure safety.

Ms. Perry said that if this project passed the vote next March it is conceivable that construction could start next Fall. There is going to be a fairly long lead time for permitting for these projects because of stream crossing regulations and historical aspects.

Mr. Aldrich said that the Board received an email over the weekend from a resident about a temporary bridge. Ms. Perry said that they have done some investigations into temporary bridging. New Hampshire DOT does have some bridge sections available but they are only one lane and there would be costs to install. This wouldn't solve the one way traffic problems. The approximate cost to work with a contractor on a temporary two lane bridge would be around \$ 35,000 to \$ 40,000 per year and there would be maintenance issues associated with it. Ms. Perry questioned how much money they would be willing to spend on a temporary solution when the money could instead be put toward a permanent solution.

Mr. Ferraro pointed out that the temporary bridge option would allow the Town to keep Swasey Parkway as a park. Ms. Gilman agreed with Mr. Ferraro. Mr. Clement was deeply concerned about the

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impact that the other options would have on normal park events and activities. Swasey Parkway is a key part of the culture of Exeter. Mr. Ferraro pointed out that there is also a potential impact to the revenue of local businesses to consider.

Mr. Jay Perkins stated that they are not 100% sure that the double lane bridge would fit. It is a fairly tight space and there are gas and utility lines to be considered. He noted that they could close 85 for special events. This has been done before. Other events could be moved and there are other options to consider.

Mr. Clement suggested holding a special town meeting to raise the bond to fix the culverts. Mr. Aldrich said it would cost legal funds to do this and it would probably not succeed.

Mr. Gerry Hamel stated that he agreed with Mr. Clement about having a special town meeting. He doesn't feel that the public was educated enough on this or the vote would have been astoundingly different. He thinks having a special town meeting is the way to go on this.

Ms. Renee O'Barton said she agrees with Mr. Hamel. It is unfortunate that now there are pictures of this and information in the newspaper after the elections are over. She feels that a special town meeting might really change this.

Mr. Dean said that information about this issue and the related warrant article was on the website. It has been an ongoing issue and in the CIP for years. The deliberative session played every day on Channel 22 leading up to the election. He thinks that Public Works did a good job with the public education piece. Mr. Aldrich disagreed and said that he feels they did drop the ball on this. There are many voters who do not watch Channel 22 or access the Town's website.

Chief Comeau stated that the Fire Department is in support of the 1B concept. The 3 speed bumps and curved island on Swasey Parkway would need to be removed because these could cause damage to fire vehicles and apparatus. Ladder trucks cannot go under the bridge and they need to be able to get out to Newfields Road and that part of town. Mr. Perkins pointed out that the cost for these modifications is not too big. The cost of option 1B would be \$ 11,000.

Mr. Arthur Baillargeon asked if this came up for a vote what percentage would be needed for passage. Mr. Aldrich replied that it would require 60% to pass. Mr. Baillargeon also asked about the parking on Swasey Parkway if it became a one way street and was advised that there would be no parking on either side.

Chief Kane supports option 1B and feels that it is the best option. It does mean that the parkway will become a street and not a parkway for awhile. The speed bumps must go and it would be too crowded if they allowed parking. The situation is unfortunate, but this is the reality of the current situation. He said that they can make new traffic patterns work with the right signage and people will adjust.

Mr. Ferraro asked how long it would take for DPW to determine the feasibility of a double lane bridge and get a detailed costing analysis. Ms. Perry was not sure how long it would take, but estimated the cost at \$ 35,000 to \$ 45,000. Mr. Aldrich asked where the funding would come from for this and Mr. Dean said that he did not have a recommendation at this time.

The Board deferred a decision on this for a week in order to obtain more detailed information. Ms. Perry said that she is extremely nervous about the condition of these culverts now that she has seen the

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report. She will start working on getting the additional information that the Board has requested first thing tomorrow morning. If there is any way that a decision can be made sooner than one week that would be great.

