

Final Minutes

Exeter Board of Selectmen Meeting

July 15, 2013

1. Call Meeting to Order

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

2. Public Comment

Brian Griset spoke about tax deeds and asked the Board if they were aware some of the locations noted as “unknown” probably belong to the abutters. He asked the Board to investigate that before they take action on those locations. He also had an issue with the July 1 BOS minutes. He asked what the minutes process was and Mr. Dean explained. He had an issue with what was stated under Public Comment. He said he did not use the word “clarity” he in fact said “violation of the law”. He said three major points were missing from the minutes. He would like the following points to be on the minutes:

- The Board left the notice location and without notice to the public proceeded to the downstairs meeting area at 6:30

- Mr. Griset asked Chairman Clement if the Board would revote on issues discussed downstairs illegally and Chairman Clement refused.

- Mr. Griset asked a question regarding changing the geographical location of the publically noticed meetings and Chairman Clement said he could hold meetings at any location he wished.

Chairman Clement asked Mr. Griset to submit his clarifications to him. Mr. Griset said he would submit them to Mr. Dean the next day.

Selectman Ferraro spoke in front of the Board. He stated the Selectmen’s oath of office. He went on to say that nowhere does it say to perform duties agreeable to the rules and regulations of the law of the State of NH if it is convenient or if he agrees with them. He was speaking to address the public meeting that proceeded the public session of the July 1 BOS meeting. He said the notice of date and time of a public meeting should be posted in 2 appropriate places at least 24 hours prior to said meeting. All public notices said the meeting would begin at 7:00 in the Nowak Room. Selectman Ferraro said that the Board was in violation of RSA 91-A:II. He said the Board ignored the RSA and the public’s Right to Know law.

He apologized to the public. Selectman Quandt asked when he became aware of the meeting. Selectman Ferraro answered when he became aware when he received an email from Mr. Dean. Selectman Ferraro said he suggested notifying the public of the meeting and no one agreed. Vice Chair Chartrand commented he went to the Wheelwright Room out of practice.

3. Minutes & Proclamations

a. Regular Meeting: July 1, 2013

A request was made by Brian Griset for more accurate minutes. Chairman Clement said as soon as he receives Mr. Griset's suggested corrections he will get them out to the Board.

A Motion was made by Chairwoman Gilman and seconded by Selectman Quandt to table the minutes of the July 1, 2013 meeting. Motion carried – all in favor.

4. Appointments

No appointments.

5. Discussion/Action Items

a. New Business

I. Groundwater Plant Design Update

Jennifer Perry, Public Works Director, gave an update of the Groundwater Plant Design. She said they are 75% done with the design of the project. This project was approved at a meeting in late 2012. Ms. Perry said they signed a contract with Weston & Sampson in January. She said there has been no slide in the schedule. She then introduced Jeff McClure, project manager from Weston & Sampson. He gave a detailed walk through of the project design. Mr. McClure got to a point where he was talking about the first floor plan. He went through the layout and functionality. Chairman Clement asked if the fourth filter was part of the \$6.5 million budget and Mr. McClure answered if is not. Mr. Clement asked the price of the fourth filter and Mr. McClure answered \$150,000 plus a fee.

Mr. McClure continued going through the layout. Selectwoman Gilman asked about the translucency above the doors. Selectman Ferraro mentioned he only saw one exhaust and asked if there are going to be more and confirmed there will be a mechanical dehumidification system. Mr. McClure answered there is no need for more exhausts, and answered there will absolutely be a mechanical dehumidification system. Selectman Quandt asked if the undercut is through bedrock and Mr. McClure answered no there is no bedrock.

Ms. Perry said there is an existing pipe at Gilman Park but it is being abandoned.

Chairman Clement asked when construction will start on the plant. Ms. Perry answered early spring of 2014 and will go through 2014 into 2015. She said the new plant will be open in May or June 2015.

Chairman Clement asked if the DES permitting is all lined up. Ms. Perry said yes and that they are working on quite a few permits.

Selectman Ferraro asked if they are still on track for state funding. Ms. Perry said yes. She said she had a conversation with the town planner about permits and going in front of the Planning Board. She said they are getting close to go in front of the Planning Board.

