

**Exeter Board of Selectmen Meeting  
Monday, June 4<sup>th</sup>, 2012, 7:00 p.m.  
Nowak Room, Town Office Building  
10 Front Street, Exeter, NH**

**BUSINESS MEETING TO BEGIN AT 7:00 P.M.**

1. Call Meeting to Order
2. Public Comment
3. Legislative Updates
4. Minutes & Proclamations
  - a. Regular Meetings: May 21<sup>st</sup>, 2012
  - b. Special Meetings: May 18<sup>th</sup>, 2012
5. Appointments
6. Discussion/Action Items
  - a. New Business
    - i. Exeter Swim Team re: Bubble Proposal
    - ii. Recreation Director – Pool Filter Replacement
    - iii. Planning Grant Application: Form Based Code
    - iv. Dog Warrant 2012
  - b. Old Business-
    - i. Bid Award: WTP Roof Replacement
    - ii. Tax Deeds
7. Regular Business
  - a. Bid Openings
  - b. A/P and Payroll Manifests
  - c. Budget Updates
  - d. Abatements & Exemptions
  - e. Permits
  - f. Town Manager's Report
  - g. Selectmen's Committee Reports
  - h. Correspondence
8. Review Board Calendar
9. Adjournment

Matt Quandt, Chairman  
Board of Selectmen

Posted: 6/1/12 Town Office, Town Hall, Website  
Distribution: Town Departments

Persons may request an accommodation for a disabling condition in order to attend this meeting. It is asked that such requests be made with 72 hours notice. If you do not make such a request, you may do so with the Town Manager prior to the start of the meeting. No requests will be considered once the meeting has begun.

**1. Call Meeting to Order**

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

**2. Public Comment**

Don Woodward, Exeter Resident comes forward to express his appreciation to the Board for their support in retaining a grant for the manufactured home cooperative he resides in. He also wishes to thank Christine Szostak of the Building and Planning Department for her assistance in the application for the grant. He notes that Exeter is recognized as the only town in Rockingham County to receive this kind of grant and while they did not get the full \$1,000,000 they were hoping for, the funds they did receive will contribute to the cost of repairing over a hundred homes in the park.

Renee' O'Barton, Exeter resident comes forward to request an update in the near future on the Water Street projects. Chairman Quandt calls upon Jennifer Perry, Director of DPW to compose an update for an upcoming meeting.

Brian Griset, Exeter resident comes forward to inquire why the Selectman's Goal Setting sessions were held at the DPW as opposed to in the Town Offices. Chairman Quandt advises him that the meetings are very informal and tend to take place in a casual atmosphere. Mr. Chartrand adds that the Goal Setting Session was held at the Chamber of Commerce last year, thus setting the precedent. Mr. Griset inquires if due public notice was given and Chairman Quandt indicates that it was. Mr. Griset also expresses his concern that he has heard no response to his inquiry on the policy and procedure regarding what email correspondence goes into the Board of Selectman packet. He recounts a request he made several meetings ago as to the policy on who decides what correspondence goes in and what does not. Chairman Quandt indicates as the Chairman, he has final say on what does or does not go into the Selectman's packet.

**3. Minutes & Proclamations****a. Regular Meeting: May 7, 2012**

**Mr. Chartrand moves to accept the minutes of the May 7, 2012 meeting as presented to the Board. Mr. Clement Seconds. Vote: Unanimous.**

**4. Appointments - None****5. Discussion / Action Items****a. New Business****i. Public Hearing: Fire Training Funds**

**Mr. Clement moves to open the public hearing on Fire Training Funds. Mr. Chartrand Seconds. Vote: Unanimous**

Assistant Fire Chief, Ken Berkenbush comes forward to summarize the grants available to the Town of Exeter Fire Department. As he has presented to the Board at previous meetings, the Fire Department employees are eligible for part of a \$4,400,000 grant that will fund classes for firefighters in New Hampshire. The grant includes compensation for overtime, if required, and for back filling the positions of the firefighters attending classes. He expresses that the Department has this opportunity to take the time and go to as many trainings as they can. There are no questions or comments from the public. Chairman Quandt closes the public hearing.

**Mr. Chartrand moves the Board of Selectman accept up to \$90,000 in unanticipated grant funds from the Department of Safety for firefighter training purposes. Ms. Gilman Seconds. Vote: Unanimous.**

**ii. Emergency Plan Update – Emergency Management**

Assistant Fire Chief, Ken Berkenbush introduces Dylan Smith, Senior Planner for Rockingham Planning Commission.

**Mr. Ferraro moves the Board of Selectmen allow Mr. Smith to speak before the Board as he is not an Exeter resident. Mr. Clement Seconds. Vote: Unanimous.**

Mr. Smith presents a summary of the grant offered annually from NH Homeland Security Management to conduct updates to municipalities Emergency Management Plans. Exeter was on the schedule for an update to the plan. He summarizes the ten step process of looking into the potential hazards and brainstorming of new mitigation answers to those potential hazards. He advises that this presentation is a formality required by FEMA prior to submittal of a plan update, affording the residents of Exeter the opportunity to express their opinions or concerns. Mr. Clement comments that he has read the plan update and it is very thorough. He asks Chairman Quandt if this update needs to be voted upon by the Board now. Chairman Quandt advises that voting on the adoption of the updated plan can be put off for another meeting. Mr. Clement expresses his concerns regarding some of the proposed mitigations. He wonders if the Board approves and adopts this plan update, is it implied consent that the Town of Exeter will then go ahead with some of the projects in the Capital Improvement Program. He notes some of the proposed projects will extend to the year 2017. Mr. Berkenbush indicates that any questions can be directed to himself, RPC or any fire or safety official. Mr. Clement expresses his desire to offer his input regarding the Exeter River flooding issue. Mr. Berkenbush indicates another public meeting will be necessary before the updates to the plan can be adopted by the Board of Selectmen and he would like to have all the questions and comments resolved as quickly as possible. He advises that the capital projects recommended at the back of the presentation are recommendations. There is nothing that will bind the Town of Exeter to these projects, as all capital expense projects require a vote by the Town residents. Mr. Clement clarifies that should the Board adopt this update, the document will go on file as a working document and can be critical to securing future grants. Mr. Smith advises that at the back of the presentation there is an appendix. This is a list of projects regarding Hazard Mitigation Assistance Programs. These are a slew of pre-disaster grants the Town of Exeter would then be eligible to apply for, assuming the Selectmen adopt the updated plan. He hopes the Selectman would recognize this and utilize some of the parts of the plan in going through review of other Town Operations Plans, including the Master Plan. Mr. Clement requests the document be uploaded to the Town Website for public review and possible public comment. Mr. Berkenbush reflects on a few of the disasters the Town of Exeter has seen over the years, in his experience a document such as this is critical. Submittal of the plan to FEMA would make the Town eligible for FEMA reimbursement in the event of an emergency. Mr. Smith reminds the Board that the current Emergency Plan is out of date. His recommendation is to submit the adopted plan to FEMA as quickly as possible for conditional approval.

### **iii. Sustainability Initiative: RPC**

Glen Greenwood, Assistant Director of the Rockingham Planning Commission comes forward to present a program that has been awarded to the Planning Commission of Exeter, NH.

**Mr. Clement moves the Board of Selectman allow Mr. Greenwood to speak before the Board, as he is not an Exeter resident. Mr. Ferraro Seconds. Vote: Unanimous.**

Mr. Greenwood summarizes this as the first time the Regional Planning Commission Association's of New Hampshire have attempted federal funding on a large scale, from the Department of Housing and Urban Development. The grant is for sustainability. The grant was successfully secured by the Rockingham Planning Commission and he expresses his appreciation in the Town of Exeter agreeing to participate in the program in order to have the application for the grant accepted. He points out that participation by the Town of Exeter comes with no monetary requirement, only that the Town elect a few member Commissioners in the three year initiative. In finalizing the nine Regional Commissions across the state, utilizing funds from this grant, the goal is to assist the State of New Hampshire to finish the development of the state wide Development Plan. He notes the process is already underway and several meetings have already taken place. He hopes his presentation this evening will entice some Exeter residents to attend any upcoming meetings or listening forums and participate at their convenience, as the public perspective is critical to the process of developing and finalizing this plan. The finalized Regional Development Plan will serve as an advisory document for communities to use in preparation of their own Master Plans. A number of chapters that the Commission would otherwise not have funds to develop will be addressed. The program is named "Granite State Future." He notes the regional plan is being developed in conjunction with the eight other regions in the State. Mr. Chartrand asks for clarification of the expectation to the residents of Exeter. As he understands it, any resident can participate in any meeting and asks for the procedure for residents wishing to have sustained participation. Mr. Greenwood advises that the DHUD is requiring a more broad scope of public participation than the Planning Commission is used to. Part of the requirement is that outreach is diligent to ensure a fully body representation of the general public is available. The goal of the "equity group" is to ensure all residents are encouraged to participate. The topics and areas of upcoming meetings and open visioning sessions will be posted

to the Rockingham Planning Commission website. [www.RPCNH.org](http://www.RPCNH.org). He believes the site is likely to have a separate link for a page dedicated to the Granite State Futures second in the near future. Ms. Gilman notes a grant UNH is currently seeking from HUD for a sustainability project in which Exeter would be used as the model for open meetings. She also notes the HFA has a program for citizen involvement and planning. Mr. Greenwood recognizes these grants and notes they came from the same funding round for Community Planning Grant Programs. Mr. Clement notes that the RPC has provided great resources in the past and that Exeter is one of the largest communities in the region. He feels if through promotion, he can involve community members this would be a worthwhile endeavor. Chairman Quandt inquires if the Town of Exeter is current on the RPC Commissioner Appointments. Mr. Greenwood believes the Town is current. Ms. Gilman expresses her desire to see the Regional Plan in full development as many parts of it are inclusive to the Town of Exeter Master Plan.

Brian Griset, Exeter resident comes forward to express his concern regarding Exeter's participation in this initiative. He notes that the large portion of the packet talks about sustainability based on climate change. Many of these documents are used to create regulations at a State and Local level. He hopes the Board takes into consideration the Conservation Law Foundation is enjoined in this initiative and Conservation Law Foundation has filed suit against the Town of Exeter regarding the Great Bay.

Mr. Chartrand extends his appreciation to the RPC, taking on a multiyear initiative. He notes it is an enormous charge and the RPC should be commended.

#### **iv. Grant Designation: CLG Grant**

Ms. Gilman presents a grant application she has prepared for a survey of High Street in conjunction with the Historic District Commission. The grant, if approved would address each building, giving it a narrative description, resulting in a document to provide the HDC to utilize in decisions relating to renovations at the historic locations. The grant is in the amount of \$26,100 and requires no match of funds from The Town. She requests approval for submittal of the application and to be designated as the Administrator.

**Mr. Chartrand moves that the Board of Selectman support the grant application in the amount of \$26,100. 00 and designate Selectwoman Julie Gilman as the Administrator. Mr. Clement Seconds. Vote: Unanimous. Ms. Gilman Abstains.**

#### **v. Resignation of Town Treasurer**

Chairman Quandt advises the Board and the public that the Town Treasurer, Don Brabant has offered his resignation as Town Treasurer effective June 30, 2012. Chairman Quandt notes that Mr. Brabant has served as the Town Treasurer for thirty-three years. Mr. Chartrand wishes to offer his personal thanks to Mr. Brabant for his diligent service and guidance. He marks Mr. Brabant as a primary resource of education in his experience serving on various Boards and Commissions with him. This is a true example of how one individual can have a significant impact on the arc of a Town as a whole, an exceptional display of public service. Mr. Clement agrees with Mr. Chartrand's sentiment. He feels the resignation of Mr. Brabant will be difficult as he has been a tremendous asset to the Town of Exeter. He notes Mr. Brabant has served as Treasurer and a multitude of other capacities and he and Mr. Brabant have worked together on various Committees for over fifteen years. Mr. Clement praises Mr. Brabant's skills and personally attributes him as a welcomed addition to any Town or Committee. Mr. Clement wishes to congratulate Mr. Brabant on his retirement and his upcoming nuptials.

Don Woodward, Exeter resident comes forward to offer his suggestion to dedicate the 2013 Town Report to Don Brabant, as a tribute.

