

FINAL MINUTES

BOARD OF SELECTMEN MEETING

MINUTES

October 24, 2011

1. Call Meeting to Order

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

2. Public Comment

Colleen St. Onge wished to make the Board aware that there are several people from Bell Ave and Crawford Ave present tonight who would like to speak following the Lary Lane site review presentation.

3. Minutes & Proclamations

a. Regular Session Minutes of October 17, 2011

Mr. Quandt moved to approve the Regular Session Minutes of October 17, 2011 as presented. Ms. Gilman seconded. Vote: Unanimous

4. Appointments - None

5. Departments Reports – None

6. Discussion/Action Items

a. New Business

i. Fire Department Generator

Chief Comeau was present to request a transfer of funds in the amount of \$7,980 from the Ambulance Fund into the line item to finish the generator project. This is to cover the cost of a change order for a 600 amp disconnect switch required by the State Electrical Inspector. The project is complete now and the only thing remaining is to pay the balance of the project. A brief discussion ensued about this. Mr. Ferraro pointed out that there was initially a \$10,000 contingency in the original cost and asked if this had all be used up. Chief Comeau provided some additional explanation about the different funding sources involved in this. Mr. Aldrich pointed out that the \$7,980 requested may be covered under a previous Board authorization for the expenditure of \$26,000 from the Ambulance Fund toward the generator project if they have not yet expended the full amount authorized. It was decided that the Board needs to see an accounting of what has been spent from what account for this project so far to date. Mr. Dean will check with the Finance Department on the details of this.

ii. Lary Lane Site Review

Ms. Perry explained that DPW has worked with Weston & Sampson to develop a preliminary conceptual site plan for the proposed groundwater treatment facility at the existing Lary Lane well site. This was in response to a request for this information made by the Board of Selectmen on September 12th.

Ms. Perry referred to the reduced scale plans and explained that the layout of the treatment facility at the Lary Lane site would be similar to that of the Gilman Park site with one exception. The Lary Lane site plan includes backwash residual drying beds which is an option due to its distant location. At Gilman Park this was never a consideration because of the site constraints and concerns. Another point is that one can see the 250 foot shore land protection buffer district laid out and that is the reason why the facility is located where it is in the northeast quadrant of the parcel. It is notable that there are no wetlands immediately adjacent to the Lary Lane site. Lary Lane would be a feasible site.

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There are some slight cost variations between the sites. Gilman Park was estimated to be a 6.2 million dollar project while Lary Lane is estimated at 6.35 million. The difference in costs is due to extra piping required. It is slightly more expensive to pump from this more distant site. Other advantages to the Lary Lane site include the ability to deal with wash water residuals in drying beds, the fact that it would not be a park setting and there would be less abutters. The flooding issues with Lary Lane are less of a constraint than they are at the Gilman Park site.

Chairman Aldrich asked for some additional detail about what the backwash residual drying infiltration basins would do and how that would be a benefit. Ms. Perry explained that they could use drying beds at the Lary Lane site which would allow for infiltration of the backwash water. The treatment facility would include core filters in its current layout and those filters have to be backwashed regularly. At the Gilman site they would have to either pump that or truck that to the wastewater treatment system. At the Lary Lane site it could be infiltrated into the ground. Occasionally the drying beds would need to be scraped or cleaned. Chairman Aldrich said that the Board of Selectmen intends to propose a site for the facility before it gets to the ballot. This preliminary information indicates that both sites are feasible. The plan is to hold a hearing within the next couple of weeks in the course of a regular Board of Selectmen's meeting to have discussion and dialogue about the location of the groundwater treatment plant. It is the Board's intention to notify people that would be impacted by this and advise them when the hearing will be.