Selectman Ferraro suggested giving a conceptual review to the Planning Board, then the BOS.

Brian Griset had a question about the clarifiers. He thought there were more and asked if there has been a downsize in the plan. Ms. Perry said no there has been no downsizing.

II. Public Hearings: CDBG Grant Meeting Place Phase III

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to open a public hearing on proposed meeting place. Motion carried – all in favor.

Donna Lane read a memo on CDBG grants and had informational packets available, she talked about who they are available to and the dollar amounts available. She talked about the purpose of the grant.

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available on a competitive basis for economic development, public facility and housing projects and emergency activities that directly benefit low and moderate income persons. Up to \$12,000 is available for feasibility study grants.

The purpose of this Community Development Block Grant funding request is a proposed application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds. The majority of the funds, up to \$475,000, or the benefit of those funds, will be subgranted to Berry

Park Housing Corporation for the construction of 39 units of affordable housing at One Meeting Place Drive in Exeter. The CDBG funds will finance site work and/or acquisition costs.

This project conforms with Exeter's Housing and Community Development Plan's Goal of: GOAL – The Town of Exeter should seek to promote an environment within which each resident can secure adequate affordable housing in safe, healthy and attractive neighborhoods, with good quality water and wastewater systems.

Selectmen Clement asked for public comment. There was none.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to close said public hearing. Motion carried – all in favor.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to open a public hearing on Housing and Community Development Plan. Motion carried – all in favor.

No changes to the existing Housing and Community Development Plan are proposed at this time.

This project conforms with Exeter's Housing and Community Development Plan's Goal of: GOAL – The Town of Exeter should seek to promote an environment within which each resident can secure adequate affordable housing in safe, healthy and attractive neighborhoods, with good quality water and wastewater systems.

Selectmen Clement asked for public comment. There was none.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to close public hearing. Motion carried – all in favor.

A **Motion** was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to open a public hearing on the Residential Antidisplacement and Relocation Plan. Motion carried – all in favor.

Ms. Lane stated that although this project does not involve any displacement or relocation of persons (or businesses), if the Town were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

Ms. Lane said every time they ask for CDBG funds this plan has to be adopted.

Selectmen Clement asked for public comment. There was none.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to close public hearing. Motion carried – all in favor.

A **Motion** was made by Selectman Quandt and seconded by Vice Chair Chartrand to readopt the Housing and Community Development Plan. Motion carried – all in favor.

A **Motion** was made by Selectman Quandt and seconded by Vice Chair Chartrand to readopt the Antidisplacement and Relocation Plan. Motion carried – all in favor.

A **Motion** was made by Selectman Quandt and seconded by Selectwoman Gilman to approve the submittal of the application and vote to authorize the town manager to sign and submit the application and upon approval of the CDBG application, authorize the town manager to execute any documents which may be necessary to effectuate the CDBG contract. Motion carried – all in favor.

III. Public Hearing: NH Charitable Trust Grant

Ken Berkenbush talked about a \$20,000 grant from NH Charitable for the Substance Abuse Prevention Program which was administered by United Way.

A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to accept the grant for \$20,000. Motion carried – all in favor.

IV. Tax Deeding

Chairman Clement said as of 4:00 July 15, there was a list of several properties that were still were in default of tax payments. He said they could either accept tax deeds or waive them. He went on to say some properties have paid since the list went out.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt for the Board of Selectman to accept tax deeds on the following properties:

- Map 52, lot 104-1, owner unknown
- Map 115, lot 9-1, owner unknown
- Map 23, lot 5, owner unknown
- Map 102, lot 2-1, owner unknown
- Map 33, lot 27, owner known. Motion carried – all in favor.

A Motion was made by Selectman Ferraro and seconded by Selectwoman Quandt to accept a tax deed on Map 95, lot 82. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectman Ferraro to accept a tax deed on Map 103, lot 13-11. All opposed – motion fails.