Mr. Dean advises the Board that the position is an elected position and the resignation letter officially means the position is vacant and the office can only be filled by a resident of the Town of Exeter. It is the charge of the Board of Selectmen to appoint a replacement until an election can be held. As Mr. Brabant will serve as Treasurer until June 30, 2012, the Board can also elect to approve Mr. Brabant appointing a Deputy Treasurer on an interim basis. Mr. Brabant currently has no recommendations for filling the position. He has offered his assistance in the transition of a new Treasurer to the position. Mr. Ferraro asks if the advertisement of the position will include the required qualifications. Mr. Dean notes that the position is an elected position; therefore there is no formal qualifications requirement. There is a sample job description available. Mr. Dean notes the position pays \$8,800 per year causing the pool of interested candidates to be limited. Chairman Quandt expresses his desire to appoint Selectman Clement and Selectwoman Gilman as a Selectman workgroup to begin filtering through the process and prepare a recommendation. Mr. Clement asks if the Board envisions an interview process for the candidates. Mr. Dean

expresses the importance of the position of Town Treasurer. He notes again, the position pays minimally, has no official job description and is restricted to Town residents. He recommends due diligence in the immediate future to fill this vital role. He notes the characteristics of the position are unique and traditional advertising channels may prove difficult. Mr. Ferraro expresses his desire to have the opportunity to sit in on the interviews. He notes the Board interview people who sit in on Committees and feels this position is as important, if not more important than that. In light of the limited population of candidates and the limited set of skills required to perform the position, he would prefer to participate in the interviews as opposed to only Mr. Clement and Ms. Gilman assigned to the Selectman Workgroup.

Brandon Stauber, Exeter resident comes forward for clarification. He interprets the conversation to presume the Board is speaking of a temporary appointment of a Treasurer until an election can be held. He is concerned this will presumably be found that the Board is recommending or endorsing a new candidate. Mr. Stauber is concerned the Board of Selectmen could be influencing the opinion of the voters.

Mr. Clement responds that the Board of Selectmen is faced with the charge to appoint a Treasurer until the next scheduled election. It is not an endorsement, it is a temporary appointment. Mr. Chartrand affirms the Board should bear in mind this would be an interim appointment and acknowledges the Board should be mindful of the appointee being recognized as the incumbent. Mr. Clement feels the appointment needs to be made, and quickly. Chairman Quandt advises the entire Board will make the final decision, not one or two members. Mr. Ferraro expresses his desire to participate in the process in any facet. Mr. Chartrand notes that the Town Manager works closely with this elected official and his input should have a major impact on the appointment. Ms. Gilman recommends allowing the Town Manager to perform the initial impression summary of interested candidates, followed by allowing the Board to interview the candidates. She agrees there is no need for a Selectman's Workgroup. Chairman Quandt directs Mr. Dean to begin advertising the position and screening applicants for possible interviews with the Board. The Board agrees a Selectman's Workgroup is not necessary. Mr. Dean notes that all interested parties should send a statement of qualifications to be considered a candidate for the position.

#### **b. Old Business**

##### **i. License Agreement – 1 Hampton Road**

Mr. Dean presents the memo from the Town Counsel, Attorney Spector Morgan regarding the license agreement that was forwarded at the request of Mr. Ferraro from a previous Board meeting. The Attorney recommended that some language to the "whereas" section regarding jurisdiction be changed. Aside from that minor change, in the estimation of Attorney Spector Morgan, the License Agreement seems to be in order. Ms. Gilman wonders if the agreement is between the Town of Exeter and the tenant Access Sports Medicine, or the property owner, Brooks Properties. Mr. Dean confirms the agreement is between the Town of Exeter and the tenant, Access Sports Medicine.

**Mr. Chartrand moves that the Board of Selectmen approve the License Agreement between the Town of Exeter and Access Sports Medicine and authorize the Town Manager to sign the agreement. Mr. Clement Seconds.**

Mr. Ferraro asks for clarification. He wonders if Access Sports Medicine is the only company with the right to sign the agreement. Mr. Chartrand confirms that in the initial presentation, as the largest tenant in the building, and in accordance with their lease, they were entitled to the largest sign. Mr. Clement reminds the Board that the sign would still need to go through Planning and Zoning along with DPW to be certain the sign is compliant with local ordinances. Mr. Dean notes the picture sent with the original proposal will be attached to the agreement along with the conditions set forth in the agreement; the entire document will go on file with the Town Clerk.

**Vote: In favor; Mr. Clement, Chairman Quandt, Mr. Chartrand and Ms. Gilman. Opposed: Mr. Ferraro. Motion Carries.**

##### **ii. Private I and I Program Outline**

As a two part discussion, Mr. Dean introduces the first part regarding the contract on the project as a whole. The DPW is recommending the construction project to the accepted bidder. All reports were provided by the team overseeing the project. Paul Vlasich, Town Engineer, has assessed the financials for the project. He has made the recommendation to extend the contract through the balance of phase ii to the current contractor JA Polito and Sons. In offering the contract to the current vendor, the opportunity to save the Town a significant amount of money is available. Mr. Dean believes that utilizing the same contractor simplifies the work, as they are familiar with the area and know the project. The cost savings would be mostly contributed to favorable unit pricing. He predicts the project can be finished by the end of 2012. Mr. Vlasich comes forward to offer his summary of the program outline. His

summation of the recommendation is presented to the Board. The analysis was compiled by from the design engineers at Wright-Pierce. Construction is currently underway and bids were due in September. The construction was started at the end of 2011 on the lower portion of Haven Lane. The construction was resumed in April on Jady Hill Ave and other areas. After the sewer construction is complete, the water main construction will begin until phase ii is solidified with a contractor. The current contractor can hold the current unit prices from phase i. They are the identified lowest bidder from phase 1. Mr. Vlasich directs the Selectmen to the last page of his summation to review the warrant articles that relate directly to the project. The summation is a detailed breakdown of the cost savings benefits of awarding the contract to the current vendor. Mr. Clement seeks clarification on the result of \$161,700 in savings. Mr. Vlasich explains that the approved funds from the warrant articles and general fund, presuming the prices and quantities remain the same, compared to the projected amount that will actually be paid for the construction would result in the balance of roughly \$161,700.00. There is a table on the last page of the summation to explain each of the steps taken to determine the cost, presuming the Town of Exeter award the contract to JA Polito and Sons.

**Mr. Chartrand moves the Board of Selectmen approve accepting and extending the current construction contract with JA Polito and Sons through phase 2 of the Jady Hill Project as presented by the Department of Public Works. Mr. Clement Seconds. Vote: Unanimous.**

Mr. Dean presents a summary of the second part of the discussion in dealing with the parameter of the private I and I work. In a summary of the comments received by Attorney Spector Morgan, this would be similar to a sewer rental fee pursuant to RSA 149-I: 8. She indicates the charge is permitted in the circumstance where a property owner is benefited from the cost of constructing and maintaining the sewer. She further notes that the Town may pass on any interest it is incurring on the bond, but there is no clear authority to impose interest on the payments beyond that. Mr. Dean advises that the charge would run with the property, not the property owner. Potential purchasers will need to address it at closing. A lien could be placed if the account becomes delinquent just as the Town would assess a tax lien, only it would be for a sewer fee. There is a sample agreement that was submitted for the Selectman's review. All agreements would go on file at the registry of deeds. Mr. Dean addresses the concern of property owners who choose not to participate. He reminds the Board of ordinance indicating if a homeowner is noncompliant they must make modifications to deal with the issue. Mr. Dean believes the entire framework to be lined up and in order. Mr. Ferraro reminds the Board of his last suggestion, in the last discussion regarding this issue, to pass along the interest rate that the bond carries and charging interest on the outstanding balance based on the bond interest rate. He rationalizes this recommendation indicating the rate payers will subsidize the \$500,000. He feels the property owners should be charged interest on the bond note at the current bond interest rate.

Mr. Chartrand believes the reason for the project and getting private lines included was to reduce the amount of storm water that goes into the waste stream system. He feels the more simple the procedures, the better. He notes that storm water is separate from waste water on Jady Hill. He also notes he would be hesitant to make it any more complicated than it already is. Mr. Clement reminds the Board that his position has always been, and continues to be that it should be interest free. Mr. Ferraro responds that paying 80% of the private costs seems like a pretty good incentive considering there is a Town ordinance in place that indicates they are responsible for 100% of it. He feels his suggestion is a token of recognition that 80% of the cost will be picked up by the Town and the rate payers are going to have to carry the charge in addition to the \$500,000. Mr. Chartrand agrees that the token of recognition is understandable and still feels if the process is made more complicated it could deter homeowners from participating. Mr. Clement reminds the Board that the homeowner cost is not \$1,000 it is up to \$1,000. Mr. Dean confirms there are 120 parcels this immediately affects, of which 25 are below the \$1,000 threshold. Mr. Clement clarifies that the policy voted on was the first \$1,000 would be owner responsibility. In the case of these 25 homeowners, the entire project work will cost less than \$1,000. Mr. Vlasich confirms this to be the case for those particular parcels. Mr. Chartrand announces that he is in the process of cosigning on a home on Jady Hill and has a personal interest in the future of this project. Chairman Quandt asks Mr. Dean to modify the agreement to reflect the differentiation between \$1,000 and up to \$1,000. Mr. Dean indicates the differentiation will be made, it will be reflected as \$1,000 for the parcels in which the cost will be above the threshold and the exact dollar amount for the parcels that are not. Mr. Clement inquires if the DPW can define exactly what work will be completed and that detailed account be added to the agreements. Mr. Dean indicates this is in the job scope; the variability will be defined and managed on a property by property basis.

**Mr. Ferraro moves that the Town of Exeter charge the interest rate at the rate of the bond on the homeowner portion that is financed. There is no second. Motion Fails.**

Chairman Quandt instructs Mr. Dean to modify the agreement to reflect the agreed to changes and send it back to

legal counsel for review.

### iii. Review Street Sweeper Operation

Mr. Chartrand requested this discussion be placed on the agenda as he was not a Board member when it was initially discussed. Mr. Chartrand feels strongly that the DPW has a very full plate currently. He expresses that he has no desire to ask them to prioritize street sweeping efforts at this time. Mr. Ferraro notes that the previous Board voted on the requirement that the DPW investigate the possibility of contracting a street sweeper and possibly present an RFP by the end of March, 2012. He has asked for the results of that evaluation and the RFP and feels Mr. Chartrand's opinion is irrelevant. He further notes that at any time, any Department or the Town Manager can request an extension of time, but not after the fact.

Mr. Dean acknowledges that since the vote was taken by the previous Board of Selectmen, many things have changed in the priority list of the DPW. A different Board voted on that issue. Mr. Dean reports that the DPW is prepared to offer a presentation, but reminds the Board that no one envisioned the DPW would have five capital projects along with paving etc... to be proud of at the moment. Operations are often modified based upon extraneous factors.

Chairman Quandt also acknowledges that Jennifer Perry, Director of Public Works had previously approached him in regard to an extension on this evaluation prior to the deadline. He admits he did agree to give the DPW an extension and apologizes if any other Board member feels he has overstepped his authority. Mr. Ferraro feels he is a reasonable person and recognizes that schedules can change. He does not feel it appropriate to come, after the fact, and say, "we decided not to do the work." He feels it's necessary to come before hand and ask for more time. Mr. Ferraro notes he has waited until after the end of March to begin asking about the evaluation. He reminds the Board that this was a Board vote and with no disrespect to the Chairman, indicates no one Selectman has the authority to over ride the vote of the Board. He is prepared to hear the evaluation and review the RFP.

Jennifer Perry, Director of Department of Public Works presents her draft request for proposals for outsourcing street sweeping. She advises this is a draft format, and has not been issued. She believed the responsibility of the DPW was to create the draft and bring it before the Board. She feels as though diligence has been done, and is prepared to offer her report without a full blown financial analysis. She advises the Board that the sweeper the Town of Exeter currently operates is called a mechanical / vacuum sweeper. The benefit of this type of sweeper is that it is exceptionally good at minimizing particulates. It meets the PM 10 requirements. She advises that Jay Perkins, DPW has been reaching out to vendors with this type of equipment. She acknowledges it's been difficult to find vendors with newer equipment that perform the mechanical and vacuum sweeping. The previous bid was for mechanical sweeping only. After a thorough inspection of the current unit, a six year old sweeper, she believes it can conservatively be operated effectively for approximately two more years. Ms. Perry estimates the cost to run the sweeper as follows: The initial cost was estimated at \$15,000 - \$20,000, Fuel at approximately \$5,000 per year, personnel is approximately \$45,000 per year including wages and benefits at 66%, or 2/3 of the annual personnel cost, for a total cost of approximately \$65,000.00 annually to continue to operate the sweeper the Town is currently using. The previous bid of \$55,000 was strictly for mechanical sweeping and did not include a performance bond. It is the recommendation of the DPW that the Town of Exeter continue using the current sweeper for a minimum of two years.