Ms. St. Onge said that it sounds like the Lary Lane site is a little more feasible than the Gilman site. Gilman would affect a whole neighborhood and would directly impact 5-6 homes with the facility being put right in front of them. Ms. St. Onge asked what the cost of the drying beds is. Ms. Perry did not have the actual breakout cost with her but can get it. The cost of the drying beds is inclusive in the total project cost. Ms. St. Onge asked if the Town has signed the deed yet for the transfer of Gilman Park. Mr. Dean stated that it is in its last step and should be done any time now. Mr. Aldrich said that the Attorney General held up the transfer of the park until all Gilman heirs could be tracked down and give their approval. Ms. St. Onge said that some of the deed paperwork states that if it is not maintained as a park as is it can revert back to its original owners which would be the Gilman Family. Mr. Dean explained that the transfer itself is subject to an easement held by the Southeast Land Trust and there were multiple pieces involved with getting all of the necessary paperwork associated with this completed. There was also the issue with ongoing rights to construct a facility on the site and use it for that purpose. This was part of the negotiated agreement between the Southeast Land Trust with the support of the Gilman Park trustees. Beyond that the issues have been strictly related to the Probate Court and the documents associated with the trust to insure that they meet the Court's muster. There was an opportunity for the AG to intervene and they have not so it is expected that it will be clear soon. One of the major purposes for transferring the land to the Town is that the Gilman trustees have had to carry individual liability insurance on the park for a long time and they are not in a position to do this anymore.

Ms. St. Onge wanted the Board to be aware that not everyone received the original Planning Board letter. She and her husband own property on Bell Ave and didn't get the letter so there was some issue with the process or database used. She was notified by one of her neighbors. She would like there to be opportunity for all residents of Crawford Ave and Bell Ave to have this information. Chairman Aldrich said that it is the Board's intent to do a mailing and they will work with the Assessing Office to make sure they get everyone in this area. Ms. St. Onge feels that the facility should be in some sort of an industrial area with 24 hour lighting, fencing and security. She doesn't feel that this is consistent with a neighborhood environment. Mr. Dean reported that the database issue with the mailing was a GIS maps

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online problem with Vision that has been corrected.

Mr. Brian Griset of Cullen Way understands the concerns of the residents near Gilman Park and feels that the process has been causing unnecessary concerns. He was shocked when he saw the artist's rendering of the treatment facility. He presented a drawing for the proposed plant which he had presented in 2007/2008 when he was on the Water & Sewer Advisory Committee. This drawing had an exterior façade that looked like a standard 3 bedroom cape which would fit in with the neighborhood. At that time Gilman Park was the second choice for the facility and Stadium Well was the first choice. The details of the committee's comprehensive reviews done at that time are accessible under the 2007 & 2008 Water & Sewer Advisory Committee meeting minutes. Mr. Griset feels that the current Water & Sewer Advisory Committee should be involved in doing an analysis of this and that it should be forwarded to someone to do an impartial analysis. Mr. Clement stated that the proposed CIP project for a groundwater treatment facility has been presented to the Water & Sewer Advisory Committee. Mr. Aldrich said that the W&S Advisory Committee will be involved in this process since it is a water and sewer project. This latest new information will be forwarded along to the W & S Advisory Committee.

iii. CIP Project Reviews – Water / Sewer Projects

Ms. Perry stated that tonight's focus will be on utility projects and the storm water program. Ms. Perry and Mr. Vlasich gave a power point presentation on the following CIP projects: Jady Hill Area Utility Replacement Phase II, Stormwater Program, Lincoln Street Utilities Phase I and Water Line Rehabilitation.

Mr. Vlasich explained that the Jady Hill Area Utility Replacement Phase II project in the amount of \$2.85 million would continue the work of Jady Hill Phase I which is just about to start. Phase II would focus predominately on sewer main replacements, I/I removal (public & private) and drain line replacements in the Jady Hill area. Phase II failed at the Town vote last year and feedback indicated that more information was needed by the community on this. In late 2008 / early 2009 the Town started the Phase III inflow and infiltration study for extra flows into the sewers and tried to come up with a game plan on how to eliminate these extra flows as well as reduce CSO's that occur during the wet times of the year. The study found that the Jady Hill area of Town had the highest I/I rates. This project would replace sewer mains and also proposes work on private property for sewer service replacements. There is also a small component for repair of existing drain lines.