Selectman Quandt encouraged the Board to vote no and support a deed waiver. Mr. Dean said these manufactured housing properties add up to about \$214,000 in assessed value. There is no right to enter so can't be sure of inside value. He went on say if the Board is inclined to approve the deed waivers it doesn't relieve the property owner of paying their taxes. It is something to go on file until further notice.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a tax deed for Map 103, lot 15-11. All opposed – motion fails.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a tax deed on Map 104, lot 79-14. All opposed – motion fails.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to accept a tax deed on Map 104, lot 79-302. All opposed – motion fails.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to accept a tax deed on Map 95, lot 64-263. All opposed – motion fails.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a tax deed on Map 95, lot 64-379. All opposed – motion fails.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to accept a tax deed on Map 95, lot 64-251. All opposed – motion fails.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a tax deed on Map 95, lot 64-42. All opposed – motion fails.

Chairman Clement then moved on to deed waivers. Mr. Dean read what a deed waiver is.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 103, lot 13-11. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 103, lot 15-11. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 104, lot 79-14. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 104, lot 79-302. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 95, lot 64-263. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 95, lot 64-379. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 95, lot 64-251. Motion carried – all in favor.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept a deed waiver for Map 95, lot 64-42. Motion carried – all in favor.

Selectman Ferraro talked about putting some properties out to bid, saying some adjacent property owners might be interested. Chairman Clement said it was something to look into. He will ask the Conservation Commission if they have any interest.

Gerry Hamel spoke, asking if there is any way the town could set up a process for abutters to add to their properties. He said he would like a list to go out consisting of parcels of land for sale. Selectman Ferraro said property owners can go to the assessor's office to see if land is town owned. Chairman Clement said there are only a few pieces of land available.

V. Bid Award – Ladder Truck

Ken Berkenbush said the bid went to Bulldog Fire Apparatus of Woodsville, MA for the amount of \$824,097. He went on to talk about the truck, saying it has more features, higher ladder rails, driverside airbags, the most ground ladders, and a 5 year warranty. He said it will take 300 days to deliver. It will fit in the existing station and will be in service until 2034. Chairman Clement asked if it was below budget and Mr. Berkenbush answered it is.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to award the ladder truck bid to Bulldog Fire Apparatus for the amount of \$824,097. Motion carried – all in favor.

VI. Parking Regulations: Epping Road Extension

Mr. Dean said he got a call from Winter's Automotive. Mr. Winter is asking the town to reconsider parking on both side of the road on Epping Road Ext. He would ask that there be no parking allowed as it does not allow any parking for his business. Mr. Dean went on to say there needs to be three hearings on this so he would like to get it on the next agenda. Selectman Quandt said that would not be a problem.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to accept the first reading to remove parking on the Epping Road Extension. Motion carried – all in favor.

Mr. Dean said Chief Kane will be in to discuss this further.

b. Old Business

I. Sportsmen's Club Update

Ken Berkenbush gave an update on the Sportsmen's Club. He had the results of the soil testing done at the Club. He said there was some lead, but no high levels. He went on to say there were a lot of PHAs as a result of clay shooting done at the Club. He said they are not good but are stable and not moving anywhere. He has proposed the removal to DES but has not heard back. Mr. Berkenbush said he has been in contact with the Club and they are amendable to work with him as best they can as long as it is within their budget. He hadn't pursued much further because he had not heard back from DES. He said 15 inches of topsoil would have to be removed and replaced but he is not sure when this will be done. Mr. Dean said he would look at the regulations. Mr. Berkenbush was worried that the DES would take too long and he would run out of construction time. Mr. Dean said he would write a letter to Mr. Regan to push things along. Chairman Clement said there is no question the Board would like this to move along and is fully supportive.