Mr. Chartrand thanks Ms. Perry for taking the time to evaluate this possibility with so many other projects requiring the DPW's attention.

Mr. Ferraro asks if the option of selling the sweeper has been considered since contracting the sweeping would render the machine unnecessary to the Town. Ms. Perry advises that the draft proposal requests a sweeper at or around two years old, with a back up sweeper of four to five years old as this is the standard in the industry. She advises that new equipment is high service, high maintenance and high exposure. She believes if the equipment is operated at 90% of the time in other municipalities, it's considered hard duty. Mr. Perkins indicates this is also the industry standard and what the Town of Exeter requires in waste management agreements. Mr. Ferraro feels this is all the more reason to sell the sweeper to the contractor. He does not feel the financial analysis is reflected accurately. He feels the sample analysis should reflect the employee as a part time employee, no longer requiring benefits associated with full time employment. The loss of the full time employee would be reflected in the savings side. If the DPW wishes to justify that employee for other services, that would be different, but not a reflection in this economic plan. Mr. Perkins reminds the Board that a DPW position has already been eliminated; eliminating another position could leave them hard pressed. Mr. Ferraro clarifies that he is not suggesting another position be

eliminated. Mr. Clement reminds the Board that there are union contracts involved and there may be rules the Town is bound to. Mr. Ferraro clarifies again, he is not suggesting eliminating a position, and he is suggesting that economic analysis does not include any benefits. Mr. Clement feels it's difficult to use that economic analysis when there are union contracts involved. Ms. Perry indicates the model was from another municipality's economic analysis. Mr. Ferraro feels that if that is the case, that municipality is reflecting it wrong, and because they are doing it wrong, does not mean that the Town of Exeter should do it wrong. He advises Ms. Perry that UNH has a sweeping company that advertises they have vacuum trucks, the company name is immaculate sweeping. He notes that Granite State Sweeping does the Towns of Newmarket or Newfields. Mr. Perkins agrees to contact both vendors.

Ms. Gilman asks Mr. Ferraro to review the motion from the previous Board. She wonders if it requires a RFP is issued or prepared as she wishes to be clear on the expectations. While she agrees the task is beyond the date of requirement, she wishes to offer the DPW some leniency in light of the circumstance. Ms. Perry advises the Board that the DPW has been prepared to present this topic to the Board for some time, and this was the time they were assigned. She clarifies that the DPW was prepared prior to the deadline.

Renee O'Barton comes forward with a question for Ms. Perry. The mechanical cost is approximately \$15,000 in today's report, what was the original mechanical cost? Ms. Perry indicates that lifetime costs were presented but included the previous sweeper so the figures were a bit higher than they should have reflected.

Brian Griset, Exeter resident, comes forward to express his concern regarding RSA 91;A violations. He wishes to point out that there have been numerous violations of RSA 91;A tonight, with electronic messaging. He reflects that if electronic messages are received and read, they must be read aloud in the public forum. He notes it's also a violation of RSA 91; A, for members to have separate conversations in private. Chairman Quandt agrees to look into the matter.

#### **iv. Bid Awards: Sidewalk Tractor**

Jennifer Perry, Director of Public Works has reviewed the two bids received for the sidewalk plow. H.P. Fairfield has bid \$139,500 with a trade in for the 1991 tractor in the amount of \$10,000 with a bid result of \$129,500.00 Chadwick-BaRoss has offered a bid of \$143,300 with a trade in for the 1991 tractor in the amount of \$5,500 resulting in a bid of \$137,800.00. The DPW recommends awarding the bid to Chadwick-BaRoss for \$143,300. The budget for this item is for \$147,500. The DPW also recommends retaining the old machine, in lieu of a trading, as a parts machine. There is another trackless unit the DPW will continue to run and it's become more and more difficult to locate parts for the machine. The value as a parts machine is estimated at over \$20,000. The DPW had each of the proposed units delivered to allow the personnel an opportunity to preview them in detail. The value of the tracked Bombardier is greater than the trackless. Tracked units are not unusual and are currently used by the City of Manchester. The reliability of the tracked model is unquestioned. Exeter used to have tracked units that were made of steel with rubber skids. These skids are completely rubber. Mr. Perkins adds that tracked vehicles, in his experience, outperform especially in the heavy snow. Trackless models articulate from the middle and are consistently getting stuck; they perform poorly in heavy wet snow. The DPW intends to scale back from the current four wheeled vehicles to two. It is also noted that the bid submitted by H.P. Fairfield did not meet the spec requirement in the ribbon track or the snow blower. Mr. Perkins points out that the trackless models have sheer pins and the bombardier does not. Mr. Perkins is confident that keeping the unit for parts will prove well worth it, as the DPW intends to continue to run the identical unit for as long as possible. The one that is discontinued will be taken off the road, the plates will be removed, and the insurance on the unit removed. It will be strictly for use as a parts unit.

**Mr. Clement moves to award the bid to Chadwick-BaRoss for the Bombardier sidewalk tractor in the amount of \$143,300.00**

**Mr. Ferraro Seconds. Vote: Unanimous.**

Mr. Ferraro asks Ms. Perry if she recalls conversations he and she have had regarding the frustration that the town must clear many sidewalks. He recalls Ms. Perry speaking of court cases she is familiar with and asks if she remembers, based on that recollection if she can recall what the requirement of clearing would be.

Mr. Chartrand advises this topic is not on the agenda and is not prepared to discuss it. He would prefer the topic be added to a future agenda for discussion. It is agreed that the topic will go on a future agenda.

## v. Town Office Discussion

Chairman Quandt introduces a chain of emails in the packet between himself and Mr. Ferraro. In the email exchange, it was brought to his attention that he might have been in violation of RSA 91: A by conferring with the Vice-Chair Don Clement regarding the situation. Chairman Quandt proposes that he was not in fact in violation of 91: A according to RSA 91-A: 2 iii part B. He summarizes the situation as Mr. Ferraro sending him an email regarding the Town Manager moving office space asking to have the Town Manager cease and desist. Chairman Quandt was unable to verify the emergency, as he was in Concord. He called Vice Chairman Selectman Don Clement to see if he even had the authority to order a cease of the office moving. Selectman Clement did not feel the authority was within the confinements as the Chairman. Mr. Ferraro recalls his email as a caution as opposed to accusatory. He felt he was cautioning Chairman Quandt in light of recent newspaper articles regarding these types of situations.

Chairman Quandt acknowledges that even third party contact via phone construes a quorum and he wishes for the Town Manager to talk about the entire aspect of the Town Office Moves. Mr. Dean reports the switching of Tax and Assessing as part of a broad plan. The Board authorized this. Finance has been moved. The moving of Tax and Assessing was done after a consultation with Primex. There were some ergonomics issues in both spaces. There were interviews between Primex and Department Employees and several internal meetings to discuss the moves. Tax, Assessing and Maintenance were included in these meetings. In between that, Ms. Kohler, who was elected Town Clerk in March, came to the Town Manager with ideas for her office. She is very interested in relocating the Supervisors of the Checklist and creating better use for the third window which was put in a few years ago. The layout for tax is very basic. Assessing was a bit more difficult. It was always envisioned that the Assessing Assistant would move in to the old Tax Collections Assistant Area. During the planning phase, widening the entry way for accessibility and wheelchair ease was performed, thus creating another issue, which was removing the bubbler, and this will be addressed at a later time. The issue of privacy for the Assessor was raised. The Assessor needs a private office for exemption issues. The idea of him going in that office and able to see out and meet the needs of assessing was ideal. He agreed this solution was workable. The office moves continued with that in mind and created a counter space in the Assessing Office. Eight file cabinets were moved to the basement with the Planning records. The cabinets needed to be secured however they do not lock. As was learned in the reconfiguration of the IT office, building walls does not always work.

Mr. Dean reports that the Assessing files are standard paper size and have been targeted for automation. They're historical documents filed by address and can be turned into PDF's easily. Primex was consulted again in regard to the Town Clerk and ergonomic issues were again addressed. The counter was constructed with the needs of residents and the needs of collections in mind, essentially opening the space a bit. All of the work was timed to coincide with issuing the Property Tax Warrant in a timely manner. The old finance area worked great and we were able to temporarily stage the Tax Department there. Going forward there is a couple of issues. Carpets are going in soon and paint has been finished over the weekend.

Mr. Ferraro feels the report sounds good with the exception that Mr. Dean did not come to the Board between January 23, 2012 and the time the construction started to advise of the changes he intended to make. If he had, he might be in compliance with a plan approved by the Board. Mr. Ferraro takes exception that the Assessing move to Finance location is reflected in the minutes of January 23, 2012. In conjunction, the Assessor will relocate to the current Finance location. The Board approved moving the Assessor to the Finance Location. Mr. Ferraro's concern in this is there was approval of a plan, by the Board. The Board was never asked to modify that plan. He questions what authority the Town Manager has to decide on a plan that is different than that which was approved. Mr. Clement cannot recall that an actual motion was made to authorize this move plan in the January 23, 2012 meeting. Mr. Ferraro reminds the Board that the Town Counsel has weighed in on a similar situation, on general consensus. He reflects on the Getty Property Purchase and Sales Agreement. He reflects that any objection to the proposed plan was asked by the Chair and no one came forward. The Chairman advised the Town Manager to move forward. Mr. Clement notes that the Town Manager's responsibility is the everyday overseeing of the Town and its Departments. He feels the changes came about under different factors. He wishes to know what Mr. Ferraro expects of this discussion. Mr. Ferraro clarifies his expectation. He wishes to know under what authority, did the Town Manager change the plan. He feels there is a discipline issue here. He recalls the Town Manager given direction to proceed. The Town Manager chose not to come back to the Board and indicate things had changed and he would like consent to change or modify the plan. Mr. Ferraro is referring directly to the authority of the Town Manager. He feels, according to Town Counsel, the decision was binding by the Board consensus.

Chairman Quandt recognizes the conversation has two issues. The discussion of the authority and potential disciplinary action, which would need to be discussed in a non public forum. Mr. Ferraro does not feel this is the case. Non Public forum is only required in the event of disciplinary action. Mr. Clement feels that there comes a time when you must take a step back and stop micromanaging in the Town of Exeter. It's been said the role of the Board is more like a Board of Directors of a large Corporation and we should act as such. Mr. Clement does not feel the Town Manager has exceeded his authority.

Mr. Ferraro clarifies that his objective is not to dictate how the offices are organized. His position is that a decision was made by the Board of Selectmen. The Town Manager was directed to proceed with that plan. He did not proceed with that plan. What authority did he have to deviate from that approved plan? Mr. Dean notes that in looking through what was laid out, there was no site plan, essentially two operations were moved. He interpreted the RSA, the law and the Selectmen's role and the RSA relating to the authority of the Town Manager. In his opinion, the law does allow him some flexibility to do things that are administrative oversight. He did not feel as though he were stepping out of the scope of his authority. Ms. Gilman recalls her expectation of directing the Town Manager to move forward with an understanding that the plan could be adhered to the best of the capacity, especially considering this is a historical building and many obstacles could have arisen. Mr. Ferraro reflects that in the Getty Property Purchase, no one ever said anything about a purchase and sales agreement, but the Town Manager signed one. He responds to Mr. Dean's interpretation of RSA 37-5 and 37-6 which gives the Town Manager general supervision of the property. He notes that RSA 41-6 gives explicit property management to the Board. The plan was that the tax assessing clerk moved and the tax assessor moved. This was counter work and moving files. He asks the Board to educate him when something comes up, whether a vote is need or not. He feels this is all in flux as in the Getty Property Purchase it was talk in general terms and encourage the Town Manager to pursue and in this case where there was a specific plan and we approved it and he didn't adhere to it, in this circumstance it's fuzzy. Mr. Clement feels this discussion is a power and control struggle. If the Town Manager deserves disciplinary action, he suggests also disciplining the entire Board. He also points out that Mr. Ferraro requested the Town Manager be ordered to cease and desist. He feels that Mr. Ferraro went around the entire Board. Mr. Chartrand interjects that he was not consulted on any of this. He feels the Board is a unitary body; no one Selectman has the authority to do anything. He asks that all members of the Board respect that and act accordingly.