**Mr. Clement moved to expend funds to get a legal opinion on pursuing a special town meeting. Ms. Gilman seconded. Vote: Unanimous**

### **iv. Paving Proposal 2011**

Chairman Aldrich said that they have a proposal before them from Bell and Flynn to extend the current paving contract. John Bell was present to answer any questions.

Ms. Perry said that this is a very competitive proposal. The price is 60 cents per ton less than last year. The price of \$ 69.90 per ton is valid through July 15, 2011 and after that it would be indexed off of current prices. The proposal design provides incentive for the Town to complete its paving projects by July 15<sup>th</sup>. Mr. Aldrich said that the Town has a more aggressive paving schedule than usual this year because of additional funding that they were able to get and he asked if the July 15<sup>th</sup> deadline was something that they could meet. Ms. Perry said that it can absolutely be done according to Public Works schedule. She also mentioned that they did call around to check pricing. Durham is the only community they found that had current bid pricing and it was \$ 70.82 per ton. Mr. Aldrich said that he has been very pleased with the service that Bell and Flynn has been providing and extending the contract is an easy decision for him.

**Ms. Gilman moved that the Board of Selectmen extend the current paving contract per the conditions outlined in the proposal by Bell and Flynn to the Town dated March 28<sup>th</sup>, 2011. The proposal establishes a price of \$ 69.90 per ton through July 15<sup>th</sup>, 2011. Mr. Ferraro seconded. Vote: 2-0 Motion carries. Mr. Clement was out of the room for the vote.**

### **b. Old Business**

#### **i. BOS Work Session Follow Up**

The Board of Selectmen met on Saturday morning at the Chamber of Commerce office and spent about three and a half hours talking about goals and objectives for the Board for the coming year. Mr. Aldrich volunteered to take all of the ideas generated during that discussion and create a working document to capture them. In doing so he has come up with 25 tangible objectives in 6 categories. The 6 categories are: finance, planning & process, technology, personnel, communication and citizen involvement. The official objectives and goals of the Board will be posted once they are adopted. After they have been adopted the Board will then have discussion about how they are going to get them done.

Mr. Aldrich will add in wording to the last category regarding reviewing the charges of the various boards, committees and commissions and possibly streamlining them. Mr. Clement would like to add in language about utilizing the services of EXTV more under the technology category. Chairman Aldrich will revise the document accordingly and present a final draft for approval next week.

#### **ii. Sewer Ordinance Amendments: Public Hearing**

Ms. Perry explained that the Town Sewer Ordinances have been thoroughly revised to make them compliant with State law. The revision incorporates many new definitions and a new and up-to-date industrial pretreatment program which was necessary for Exeter because it has some large industrial users. These revised sewer ordinances were originally presented by Mr. Jeffers at the Board of Selectmen's meeting on February 28<sup>th</sup>, 2011 and feedback was welcomed and encouraged. The proposed changes have been posted on the Town website under the News section. Mr. Dean said that to

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date they have not received any feedback. One more reading is required by the Board from a process standpoint and then these can be formally adopted. Ms. Perry said that these have been reviewed by Town staff and also reviewed and approved by NHDES.

Mr. Brian Griset suggested that it might be appropriate to ask the new water and sewer advisory committee that is in the process of being formed to do a technical review of these proposed new sewer ordinances before they are approved. He was also concerned that all recent changes to State statutes regarding storm water be reflected with the correct intent and definitions throughout the policy. The Board will consider his comments.

Mr. Jeffers suggested an amendment that would insert language allowing for shutoff of service to sewer only users. He has recently spoken to Town legal counsel about this and it is perfectly legal to shut off sewer service for nonpayment as long as appropriate notice is given. He has asked for comment from the Health Department and has not received any feedback yet. There is currently at least one problem sewer only account in Town that doesn't pay its bills and ignores all certified letters requesting payment. This is unfair to other rate payers.

The final reading of the proposed new sewer ordinance will be May 16<sup>th</sup>, 2011. If the newly formed water and sewer advisory committee wants to review it as one of their first orders of business they can do so.