Total project cost is \$2.85 million dollars. Sewer work is the predominant figure at 2.65 million with \$200,000 in drain replacements. Sewer replacements in the right of way are \$1.5 million dollars. Construction of relief drains at a cost of \$608,000 was added to the project to provide a place for water from sump pumps to be put so the residents can get water away from their property. Private service work out of the right of way is \$500,000 in total. There are about 107 homes in the Phase II area that would need replacement of their sewer services. Mr. Vlasich presented and explained a decision tree chart of I/I/ options for Jady Hill. There was much discussion about this at the last Water & Sewer Advisory Committee meeting. The W&S Committee made a recommendation that the Town tackle the private I/I issue, include the option to install the relief drains and replace services on private property. The committee recommended that the homeowner be responsible for the first \$1,000 of work on the property and the Town would absorb the rest. The homeowner would also be responsible for the cost of any needed internal plumbing work to make the connection, plug up foundation drains and remove sump pumps. The homeowner would need to get a letter from the plumber certifying that the required work was completed.

There was discussion about this project and costs. Mr. Quandt has been asked by several residents

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whether or not their home would be one of the 107 that requires replacement of their service lateral. Mr. Ferraro was concerned about potential tax implications to the homeowner for the portion of work on private property if the Town pays the cost if the IRS considers this taxable income. Mr. Dean stated that many sump pump connections to sewers were done prior to the current town ordinance that prohibits them coming into effect. He also reminded everyone that the Town is under an administrative order to reduce / eliminate CSO's. Removing waste water from the system to address this problem will also lower treatment costs. Mr. Ferraro also reminded everyone that whatever the Town does in this case will set a precedent. Chairman Aldrich said that the Board will need to make a decision soon on the scope of this project and how much if any the Town is willing to contribute to work on private property. Mr. Ferraro would like Town counsel to research whether or not there are any tax ramifications to the benefits that homeowners would receive if the Town paid for a portion of the private work and Mr. Aldrich will ask these questions. Ms. Perry said that DPW has conferred with NHDES and they have confirmed that the \$608,000 for sewer is eligible for SRF funding.

The next CIP project for consideration is the Storm Water Program with a proposed cost of \$75,000 in 2012. The Town has 35 miles of drain pipe with 65 separate points of discharge. Storm water contributes a significant amount of contaminants to waters in our vicinity. Exeter / Squamscott River, Little River and the Great Bay have been determined to be impaired by NH DES. Exeter is considered to be a regulated community due to its population density under the storm water permit program administered by EPA. They have already had their first storm water permit which is typically a 5 year cycle. Exeter is just about to receive its second cycle of permit expected around the end of the year / beginning of next year. This new permit will come with specific new requirements which will include: a written storm water management plan with measurable goals, a program for the detection and elimination of illicit discharges, dry and wet weather sampling to include all 65 outfalls and education / outreach. They are granted doing a quarter of the sampling each year over 4 years. They anticipate the cost to be on the same order of magnitude for following years. This item is in the budget. Ms. Perry said that DPW would not recommend that it be a warrant article.

Mr. Vlasich discussed the Lincoln Street Utilities Project Phase I. Total cost of the project of 3 years is 2.2 million. Proposed work to be done in 2012 would be \$954,000 in water line repairs and \$196,000 in sewer line repairs. He explained that a couple of years ago in the 2010 warrant the department was recommending a 1.4 million dollar water line rehabilitation project to happen every other year. It ended up getting voted in at a total of 1.6 million to allow for some design funds also right in the first year. This is a continuation of that project that evolved a little bit more. The water main replacement on Lincoln Street is about \$950,000. There are also some sewer lines that are in need of repair that they are proposing to rehabilitate at the same time. Lincoln Street is one of the highest priorities for water main replacement projects that the department would like to see fixed. Because of the skeletal network of water distribution, this is an important main when they start talking about a potential groundwater supply for connections throughout that direction of Town and to the elevated tanks. There has been some talk with the railroad platform and businesses that are down in that area about parking configurations, traffic flow and sidewalk conditions. Future CIP project years contain some design and investigation of how they could best configure this and also some estimates (\$105,000 in 2013 for roadway design and \$945,000 in 2014 for roadway construction). The main on Lincoln Street is 2,200 feet long and over 100 years old. It is a 6 inch main that would be replaced with a 12 inch pipe. While they are in that area, they would like to do some needed water and sewer line replacements in the Tremont Street and Daniel Street areas as well.