Mr. Ferraro points out he has called for a non public meeting to take place no more than ten days later and it has yet to convene. Mr. Clement reminds him he hasn't the authority to call for a meeting. Chairman Quandt advises the Board that he was unable to make it to the Town Office and did not feel this was an emergency that couldn't be managed in a normal meeting. He notes he does not have a personal issue with the decisions made in the move. The decisions appear to be reasonable and work well for that office. The renovations are not complete yet and can be discussed again in the future.

Brian Griset, Exeter resident comes forward to express his opinion. He notes that in history of the Town of Exeter, the issue of restructuring the physical layouts has been going on for years. There have been multiple proposals. The prior Board voted not to accept a proposal previously submitted by the Town manager. This was an issue with the budget regarding the receptionist person. The proposal that came back talked of a clerk's window. Former Chairman Bobby Aldrich came up with a proposal and there were multiple discussions and multiple public hearings with public comment. In January in a public meeting, people came forward. Every single person on the Board agreed there would be a specific directive. A decision, specific decision was made. I have an issue regarding the authority also. There seem to be four Selectmen with no problem with the change. He corrects himself to include 3 Selectmen. The decision included in specific directive, the directive was changed. The board voted. The Town Manager unilaterally changed and reserved space.

As a secondary issue, Mr. Griset points out the new location of the eight file cabinets now stored in the basement. He is concerned they are now not available for immediate inspection. The Town Manager in and of himself cannot decide where records can go. The Selectmen must vote to move records. The Board of Selectmen needs to not delegate the statutory responsibilities. Ms. Gilman responds that the records are still kept in the building and are immediately accessible at this point. She further notes that if the public expects that every record be available in this building, there is a need for a bigger building. Mr. Griset identifies that there was no discussion to change the location of the Assessing Office, or its records. He feels Mr. Dean made an arbitrary decision to move the records. Mr. Chartrand agrees it was a decision, but does not agree it was an arbitrary decision. Mr. Ferraro feels it's obvious the Board is not concerned that the direction was not complied with. Mr. Clement reminds Mr. Ferraro he cannot predict what is of concern to others and what is not. Chairman Quandt closes discussion on the item.

## 6. Regular Business

**a. Bid Openings**

Eight vendors submitted sealed bids that were due May 14, 2012 by 4:00 pm for the Water Treatment Plant Roof.

Rockwell Roofing of Rockwell, Ma bid the project for \$59,000.  
Skyline Roofing, Inc. of Manchester, NH bid the project for \$55,300.  
AW Therine of Manchester, NH bid the project for \$59,853.  
Kevin Smith & Son Gordon, ME bid the project for \$46,200.  
Exeter Roofing, Exeter NH bid the project for \$47,000.  
Eastern Exterior, Hooksett NH bid the project for \$51,248.  
Arbor Bowler & Sons bid the project for \$39,450

**Ms. Gilman moves to refer the bids to DPW for review and recommendation. Mr. Chartrand Seconds. Vote: Unanimous.**

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

**Mr. Chartrand moves to accept a weekly Payroll Warrant for checks dated 5/9/2012 in the amount of \$163,498.50. Mr. Clement Seconds. Vote: Unanimous**

**Mr. Chartrand moves to accept a weekly Payroll Warrant for checks dated 5/16/2012 in the amount of \$163,238.18. Mr. Clement Seconds. Vote: Unanimous**

**Mr. Chartrand moves to accept an Accounts Payable warrant for checks dated 5/18/2012 in the amount of \$393,912.66. Ms. Gilman Seconds. Vote: Unanimous**

**Mr. Chartrand moves to accept an Accounts Payable warrant for checks dated 5/18/2012 in the amount of \$183,528.17. Mr. Clement Seconds. Vote: Unanimous**

**Mr. Chartrand moves to accept an Accounts Payable warrant for checks dated 5/11/2012 in the amount of \$423,236.79. Mr. Clement Seconds. Vote: Unanimous**

**c. Budget Updates – None at this time**

**d. Tax Abatements & Exemptions**

Mr. Dean presents two tax deeded properties to dispose of. The procedure is to notify the former owner of the right to repurchase. The addresses are 156 Front Street Unit 111 and 29 Hampton Road. The Town would like the ability to auction the properties off. The auction can be by sealed bid, or as an open auction forum. Mr. Clement clarifies the previous owners have thirty days to respond to the right to repurchase and then an auction can be held at ninety days.

**Ms. Gilman moves to auction the two properties at 156 Front Street, Unit 111 and 29 Hampton Road. Mr. Chartrand Seconds. Vote: Unanimous.**

**e. Water / Sewer Abatements**

Mr. Chartrand notes there is a notice for intent to cut that is not initialed. The notice will need to be deferred to the Town Planner. Mr. Dean reports that the property tax warrant has been issued at \$19,735,406.93, for the first half of 2012.

**f. Permits**

Mr. Dean reports on the upcoming events for the Town of Exeter as a River Study Committee Public Meeting on Wednesday at 5:30 pm. Mr. Clement believes this meeting is actually at 6:30pm.  
The Firefighter Boot Drive will be Saturday from 8:00 am to 12:00 pm at the bandstand.  
Next Friday, June 1, 2012 is the Exeter Women's Club yard sale.

A permit request was received from Stillwell's Riverwalk Ice Cream on Water Street. The permit is a request to allow a plastic bench to be put on the sidewalk in front of the window. Mr. Ferraro indicates he has discussed this issue with Mr. Eastman earlier this week and it's a question of code. He notes a bench has never been permitted; outdoor seating has been permitted, but not a bench as described in this permit. Ms. Gilman sites that the ordinance is to apply for an exception but that

is primarily for signs. Mr. Ferraro cites a waiver and appeal that came from the previous ordinance 502. He notes this would relate to the waiver from 502, to 502; 3. This ordinance prohibits any objects on the sidewalk. Since the permit application has been submitted, the store front owner has moved the bench to the side of the building, onto private property. Mr. Ferraro notes he has seen its location in passing and feels the side of the building is a perfectly fine location for the bench. He reflects that the sidewalk immediately in front of Stillwell's is already crowded by a post office mail box as well as a tree and one, sometimes two, town trash receptacles. He feels the addition of a bench would make the sidewalk improperly restrictive and passage could be difficult. He notes the success of Stillwell's, as in his experience passing by; there has been a line out the front door on many occasions. Adding a bench, in his opinion, would press the line that forms there out onto the sidewalk making it nearly impassible. Mr. Chartrand wonders how wide the bench is. Having also seen it, Mr. Clement notes that it is narrow. Mr. Clement expresses his desire to have the Town of Exeter give the impression of a welcoming and warm community. He feels that having seen the bench against the front of the building that the bench adds to the charm of the community store front area. He adds that Stillwell's is often crowded with a line, adding a bench will not make it any more or less crowded. He describes the bench as a two person plastic bench of standard height and width. He also points out that park benches are not as plentiful as they could be in the downtown area. Mr. Clement advises he is in favor of this request.

Chairman Quandt asks Mr. Dean if the owners have been approached since the bench was moved to the side of the building. He wonders if the desire to permit the bench in the front of the building is even still an issue. Mr. Dean has not spoken with the owners yet. He expresses a concern that the bench may not be sturdy enough to hold people, he would want to check on it. Mr. Chartrand notes that he could agree to approve the permit, presuming the bench is less than two feet out from the building. He notes that in terms of wellness, Stillwell's is attracting business to the downtown Exeter business community. As long as the owner meets the standard criteria, he would be in favor of approving the permit request. Mr. Ferraro notes he would not question the permit request, had there not been an alternative available, which they are currently utilizing. He feels the owners do not need to have it out front; they want to have it out front. He recommends the Board suggest to the owners that if approved, they may only have one bench and they must declare which side of the door it will be on. He also agrees that it should be limited to twenty-four inches from the building. Mr. Dean agrees to gather more information.

**Mr. Clement moves to approve the permit request and grant Stillwell's the right to put one bench in front of the store window, so long as the bench does not extend from the building by more than twenty-four inches. Mr. Chartrand Seconds.**

Ms. Gilman notes the permit request indicates the bench will be removed and/or taken in every evening.

**Mr. Clement amends his motion to include that the bench must be removed and/or taken in every evening. Mr. Chartrand amends his Second. Vote: Unanimous**

Mr. Clement presents a request to the Board. He advises that on more than one occasion, he has visited Swasey Park and found it to be a popular place to eat ice cream and pizza for residents. Trash is collected at the Park on Mondays. In his experience, in the warmer weather, the trash receptacles at the location seem to be overflowing more often. He requests the inquiry be made to the DPW or Waste Management to include another receptacle. Mr. Dean agrees to present the topic to the DPW.

#### **g. Town Manager's Report**

Mr. Dean reports that he previewed an upcoming permit for a new cart vendor similar to the hot dog cart vendor. This vendor wishes to sell Italian Ice and is owned by the owner of Sully's Ice Cream. He notes this is the first vendor application since the review of Ian's Franks. Mr. Dean is happy to report the field work is beginning on the audit. It is scheduled for May 24, 2012. He reminds the Board this audit is for the year 2011. He proudly notes the Town of Exeter is approximately three months ahead of where they were at the same time last year. Mr. Dean is pleased to announce the tax bills are prepared and should be going out over the next few days. He urges the community to be watching for them in the mail. Mr. Dean reminds the Board of the Memorial Day Parade, which will be held on Monday. Preparations will be from 9:30am – 10:00am. He advises that the community residents should plan to arrive at Swasey Park before 10:00 am. The Veteran's Council has a speaker this year named Robert Dastin. General Dastin is retired. Mr. Ferraro asks if there is a specific time at which the public can expect that the Swasey Parkway will be closed to automobile traffic. He recalls some confusion from last year. Mr. Dean agrees to investigate any logistics issues. Mr. Ferraro also recalls the request from the group at CMS and the music and signs. Mr. Dean indicates no new letter was found, only the letter from last year's submittal. Mr. Chartrand notes the event has already taken place. Mr. Dean agrees to reach out to the group this week.

#### **h. Legislative Update**

Chairman Quandt advises that this is the time of year in which the House of Representatives finish the Senate Bills, and the

Senate finish the House of Representatives Bills. Each body will choose their amendments and return them to be voted upon as a single large body. He advises the reason this occurs is for the purpose of negotiating position. He uses a Municipal Plowing Bill as an example. It might be returned as a Decertification of Unions and Municipal Plowing Bill. The entire legislative body will be negotiating on every Bill that has passed either the Senate or the House of Representatives. Mr. Dean notes the SB238 is establishing a sub 2 committee for the next session. He feels this is a committee the Town of Exeter would be interested in being involved with. Mr. Dean notes that wind turbines are being negotiated in other municipalities in lieu of taxing.

### **I. Selectmen's Committee Reports**

Mr. Ferraro summarizes the second Goal Setting Session of the Board of Selectman in which Primex was present. He feels that Primex helped to keep the Board focused and they were productive. They will create a draft file report to add to the agenda.

Mr. Ferraro reports a Planning Board Meeting Thursday evening. This included a preliminary discussion with Southern New Hampshire YMCA to discuss the conceptual plans for the Junior High School. He details a meeting between himself and Mr. Clement, Mr. Dean and Mr. Swanson regarding the website. A vendor has been chosen to recommend and is identified as AHA Consulting. The project was quoted at \$9,000 and a schedule will come soon. He urges the Departments to be thinking of what they may want to put on the website.

Mr. Clement acknowledges there is an Exeter River Study public meeting on Wednesday evening. He attended a water sustainability meeting and a Transportation meeting last week as well. The Transportation Committee's topic of conversation was the Complete Streets Project.

Mr. Chartrand reports he attended his first EDC meeting two weeks ago. The EDC is developing a sub committee to review the Master Plan. He also attended a Counsel of Aging Meeting. The Counsel is currently brainstorming ways to accommodate their need for new chairs. He notes the Community Senior Center is a well kept and beautiful building.

Ms. Gilman is excited to note the HDC celebrating the designation of the Winter Street Cemetery as a Historical Site. This designation will make it easier to secure rehabilitation grant funds. The HDC meeting scheduled for last week was cancelled. She also notes the grant application for assistance with form based code is ready to be submitted.

Chairman Quandt reports the Cable Committee met last week. The Committee agreed, in the future all meetings will be on an as needed basis. The only item the Committee is still charged with, which complaints are relating to programming or Cable Access and Compliance Process. He notes they will still be a formed Committee that will meet less frequently. Mr. Ferraro recalls there is a Policy to be considered a Committee. He suggests the Committee determine, based on policy, what is required in order to maintain the status of a Committee. His second point is that the charge statement of the Committee will need to be changed or adhered to in that it commits them to meeting four times per year. Chairman Quandt agrees to call for a quarterly meeting.