6. Regular Business

a. Bid Openings /Surplus Declarations

Chairman Clement gave the following bids for the Concord Pump Station:

1.	Gemini Electric Inc.	\$37,950
2.	Weston & Sampson	\$43,567
3.	Sherburne Consolidates	\$39,175
4.	Ewing Electrical Company	\$32,700

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Gilman to turn the bids to Public Works to evaluate and make a recommendation. Motion carried – all in favor.

b. A/P and Payroll Manifests

Chairman Clement said they no longer have to read manifests at meetings. However, he would like a list to be in the packet. Selectman Ferraro agreed and asked if the list would be in the Selectmen’s office weekly. Vice Chair Chartrand said the list would be available in the town manager’s office. Chairman Clement said he would like the list to consist of date/type/total. Mr. Dean said there would be a list in the July 29 packet.

c. Tax, Water/Sewer Abatements & Exemptions

A Motion was made by Selectwoman Gilman and seconded by Chairman Quandt to approve an intent to cut for Map 47, Lot 7, 13-153-01 as assigned by municipality. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve the refund amount of \$1809.22 for Map 81, lot 51. Motion carried – all in favor.

d. Permits and Approvals

Mr. Dean reported no permits.

Mr. Dean talked about getting approval for the Women’s Club request to put up a sign as well as signs to advertise for the summer Arts and Crafts Fair.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to approve an A-frame sign and 25 or less road signs. Motion carried – all in favor.

e. Town Manager’s Report

Mr. Dean talked about the following:

- The town clerks area of construction is complete. All windows are fully functional. Kudos to all involved.
- Parks and Rec concert series underway.
- Jady Hill project continues. Public Works will give an update at the next meeting.
- Town Hall work
- Chris from the Planning Dept. resigned and Lee from the Clerk's office will be moving into her spot.
- He is working on the social media policy, public drinking, and the cable tv streams sound quality.

Chairman Clement said he would like detailed dates of start/completion of town hall work. Vice Chair Chartrand thanked the town manager for all his work. Selectwoman Gilman asked if they can change the order of construction. Mr. Dean commented the order is the way it is because there is an art gallery show in August. Selectman Ferraro asked why the Art Gallery gets priority. Chairman Clement said the reason the Art Gallery is done first is the floor has to be done but other work will be going on at the same time. He said it is not an either/or situation.

f. Legislative Update

Selectman Quandt said the legislature is in recess, that they usually take the month of July off.

g. Selectmen's Committee Reports

Selectman Ferraro reported he had a Planning Board meeting where they discussed Linden Commons. He said they would be meeting with the developer July 16.

Vice Chairman Chartrand met with Roger Stevenson on CAPE. He said he took a survey and as a result of the survey he agreed to help. He said he had an EDC meeting on July 9. All was cordial and it was a good meeting.

Selectwoman Gilman reminded about the American Independence Festival on Saturday. She said there would be a table with 375th merchandise. She also said the Heritage Committee met. They are almost done finalizing their goals.

Selectman Quandt said he had nothing to report.

Chairman Clement said the Conservation Commission met and they approved an event.

j. Correspondence

Chairman Clement talked about the following correspondence:

- A letter from Dean Eastman giving a project update on the restoration of 1890 baggage building. Chairman Clement asked if anyone can help. Selectman Quandt said there are federal guidelines. Mr. Dean said they run the risk of violating if the rules are not followed. Vice Chair Chartrand said this is an important piece of development.
- A letter from Pennichuck about an Order relative to the Rate Case filed by Pennichuck
- A notification from Exeter Police Dept. about an increase in hourly detail rate
- A letter from Amy Begnoche about the Roads Scholar Program confirming Scott Cook has achieved the status of Senior Roads Scholar. Chairman Clement congratulated Scott.
- A letter from Wendy Lee Parker saying she is in receipt of Mr. Dean's letter requesting LGC HealthTrust refund his group's share of the 2011 HealthTrust medical surplus in the form of a check
- A monthly report from EXTV
- A letter from the Senate about establishing a commission for projected sea level rise
- A letter from Families First thanking the Board for a check received

7. Review Board Calendar

Chairman Clement said the next BOS meeting will be July 29. He would like the following to be on the agenda:

- Draft of the Social Media policy
- Draft of the Public Drinking policy
- Epping Road extension
- Jady Hill update
- Bid award Colcord Pump Station
- Finance quarterly report

A Motion was made by Selectman Quandt and seconded by Vice Chair Chartrand to adjourn the meeting at 9:29 pm. Motion carried – all in favor.

Respectively submitted,

Nicole McCormack
Recording Secretary