Mr. Ferraro asked if this gets approved if they would be repaving after the water and sewer line work is done since they are planning some additional road work in future years. Paul Vlasich said that they

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would just be trench patching for now. Mr. Aldrich suggested including the 2013 roadway design work into 2012 to combine the project into 2 years instead of 3 years even if the construction work did not get done until 2014. He did not feel that a warrant article for \$105,000 for roadway design would be successful on its own. Mr. Dean said that there are major issues on Lincoln Street. Since it is likely to be a multi-year bond, he recommended one warrant article for the entire project cost of 2.2 million. Concerns were expressed about putting a 2.2 million dollar warrant article for this project on the warrant in 2012. Mr. Ferraro suggested combining roadway design and roadway construction in 2013 and put in enough for a preliminary conceptual design in 2012. Mr. Quandt inquired as to the likelihood of this area needing emergency repairs in 2012 if this doesn't pass. Mr. Vlasich said the likelihood of emergency repairs is very high. Chairman Aldrich suggested thinking about how to split this project up. He did not feel that there would be enough support in 2012 for a 2.2 million dollar warrant article for this. Mr. Vlasich said that he can go back and break up the \$105,000 into several concept plans.

Ms. Perry said that they are continuing with a 1.4 million dollar water main replacement program every other year. Part of that 1.4 million (\$945,000) goes back to the Lincoln Street project discussed previously. The CIP project for Water Line Rehabilitation in 2012 in the amount of \$446,000 is the balance of the 1.4 million for 2012. This has been determined to be absolutely critical by the department. The DPW maintenance guys have the most repairs on Winter Street. The main on Winter Street is over 100 years old and has over 20 breaks. Mr. Vlasich also noted that thirty-five percent of the Town system is suggested for replacement. The Town has not been investing in its infrastructure. Mr. Quandt asked about the difference between replacing and sleeving a line. Mr. Vlasich said that sleeving, which is relining, is much cheaper. They would definitely do it if the option existed. However the conditions and ages of the pipes they are talking about prevent them from being candidates for sleeving. Mr. Aldrich suggested thinking about combining the Winter Street and Lincoln Street projects, plus perhaps a portion for design. Mr. Clement pointed out that Ms. Perry presented much of this same information to the subcommittee for the Budget Committee last Friday. He thanked members of the DPW for the amount of time they spend trying to educate people.

b. New Business

i. Tax Deeds Update

The updated list has a couple of changes from last week and decreases almost every day. Last week they discussed the issue of the 22 remaining people who refused service or had not made arrangements to pick up the notice. They are in the process of taking the steps now to notify them in several ways. Several attorneys have weighed in on how the Town can protect itself even if they refuse service and how the Town can go about meeting court standards for acceptable notice. That will be completed either this week or next week. It looks like they will be able to take action on these on December 5th. They have worked it out so that they have met the court standards and the Town is protected.

ii. Cemetery Association Agreement

Mr. Aldrich said that further to last week's discussion with Mr. Tucker, the cemetery association agreement has been forwarded to Town Counsel who has no objections. Mr. Ferraro's question regarding the Town's obligations in the case of a pauper objecting to cremation due to religious preference was also forwarded to Town Counsel. Mr. Dean explained that no one has ever dealt with this before and so it is likely to be handled if / when the issue arises. The Town's obligation under the law is to cremate. They have learned that it is not too common, having occurred only two times in Exeter in the last 14 years.