### **j. Correspondence**

A letter from the Department of Revenue Administration to the Tax Assessor. Mr. Dean explains this is a letter indicating the review of the Tax Assessors office is complete and that compliance was reached to their satisfaction in almost all the areas of criteria. As part of the report there is an application of current use report that indicates the non compliance is a result of two requirements per CUB rules. The Town did not apply the last known town equalization factor and not valuing acreage in a way to satisfy the BTLA.

Ms. Gilman summarizes the letter from the Division of Historic Resources on the listing of the Winter Street Cemetery in the New Hampshire State Register of Historic Places.

A Congressional Letter to the EPA regarding a meeting request with the New Hampshire Great Bay Municipal Coalition.

## **6. Review Board Calendar**

The Board will meet again on Monday, June 4, 2012.

## **7. Adjournment**

**Ms. Gilman moves to adjourn. Mr. Clement Seconds. Vote: Unanimous**

The Board stood adjourned at 10:08pm.

Respectfully Submitted,

Jennifer Pond  
Recording Secretary

## Monday meeting notes – June 4, 2012

- Senator Prescott will be present to meet with the Board under legislative updates after public comment.
- I am requesting a brief non meeting at the conclusion of Monday's meeting to provide an update to the Board on Fire collective bargaining.

## Suggested Motions – BOS Meeting, June 4, 2012

### New Business

Exeter Swim Team proposal – no suggested motion.

Recreation Director Pool Filter Replacement Project – no suggested motion. The Board will open bids for the pool filter replacement after hearing from the Parks/Recreation Director under this item. The bids should be referred to Parks/Recreation for review. Award would be recommended on June 18<sup>th</sup>. This project would be funded out of available Recreation Revolving funds and recreation impact fees. Once the amounts are known, we will put a motion in order to authorize the release of funds from the impact fee accounts and identify the amounts for the recreation revolving fund as well.

Planning Grant Application – Move the Board of Selectmen authorize the Board Chairman to sign the application for a form based code assistance grant.

Dog Warrant 2012 – Move the Board of Selectmen approve the 2012 dog warrant.

### Old Business

WTP Roof Replacement – Move the Board of Selectmen award the bid for the water treatment plant rubber portion roof replacement to \_\_\_\_\_ of \_\_\_\_\_ in the amount of \_\_\_\_\_.

Tax Deeds – Move the Board of Selectmen (there will be several motions one for each property on method of resale which will require the Board to vote to authorize the address and method of disposal similar to last meeting. This will allow the repurchase letters to be issued and the clock will begin to tick so we may schedule a tax sale). It is expected the owner of 22 Cherry Street will present the Town with a check Monday to buy back his mobile home. If this happens the Board will be able to sign a deed of no covenant Monday night for 22 Cherry Street and it will come off the list.

### Permits

There are several permit-related issues Monday night.

1. Stilwell's has requested permission for a second bench identical to the first to be placed outside their second window (right hand side, facing building). I understand they meant to do this in their initial permit but did not. I viewed both benches on Tuesday and they both meet the sizing requirements of the Board. Selectman Ferraro raised an issue with this permit so I am bringing it back to the Board under the policy for your approval of a second bench. The second bench is currently on the property around the corner from the front of the establishment.
2. Sugar and Ice has requested 2 benches in front of their establishment. They have not identified what kind of bench but would fall under the same provisions as Stillwell's (not more than 24 inches from establishment, acceptable bench size, etc.).
3. Pinnacle Security has applied for a vending permit in the Town. The Police Department has reviewed their application and has included several identified issues for the Board in the packet.

The Board could consider denial of issuing the permit under Section 802.4, C., 7 of the Town Ordinance on vending.

4. The permit application for vending for Bob Sullivan of Sully's Ice Cream introduced last meeting requires action. The issues are placement of the cart Mr. Sullivan is proposing. He has suggested near the bandstand and Swasey Parkway as possible locations. He wishes to sell italian ice.

Town of Exeter, NH  
Russell Dean - Town Manager  
CC: Michael Favreau - Recreation Director

March 3, 2012

Russell,

Our group of current and past members of the Exeter Swim Team Board of Directors wishes to arrange an exploratory meeting within the next few weeks to discuss the possibility of leasing the town's Outdoor Pool from September through May.

We want to explore the possibility of putting a seasonal bubble over the outdoor pool for the fall/winter/spring seasons. We could run the pool during those months offering a full complement of swim lessons, lap swims, exercise programs for all ages, Red Cross Lifeguarding, etc.

Benefits to the Exeter Swim Team would be expanded pool time and the ability to offer more programs. We expect a significant increase due to the coverage of American swimmers in the Olympic Games. Benefits to the Town of Exeter would be the availability of a year-round pool for lessons, exercise, recreation and water safety in addition to a reduced membership/program rate for taxpayers. Other benefits would be the elimination of start-up and shut-down costs for the town's summer pool budget.

Over the past few years, the economy has forced many municipalities to cut funding for recreational facilities, and pools have been hit especially hard. But aquatic facilities are needed in areas like ours with such a close proximity to water and the ocean. Creative solutions have since been used in all areas of the country with successful results. We would like the opportunity to share those ideas with you.

We look forward to meeting with you and will follow up in a few days via e-mail.  
Sincerely,

Karin Bouvier  
President, Exeter Swim Team



Larry Arend  
Vice President, Exeter Swim Team



TJ Gray  
Former President, Exeter Swim Team



Gene Niedjelski  
Former President, Exeter Swim Team



Greig Cronauer  
EST Coach  
Red Cross Aquatics Instructor Trainer





Russ Dean <rdean@town.exeter.nh.us>

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## Request for spot on Selectmen's agenda for June 4th

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**GCronauer@aol.com** <GCronauer@aol.com>

Wed, May 23, 2012 at 3:31 PM

To: sriffle@town.exeter.nh.us

Cc: tmanzi@emanuelengineering.com, thouse@tharc.com,  
svonaulock@town.exeter.nh.us, mfavreau@town.exeter.nh.us, jeffkarin@hotmail.com,  
rdean@town.exeter.nh.us

Good afternoon,

Our group, the Exeter Swimming Association (ESA), would like to submit a proposal to the Town of Exeter for consideration at your June 4th meeting.

We have been in discussions with the Exeter Recreation Department over the past month and a half regarding our idea to lease a temporary structure to place over the existing Outdoor Pool at 4 Hampton Road. This would be put up in September and taken down in late May and would not interfere with the facility during the summer or with any of the Rec.Dept. programs. We will have preliminary plans drawn up by engineering and architectural firms.

A public/private partnership (ESA is a 501C3 not-for-profit) could be a significant win/win for both parties. We look forward to showing you the possibilities.

Greig Cronauer  
for the Exeter Swimming Association (Exeter Swim Team)

A proposal by the Exeter Swimming Association  
(Exeter Swim Team)

To the Selectmen of the Town of Exeter  
June 4th, 2012

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Requesting development of a Public/Private partnership between

**The Town of Exeter**

and the

**Exeter Swimming Association**

(IRS licensed Not-for-Profit 501 C3 organization)

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**FOR THE PURPOSE OF**

Continuing our Mission Statement to provide "fun,  
motivating, innovative swimming programs" for all levels  
and ages of swimmers.

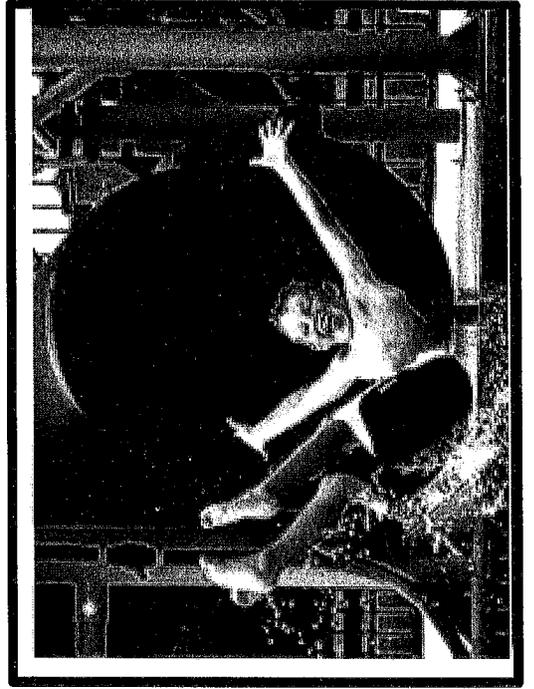
**BY ALLOWING**

A temporary structure over the Daniel Healy Outdoor  
Swimming Pool so it can be used in the Fall/Winter/Spring  
seasons by everyone in the Greater Exeter area.

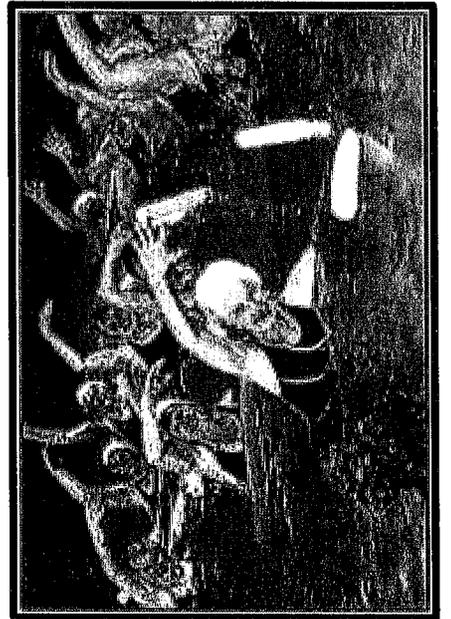
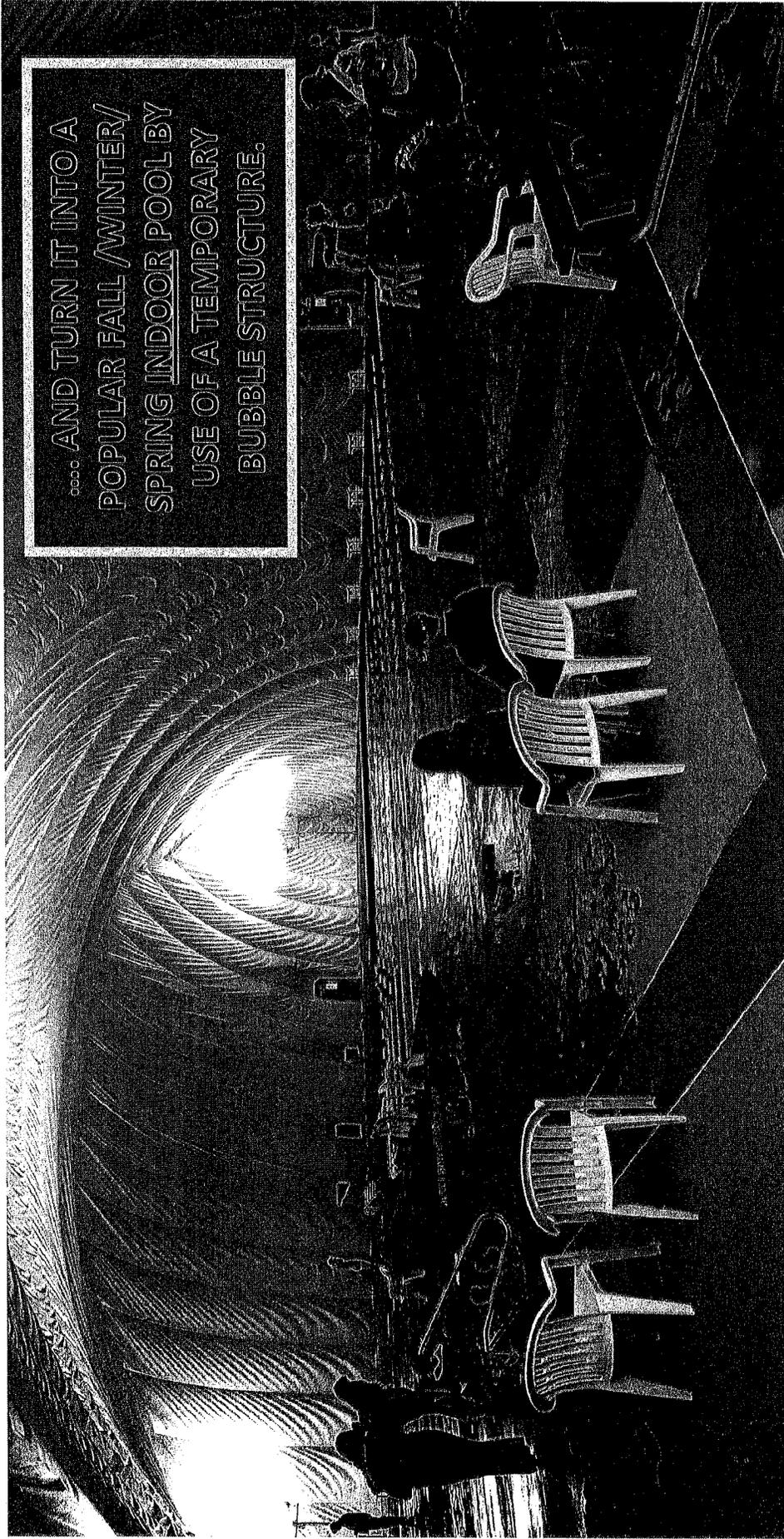
TAKE A POPULAR, WELL  
USED SUMMER OUTDOOR