### **7. Regular Business**

**a. Bid Openings – None.**

**b. A/P and Payroll Manifests**

**a. Accounts Payable and Payroll Manifests**

**Mr. Ferraro moved to approve a weekly payroll warrant in the amount of \$ 181,924.46. Mr. Clement seconded. Vote: Unanimous**

**Mr. Ferraro moved to approve an accounts payable warrant in the amount of \$ 2,115,898.03. Ms. Gilman seconded. Big Ticket Items: a Cooperative School payment of \$ 1,073,638 and \$ 879,801 to the Exeter School District. Vote: Unanimous**

**c. Budget Updates**

Mr. Dean said that the MS2 document is being filed as per the discussion of last week.

**d. Tax Abatements & Exemptions**

**Mr. Ferraro moved that the Board approve two Veteran's Credits both in the amount of \$ 500. Mr. Clement seconded. Vote: Unanimous**

**Mr. Ferraro moved that the Board approve an Elderly Exemption in the amount of \$ 152,251. Ms. Gilman seconded. Vote: Unanimous**

**Mr. Ferraro moved that the Board approve a Notice of Intent to Cut Wood or Timber for Map 47, Lot 7. Ms. Gilman seconded. Vote: Unanimous**

**e. Water/Sewer Abatements**

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Mr. Aldrich advised that the DPW is recommending a one in ten year abatement for the period of January and February for a unit at 40 Hampton Road. The deficiencies that caused the problem have been corrected. They recommend that a bill of \$ 355.99 be discounted by \$ 128.11 for a new bill total of \$ 227.88.

**Mr. Ferraro moved to approve a one in ten year water and sewer abatement for a unit at 40 Hampton Road in the amount of \$ 128.11. Ms. Gilman seconded. Vote: Unanimous**

**f. Permits** - None

**g. Town Manager's report**

Mr. Dean met with the Fire Chief today and discussed the department's very specific goals for 2011 and 2012. They will be working on a timeline for those for presentation to the Board. Some of the goals have to do with implementation of a revolving fund and enhancement of various revenue sources. The pre-planning on the basement storage project at the Town offices is underway. The Finance department continues to work on reconciling accounts in preparation for their 2010 audit.

**h. Legislative Update**

Mr. Aldrich said that the House has passed their Budget. Ms. Gilman said that the pole tax bill was tabled. This means that the exemption goes away. Mr. Dean said that everyone seems to be collectively holding their breath to see if there is any further activity on this. It would take a two-thirds vote to take it off the table.

**i. Selectmen's Committee Reports**

Selectman Ferraro announced that the CIP kickoff meeting is this Wednesday.

Selectman Aldrich has a Conservation meeting tomorrow night.

Selectwoman Gilman said that there is an EDC meeting tomorrow morning. Topics to be discussed include the master plan and hawkers & peddlers licenses. Heritage Commission and Transportation Committee both meet on Wednesday.

Selectman Clement will attend tomorrow's EDC meeting. He attended an interesting symposium last week at the Great Bay Discovery Center that discussed hazard inventories and threat assessments. He recently learned that there will be culvert mitigation money available in 2012 from Homeland Security.

**j. Correspondence**

1. Copy of an editorial regarding the EPA permit that ran in last week's newspaper
2. Copies of two letters that Town Clerk Linda Hartson recently wrote regarding the Green Gate Campground residency issue
3. Letter from Ms. Corson saying that she is interested in serving another term on the Planning Board
4. Two pages of correspondence regarding a letter of support for a grant for the Great Dam feasibility study
5. Email from Mr. Favreau of Parks and Recreation regarding the Swasey Parkway impact



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6. Email from Mr. Jeffers regarding water and sewer billing and corrective bills that were sent out to about 20 entities in Town due to a multiplier issue in the billing software

### **8. Review Board Calendar**

The next regular Board of Selectmen meeting will be on Monday, April 11<sup>th</sup>.

### **9. Adjournment**

**Selectwoman Gilman moved to adjourn, seconded by Selectman Clement. Vote: Unanimous**

The Board stood adjourned at 9:23 pm.

Respectfully submitted,

Jennifer Mancinelli  
Recording Secretary