Mr. Quandt moved to enter into the agreement with the Exeter Cemetery Association as presented and authorize Mr. Dean sign it. Mr. Clement seconded. Vote: Unanimous

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7. Regular Business

a. Bid Openings – None

b. A/P and Payroll Manifests

a. Accounts Payable and Payroll Manifests

Mr. Ferraro moved to approve an accounts payable warrant for checks dated 10/21/2011 in the amount of \$ 363,097.68. Mr. Quandt seconded. Vote: Unanimous

Mr. Ferraro moved to approve an accounts payable warrant for checks dated 10/21/2011 in the amount of \$ 2,052,363.00. This is the school payment. Mr. Quandt seconded. Vote: Unanimous

Mr. Ferraro moved to approve a weekly payroll warrant for checks dated 10/19/2011 in the amount of \$ 163,827.85. Mr. Quandt seconded. Vote: Unanimous

Mr. Ferraro moved to approve a warrant for collection of jeopardy tax in the amount of \$335.93. Mr. Quandt seconded. Vote: Unanimous

c. Budget Updates

Mr. Dean announced that the Town has received its health rating for the two plans. The Blue Choice POS plan will increase by 4.6% and the Matthew Thornton HMO plan will increase by 1.3%. This is better than expected from a budget standpoint as the current budget has been created based on an increase of 12%. They are reworking the numbers now but expect the difference to be around \$120,000. Dental also got a favorable rating and the net will be about the same as last year. Mr. Clement asked if they are now at a point to start thinking about giving some direction to the Budget Committee as requested. Mr. Aldrich would like to see the default budget first. Mr. Aldrich announced that the MS5 annual financial report document for 2010 is complete and present tonight for signatures by Board members.

d. Tax Abatements & Exemptions - None

e. Water/Sewer Abatements

There are 4 water & sewer abatements up for consideration this evening.

1) 97 Portsmouth Ave Abatement Amount Requested: \$9,000
DPW does not recommend; W&S Advisory Committee does not recommend

Mr. Jeffers states in his memo that the meter at this site did not malfunction or be incorrectly read or billed. This ratepayer requests an abatement for issues occurring with a meter reading / billing issue at another ratepayer's location. Mr. Ferraro said that they received a letter from this entity explaining they felt that the underbilling had created an unfair competitive environment. The crediting of money back on water & sewer bills should take care of this. Mr. Aldrich pointed out that this is not due to a leak that occurred which is what the abatement policy covers. This doesn't meet the criteria for abatement.

Ms. Gilman moved to deny the water and sewer abatement for 97 Portsmouth Avenue. Mr. Clement seconded. Vote: Unanimous

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2) 40 Hampton Road Abatement Amount Requested: \$2,619.10
DPW does recommend; W&S Advisory Committee does recommend

They have requested an abatement for high water and sewer usage. There was discussion on August 9, 2011 with representatives of the property owners. The Town of Exeter agreed to install all individual homes with new Neptune meters. The Town of Exeter found a leak underneath a unit during the meter install and the leak has been repaired. A new unit was installed without a meter, but that has been fixed and is now metered. The Coop has contracted with someone to do leak checks on the property. The Coop has applied for a grant to make improvements to both the distribution and collection systems within the property.

Mr. Ferraro questioned how this could be considerable accidental, unpreventable water release which is what the policy states is a requirement for abatement. It was decided that the Board would request more information about this from Mr. Jeffers to explain how this abatement request fits under the policy before taking any voting action on this.

3) Exeter River Landing on Linden Street Abatement Amount Requested: \$2,472.87
DPW does recommend; W&S Advisory Committee does not recommend

DPW met with the manager of the property to discuss 6 weeks that were identified and confirmed to be repaired by Public Works. They are requesting an abatement on the sewer portion only because the water didn't go through the sewer collection system. The customer's excess consumption exceeds 35,000 gallons above their average normal consumption. Mr. Clement explained that the W&S Advisory Committee voted to recommend denying this abatement because the leaks were due to pipes that froze after tenants moved out in the winter.