POOL

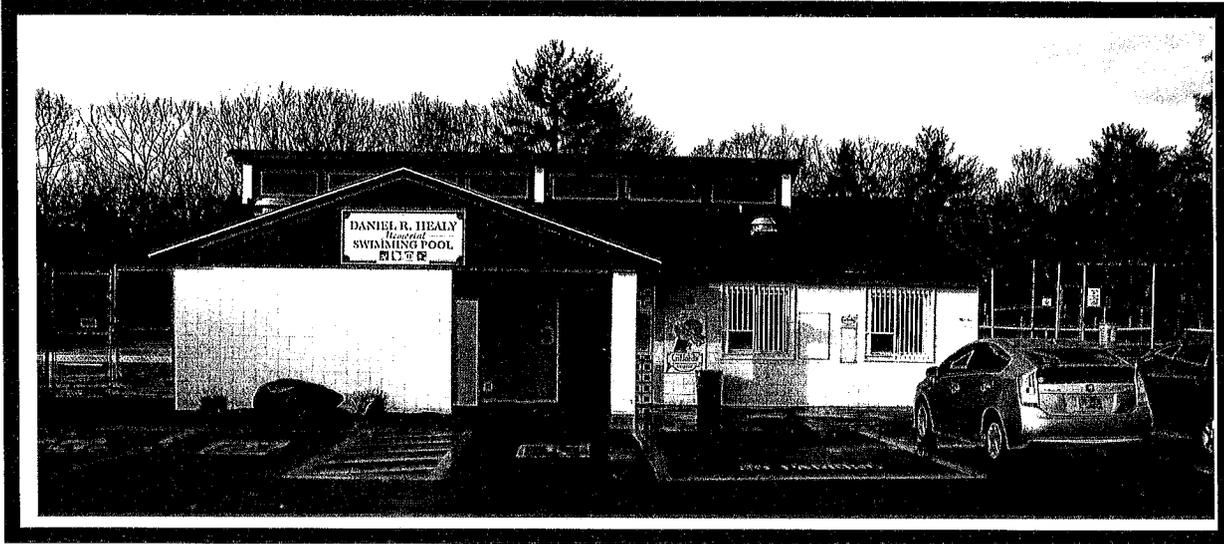
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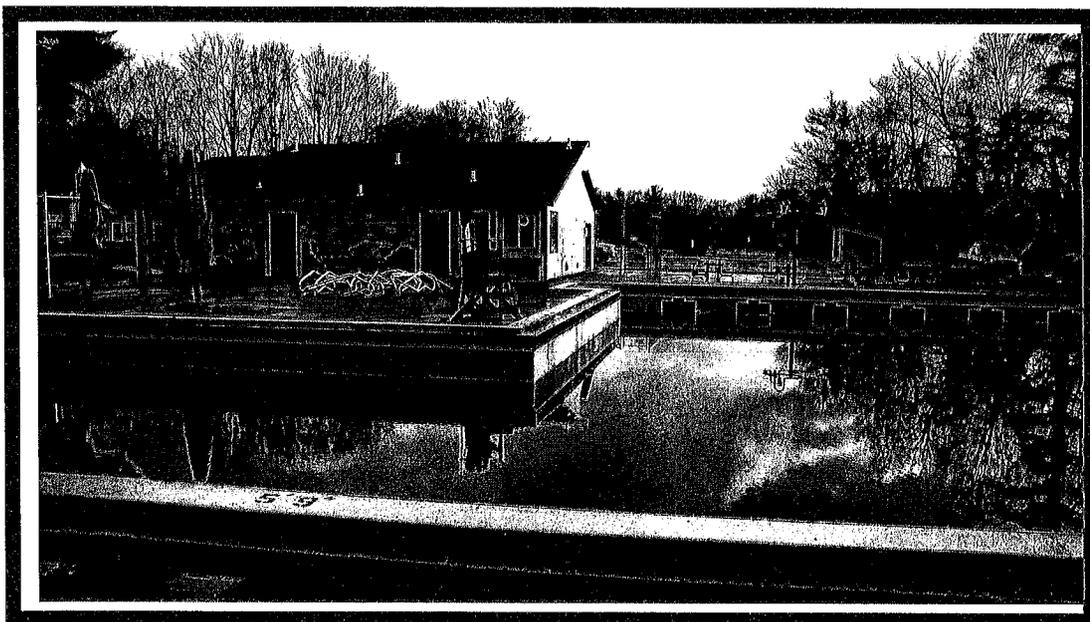
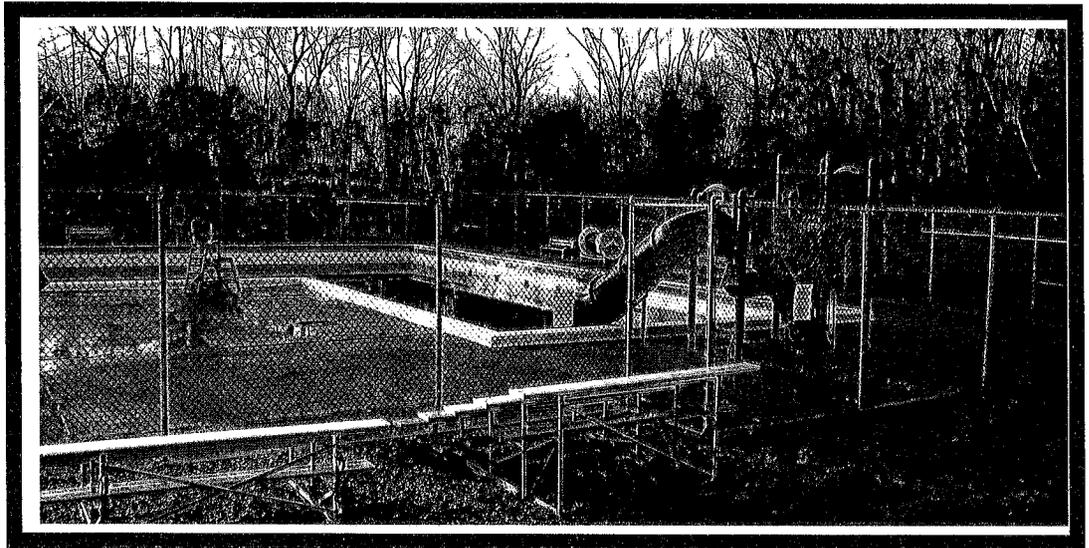
... AND TURN IT INTO A  
POPULAR FALL / WINTER/  
SPRING INDOOR POOL BY  
USE OF A TEMPORARY  
BUBBLE STRUCTURE.



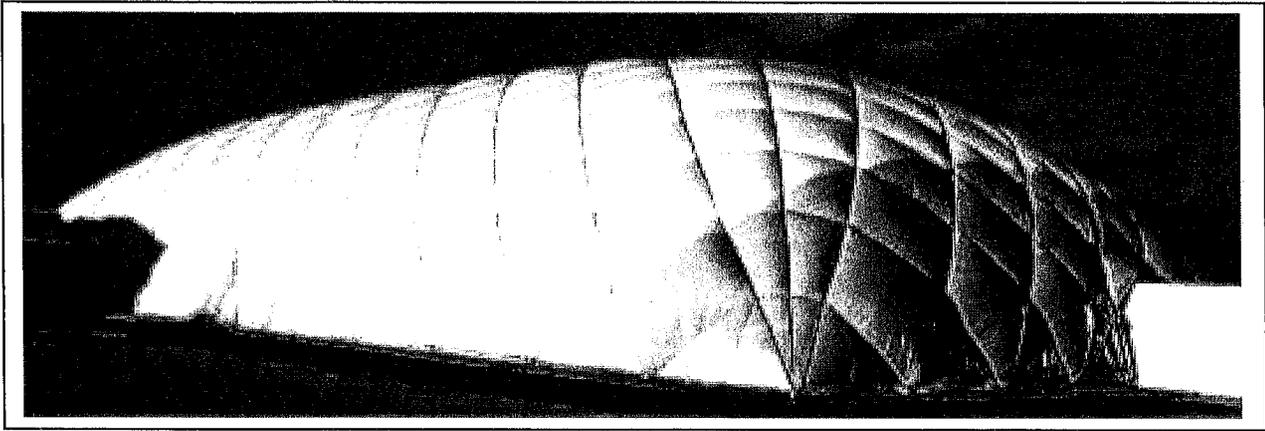
# WHERE -WHAT-WHO-WHY-HOW-WHEN



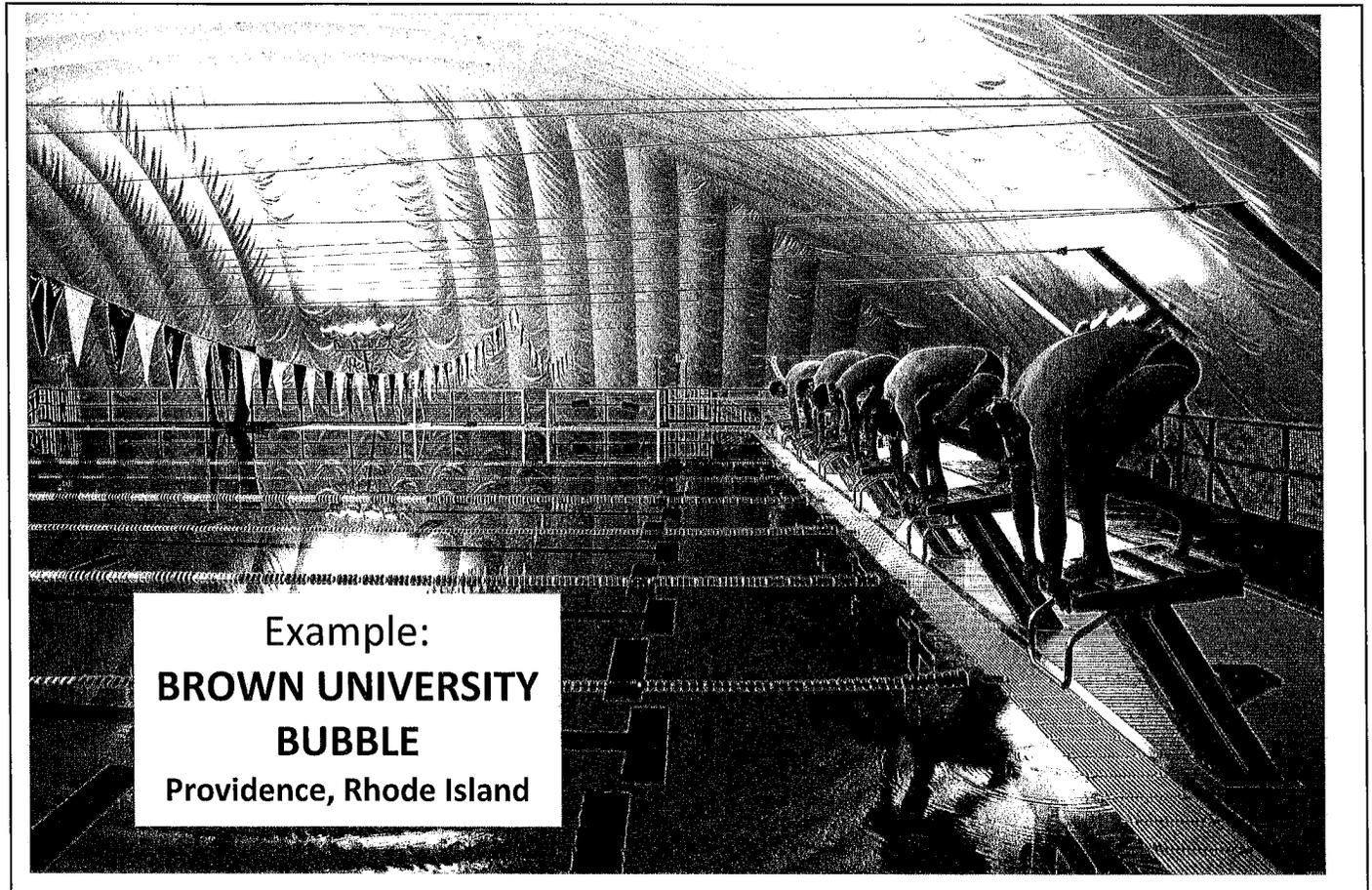
**Exeter  
Outdoor  
Pool**



# WHERE-WHAT-WHO-WHY-HOW-WHEN



A seasonal, temporary structure that can be put up in September (in 4 days) and taken down in Late May or early June. A structure of this type would not change the mechanics or the existing equipment of the facility.



# WHERE-WHAT-WHO-WHY-HOW-WHEN



The Exeter Swimming Association (Exeter Swim Team) has been in existence for 40 years and has always been committed to providing the best swimming programs in the region.

The Exeter Swimming Association wishes to enter into a public / private partnership with the Town of Exeter and lease a temporary structure to cover the Daniel Healy Outdoor Pool in the months of September through May.

Our non-profit (501C3) organization has the staff and experience to run safe, successful, and multi-faceted aquatics programs.

# WHERE-WHAT-WHO-WHY-HOW-WHEN

Our organization used the two pools at Philips Exeter Academy until PEA closed the smaller, older teaching pool in 2010. Since then we have been unable to run our swim lessons programs and have had to turn prospective swimmers away due to lack of space.

An arrangement with the Town of Exeter would be a win/win for both parties. ESA would get the pool time it needs to continue its programs, just in time for the upcoming Olympics and the increased exposure and heightened interest in swimming.

The Town of Exeter would benefit with availability of a year-round swimming pool with a full range of aquatic health and wellness programs. Indoor pools are ranked very high when measuring the "quality of life" of a community.

Swimming is the most popular recreational sport and can be enjoyed equally by infants, children, adults and Senior Citizens. Its safety (swim lessons) and fitness (cardiovascular, low impact, etc.) benefits are second to none.

Additional benefits are numerous and could include a school swim program where all SAU 16 third graders could get swim lessons as part of their curriculum in health or Phys Ed. Membership discounts for Exeter residents are another possibility.

# WHERE-WHAT-WHO-WHY-HOW-WHEN

The Exeter Swimming Association and Town of Exeter can devise a usage contract, beneficial to both parties, that allows the ESA to lease a temporary structure to put over the outdoor pool for 9 months of the year. Amount for said structure and accompanying equipment would be approximately \$200,000 ..... to be leased over 5 years.

ESA would be responsible for leasing that full amount and would also provide the following modifications and improvements to the existing pool facility (most of which are necessary for safety and cost effectiveness.)

- Insulation of the bathhouse for winter weather
- Concrete footing for the structure. (would be flush with the deck so it would not interfere with summer use)
- Moving the fence (on the east side) out to expand deck space. This would entail pouring additional decking and adding new fencing.
- Building of a shaded overhang above the deck doors to the Men's Room, Women's room and pool office. (This would double as the corridor entryway to the single door of the structure in the fall/winter/spring.)
- Purchase of a commercial pool heater
- Purchase of a pool blanket for energy efficiency and savings in water and chemicals
- Lighting for parking lot
- Natural gas heaters (4) for bathhouse, men's room, women's room and filter room.
- Utility setup costs

The above costs would not be covered under a lease and would total between \$70,000 and \$80,000. This would be obtained through a fundraising effort, coordinated by EST, among the communities in the greater Exeter area. This would be centralized on a web site where sponsors could donate, be recognized, obtain information and see updates on how much has been raised. A recognition "Wall of Fame" would be displayed at the facility for those who donate "generously".

Once built the structure would be run by the Exeter Swimming Association as a full-service aquatic facility with programming input from the Exeter Recreation Department. Or some type of monthly amount could go to the Rec. Dept. as a building "lease fee".

These are the basics of the proposal. Details could be worked out among EST, the Rec. Dept. and perhaps a town "pool committee". Bottom line ..... the Town of Exeter pays next to nothing and receives a valuable service from a successful non-profit group.

# WHERE-WHAT-WHO-WHY-HOW-WHEN

For a continued influx of swimmers into our program, especially with the upcoming Summer Olympics, we are attempting to get this structure up and running by October.

With your help we can achieve something that has been needed in this community for a long time.

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In 2010 over 380 pools in the US were drained and shut down for good. That is a rate of over one per day! USA Swimming, the national governing body for our sport, responded to the unprecedented closure of our valuable swimming pools by forming their **Facilities Development Department**.

In the past, most year-round facilities have operated at "break even" or at a loss for three reasons:

- They have not been treated like a business.
- They have been underutilized by not keeping up with society's changing needs.
- They were thought of as "quality of life" services and considered untouchable.

But, as the economy has worsened in recent years, it has been too easy to eliminate swimming facilities. It is expensive to run indoor pools in the colder month and, instead of rolling up their sleeves and making changes, schools and municipalities have simply cut pools completely from their budget for a quick and easy "fix".

USA Swimming has taken the lead on this front and their Facilities Department offers many services to help pools stay open and have been very successful in stemming this tide. The Exeter Swimming Association has the full support of USA Swimming in our endeavor.

**The Exeter Swimming Association and the Exeter Rec. Dept. present :**

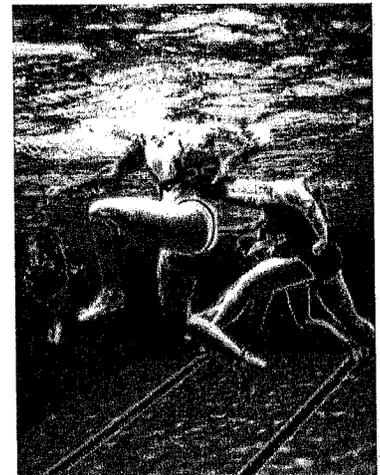
**Swim lessons**

Group, Semi-Private or Private.  
Choice of 4- week sessions, Weekend-only options, plus 1-week "concentrated" options)

- Infant
- Toddler
- Preschool
- School age
- Adults/Seniors



**OVER  
20  
DIFFERENT  
PROGRAMS**



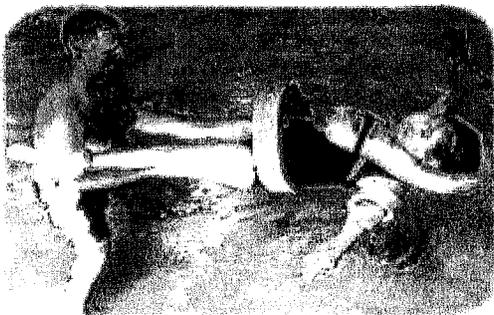
**Adapted Aquatics**

Physical  
Mental

**Aquacize**

(From Wet n' Mild to Wet n' WILD  
... offered throughout the day)

- Low Intensity (Yoga, stretching, Liquid Magic, etc)
- Moderate Intensity (Pilates or Zumba type Latin rhythm)
- Moderate to High Intensity (Turbo Aqua Fit or faster Latin)
- High Intensity (Boot Camps, HydroBurn, etc.)
- Deep Water Aqua-Jogging (all abilities, using belts)



**Therapy/Rehabilitation**

Done in conjunction with local therapists, hospitals, doctors, etc.

(Arrangements TBD.)

Fall Prevention (balance training in the water)

**Structured swimming practices  
(coached workouts)**

- Exeter Swim Team
- Exeter Pre-Team
- Masters (adult) swim team
- High School Swim Teams
- High School Prep workouts
- Tween Fitness
- Triathlon Training



## Wellness or Fitness start-up evaluations and fitness monitoring

Done for free with all members once a year.  
Qualified staff meets with the individual and sets up a suggested program or regimen for them. Members will enter the "right" program for full enjoyment and benefit.

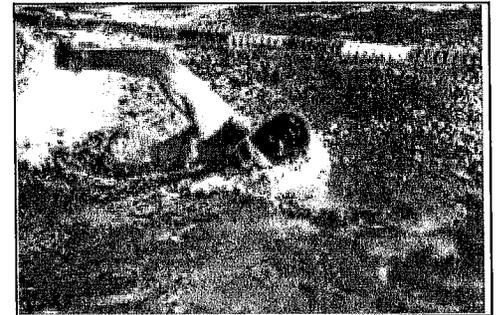


## Pre Natal classes and fitness (for moms-to-be)



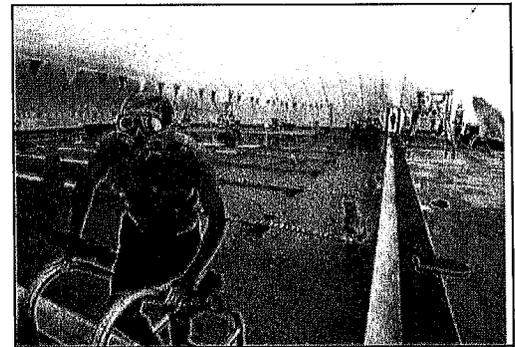
## Recreation and Wellness

Adult Lap Swim  
Teenage swims  
Family/Open Swims  
Cinema Swim (watch a movie with inner tubes)



## Senior Citizens

All programs would be open to Seniors. The warmer water and start-up evaluations would ease fears about joining or participating. Staff would be well trained on how to accommodate, integrate and properly treat this large, unique and valuable group of members.



## Advanced Red Cross courses

Lifeguarding  
Lifeguard Recertification  
Water Safety Instructor  
Lifeguard Instructor  
CPR and First Aid



May 1, 2012

TO: Exeter Board of Selectmen  
Russ Dean

FROM: Mike Favreau

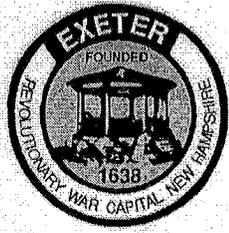
RE: Use of Revolving Fund Money

We have encountered some problems with the pool filter that require some repairs this fall. The pool filter is 38 years old, although it runs fine now. We wanted to get the sand in the filter replaced as we had in 2004 but were told that due to the age of the filter the PVC "laterals" in the filter tank are too brittle to do it without the risk of breaking them. The recommendation was to replace the filter.

We have money "saved" in the revolving fund for future painting of the pool and tennis courts. I feel this trumps those needs right now and we should fix the filter, improve the flow rate with a new pump and fix a leak under the floor of the filter room (that costs us \$600 per year).

I have met with Doreen Ravell and gone over the revolving fund records and we have roughly \$71,000 that could be used for this type of thing. This does not touch the money that is flowing through the fund for 2012. We feel we could if things go well, accumulate up to \$8000/year over the next few years that would allow us to recoup the money for the pool painting down the road.

I have attached a proposal from Northern Pool, who by the way did a similar project at UNH last year. I realize that this would have to be bid out however their proposal is indicative of what to expect. We would go with Option B, numbers 2 & 3 giving a cost of \$49,633 plus the cost of wiring and cutting a hole in the roof (and repair) to get the filter out.



## TOWN OF EXETER, NEW HAMPSHIRE

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10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

[www.town.exeter.nh.us](http://www.town.exeter.nh.us)

To: Board of Selectmen

From: Julie Gilman

Date: 6/1/2012

Re: **New Hampshire Community Planning Grant Program – Grant Round One  
Application Form**

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For assistance with the form-based code investigation, which will require a motion to authorize the Town Planner to be able to file the application and also for the Chairman to sign the application.

**New Hampshire Community Planning Grant Program  
Grant Round 1 Application Form**

**Application Deadline: June 15, 2012 (postmark)**

Instructions and scoring criteria are available at [www.nhcitizenplanner.org](http://www.nhcitizenplanner.org).