Mr. Ferraro moved to deny the abatement request. Ms. Gilman seconded. Vote: Unanimous

4) 151 Portsmouth Ave Abatement Amount Requested: \$2,084.80
DPW does recommend; W&S Advisory Committee tabled until DPW could review further

This is a commercial account that noticed a very high bill due to watering a newly seeded lawn. It appears that they were unaware of how much water was used compared to previous years. The customer's excess consumption exceeds 100% above their average normal consumption during summer irrigation usage, plus this is water that didn't reach the sewer collection system. They plan to install a deduct meter in the Spring of 2012 to avoid this happening again. Mr. Clement said that this was tabled by the W&S Advisory Committee because there were questions about the calculation numbers. Mr. Ferraro said that this does not seem to meet the criteria of accidental, unpreventable water release. He also commented that with regard to the deduct meter he has checked the Town ordinances and the only place that a deduct meter is allowed is on a residential single family home. They can put in a deduct meter but the Town still has to charge the same amount, unless they have an accidental, unpreventable water release. Mr. Dean said that they can look into this. The Board tabled this until they have some more information.

f. Permits

1) Use of Town Hall on November 10, 2011 for the Water Sector and Exchange Flooding Workshop from 8 am to 2:30

2) Use of the Town Hall on November 6, 2011 for a talent show and film viewing by Face-NH

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Mr. Quandt moved to approve both permits as presented. Ms. Gilman seconded. Vote: Unanimous

g. Town Manager's report

Mr. Dean said that they just got word that the CDBG grant for the Exeter Hampton Mobile Home Park has been approved which is great news for the park. At the manager's meeting last Friday in Concord, there was a report from LGC regarding the latest on the litigation that they are involved in. They have offered to come down and talk to the Board at any time if the Board would like. DRA has been making process improvements and is developing a much more user friendly system. The Town Hall brickwork project is ongoing and will continue into October/November.

h. Legislative Update

Mr. Quandt said that the House passed a study committee to look into the way in which the LGC investigation was conducted. Debate seems to center around the ability to subpoena and the consequences of this.

i. Selectmen's Committee Reports

Selectman Ferraro received a copy of the Pine Road safety study. Work is ongoing now. Completion is scheduled for 45 days from contract signing so there should be a report in about 30 days.

Selectman Quandt had nothing to report.

Selectwoman Gilman said that the Energy Committee met to review the bids opened last week. They have a few questions for all of the proponents. They should have a recommendation next week.

Selectman Clement had a Council on Aging meeting last week. They are embarking on a fundraising endeavor to try to raise funds for some needed new chairs for the center. They reviewed the first draft of a newsletter that will hopefully be distributed in December. Exeter River meets on Thursday.

Selectman Aldrich has an Arts Committee meeting this Thursday night.

j. Correspondence

1. Letter from the Office of Energy and Planning at the State regarding the weatherization program and an invitation to participate in the National Weatherization Day Celebration
2. Copy of the letter sent out regarding the actions last week on cancelling the Planning Board meeting October 27th for the groundwater treatment plant
3. Email from resident to the Rockingham Planning Commission copied to Chairman Aldrich regarding discussions about the Park Street bridge project which is on the State's 10 year plan
4. Email that Board members received today regarding input on the Jady Hill private sewer work
5. Email to Board from Mr. Ferraro and Mr. Clement regarding the website project

8. Review Board Calendar

The next regular Board of Selectmen meeting will be Monday, October 31st at 7:00 pm.

Mr. Clement thanked Mr. Dean for posting the upcoming special town election tomorrow on the electronic sign board downtown. However, he feels that the sign board should not be there as a permanent fixture and is a safety hazard. He would like to see it display just the notice of the election

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tomorrow and remove the flushing information. After that he would like to see it moved to a different location. Mr. Dean will speak to Mr. Perkins about changing the language for tomorrow and then making arrangements to have it moved after that.

9. Non Public Session

Mr. Quandt motioned to go into Non Public Session for a fee waiver. Mr. Clement seconded.

Selectman Ferraro called the roll. Selectman Ferraro: aye, Selectman Quandt: aye, Selectman Aldrich: aye, Selectwoman Gilman: aye, Selectman Clement: aye.

10. Adjournment

The Board emerged from Non Public Session and stood adjourned at 9:36 pm.

Respectfully submitted,

Jennifer Mancinelli
Recording Secretary