Direct inquiries to: Benjamin D. Frost, Esq., AICP New Hampshire Housing P.O. Box 5087 Manchester, NH 03108	<a href="mailto:bfrost@nhhfa.org">bfrost@nhhfa.org</a> (603) 310-9361
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Applicant (for multi-jurisdictional projects, indicate lead applicant and list all municipalities)

**Town of Exeter, NH**

Contact Person

Sylvia Von Aulock

Address

10 Front Street  
Exeter, NH 03833

Telephone

603-778-0591

Email address

svonaulock@town.exeter.nh.us

Amount of CPG Funding Requested

\$ 10,000

Committed Local Match

\$ 2,500

Total Project Budget

\$ 12,500

Provide a brief description of your project (no more than 3 sentences) that could be used for publicity purposes if your project is selected for funding. Indicate if this is an application either for a *Neighborhood Heritage District* or for *Inclusionary Zoning*.

The Town of Exeter, through volunteer residents, is investigating form based code as a solution to segue a large scale commercial area, predominantly scaled for vehicular travel on a major gateway into Exeter, to the small scale pedestrian friendly historic downtown and abutting residential districts. The volunteer group has begun by identifying the area of interest, desired effect and potential zoning/site design guideline changes to attain this goal. The Town seeks a consultant to assist in reviewing recommending statutory language, providing presentation materials for public engagement and organizing public outreach.

Please include the following with your application:

1. Project narrative (5 pages maximum; see details in the Grant Application Instructions)
2. Project budget (see details in the Grant Application Instructions)
3. Letter(s) of commitment for match
4. For single municipality applications:

Signed copy of the governing body's official act or resolution authorizing the filing of this application

For multi-jurisdictional applications:

Signed copy of the governing body's official act or resolution authorizing the filing of this application from each participating municipality; and

Signed copies of the intergovernmental agreement(s) prepared pursuant to RSA 53-A, or other comparable agreement

5. Other supporting documentation as appropriate, including letters of support from local boards, residents, or other entities in the community such as businesses or non-profit organizations, and any other material supporting or verifying information in the application. Do not include full paper copies of lengthy reports or planning publications; submission of abstracts of such matter and full documents on electronic media (flash drive or compact disc) or provision of Web addresses that link *directly* to such documents are preferred.

Note: All project information and final products and materials relating to the project shall be made available to New Hampshire Housing. These materials may be used for public education and outreach, as examples for future applicants, or for training purposes by New Hampshire Housing, along with other federal, state, regional, and local organizations.

<p>Signature of Chief Executive Officer of municipality holding fiduciary responsibility or other representative designated by the governing body certifying that the information contained in the application is true and complete to the signer's belief:</p>  <p>_____</p> <p>Signature</p>  <p>_____</p> <p>Printed name</p>  <p>_____</p> <p>Date</p>	<p>Mail one paper copy and one digital copy of the completed application, narrative, budget, and supplemental materials to:</p>  <p style="text-align: center;">CPG Application Attn: Benjamin D. Frost New Hampshire Housing P.O. Box 5087 Manchester, NH 03108</p>  <p><b>Applications must be postmarked no later than June 15, 2012 to be considered.</b></p>
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**Exeter Form Based Codes**  
**Key Elements**  
4/17/12

**I - Introduction**

- A) What is the intent of Exeter Form Based Codes ?
- B) How to use the Code
- C) Components of the code
  - 1) Regulating plan(s)
  - 2) Street, type specifications
  - 3) Building envelop standards
  - 4) Streetscape standards
  - 5) Architectural standards

**II - The Regulating Plan (provides standards for the development of each property or lot and shows how it relates to adjacent properties and streetscapes )**

- A) Rules for development
  - 1) Individual properties
  - 2) Buildings
  - 3) Streetscape
  - 4) Parking
- B) The plans (graphic)
- C) Street types (graphic)

**III – Building Envelope Standards**

- A) General principles and goals
  - 1) Building alignment (with overall streetscape intentions)
  - 2) The street is a cohesive space with building/landscape and Pedestrian space both sides of the street
  - 3) Building facades engage the public streetscape
  - 4) Public spaces are physically defined by buildings, fences, walls or landscaping
  - 5) Building are designed to look out at the streetscape, to private gardens or court yards, not into neighboring properties
  - 6) Other than on street parking, vehicle parking, mechanical equipment, trash, etc. are kept away from the streetscape
  - 7) Signage is pedestrians oriented, not vehicular

- B) Basic Building Standards (for each differing zone)
  - 1) Sitting on lot
  - 2) Height
  - 3) Façade
    - a) design elements
    - b) fenestration
    - c) projections
    - d) doors
    - e) rhythm of design elements
- C) Permitted and prohibited uses
- D) Special exemptions
- E) Signage (amendments to existing sign ordinance)

#### **IV - Streetscape Standards**

- A) General principles and goals (integration of vehicular, bicycles, pedestrians)
  - 1) the streetscape
  - 2) fronts and rears of buildings
- B) Trees
  - 1) minimum size
  - 2) placement
  - 3) species
- C) Sidewalks
- D) Turf and ground cover
- E) On street parking
- F) General notes (misc. issues)
- G) Public gathering spaces

#### **V - Architectural Standards**

- A) General principles and goals
  - 1) statement of design objectives
  - 2) standards (equal to or better)
  - 3) regulations apply to whatever is clearly visible from the street
- B) Exterior building walls
  - 1) provide graphic examples
  - 2) list of primary approved materials (75% of façade)
  - 3) List of secondary materials (less than 25% of façade)
  - 4) Accent materials (less than 5% façade)
  - 5) General notes on basic design standards
- C) Roofs and Parapets
  - 1) provide graphic examples
  - 2) list of primary materials
  - 3) general provisions
    - a) pitched roofs
    - b) overhands
    - c) parapets

- d) cornices and other features
  - 4) mechanical equipment
- D) Street, walls and gardens
  - 1) provide graphic examples
  - 2) general standards
  - 3) primary materials
- E) Windows and doors
  - 1) provide graphic examples
  - 2) types of materials
  - 3) general design standards
- F) Signage
- G) Awnings and overhands
- H) Lighting and mechanical equipment
  - 1) list of permitted light fixtures
  - 2) lighting design standards
  - 3) treatment of mechanical equipment

#### **VI - Administration**

- A) goals and objectives
- B) follow Planning Board standard rules and procedures
- C) maybe develop a design review sub-committee
- D) required submissions
  - 1) site plan
  - 2) building ground floor plans
  - 3) landscape plans
  - 4) streetscape plans and details
  - 5) concept plans (if phased development)
  - 6) materials list
  - 7) building elevations
  - 8) Planning Board standard drainage and utility design guidelines
- E) special exceptions
- F) non-conforming uses and structures
- G) existing structures

#### **VII – Definitions (additional to those already in place by the Town)**

## **Portsmouth Ave Corridor Improvement District**

### Section 1.0 Draft Goals:

- I. Recognize distinct zones within the corridor to preserve and enhance specific goals, identities, and regulations for each zone. (See Section 2.0 for detail and maps on each zone.) Identifiable characteristics may include: building and parking setbacks, architectural standards, access limitations, landscaping, and other streetscape requirements.
  - a. Transition Zone: Southern end of Portsmouth Ave, closest to downtown.
    - i. Transition Zone should maintain a more neighborhood scale through smaller structures, pleasant pedestrian walkways, and various streetscape details. Specific transition zone regulations should also consider the historical and physical connection to downtown.
  - b. Business Zone: This section covers the largest area of Portsmouth Ave from Greenhill Road to Holland Way.
    - i. The Business Zone should provide a vibrant, efficient, and safe business area for business owners and customers alike.
  - c. Highway Zone: This is the most northern section of the corridor and is directly linked to route 101 interchange.
    - i. The Highway Zone should focus on creating a unique gateway into Exeter while efficiently moving all manner of traffic into and out of Exeter.
- II. Land Use:

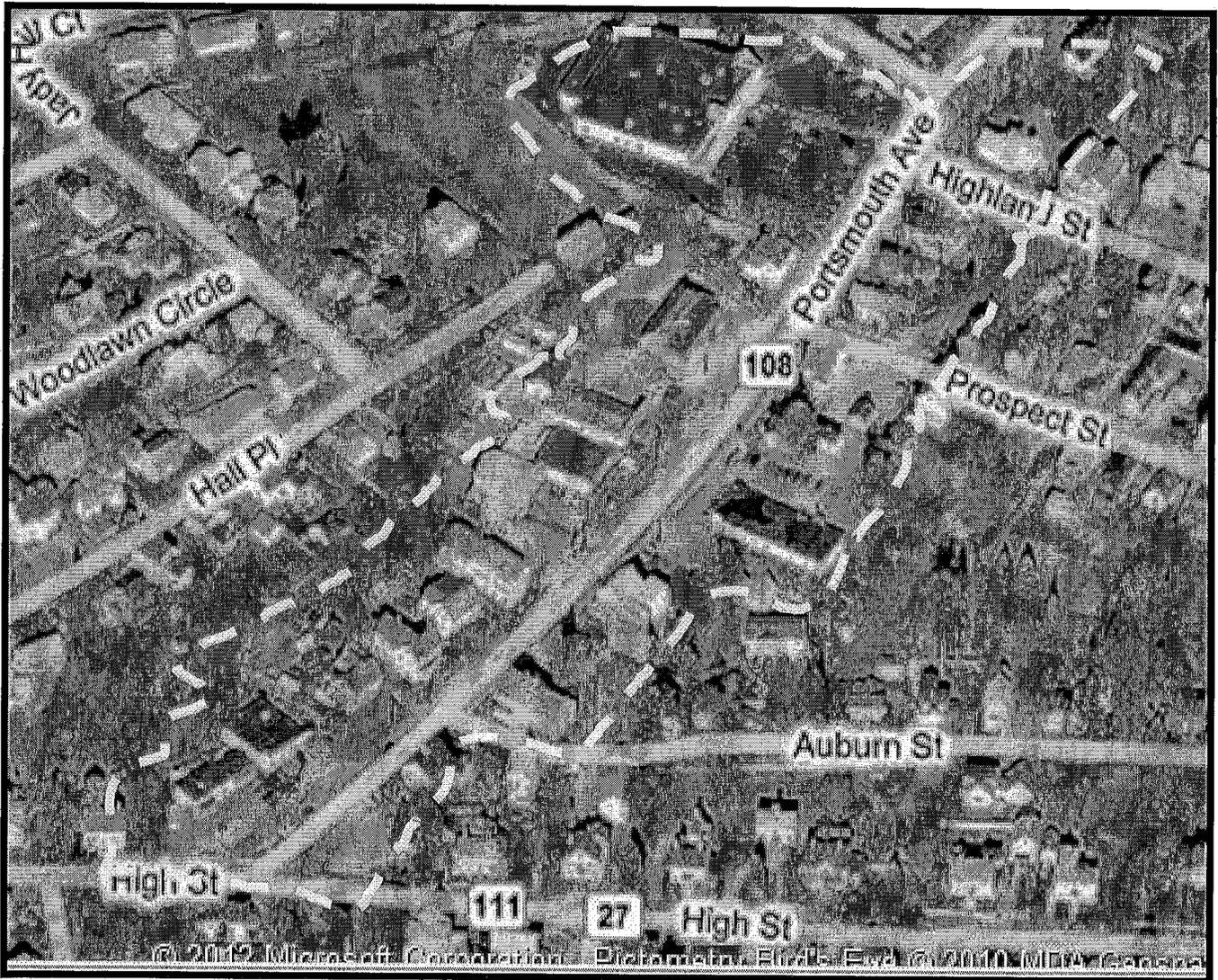
Each zone within the corridor should have uses that are compatible with the abutting zoning districts. The allowed uses should also take into consideration the sensitivity of the watershed (see section V. Green and Environmental Considerations)
- III. Transportation/Access;
  - a. Create a multi-modal corridor that is safe for vehicles, bicycles and pedestrians.
  - b. Reduce conflict points between user groups.
  - c. Optimize coordination for improved access for all users including deliveries.
- IV. Aesthetics;
  - a. Create architectural standards that accentuate the unique character for each of the three zones.
  - b. Develop minimum landscaping standards for each zone.
- V. Green and Environmental Considerations:

The entire area is within the watershed of the Squamscott River, a river designated as impaired by NHDES and EPA. It is also part of the NHDES River Management and Protection Program. Furthermore, portion of the corridor drain directly into the Exeter's reservoir, Water Works Pond. Considering the sensitivity of these resources, improvements to storm water collection and treatment systems should be required as development occurs.

Section 2: Portsmouth Avenue Corridor Zones

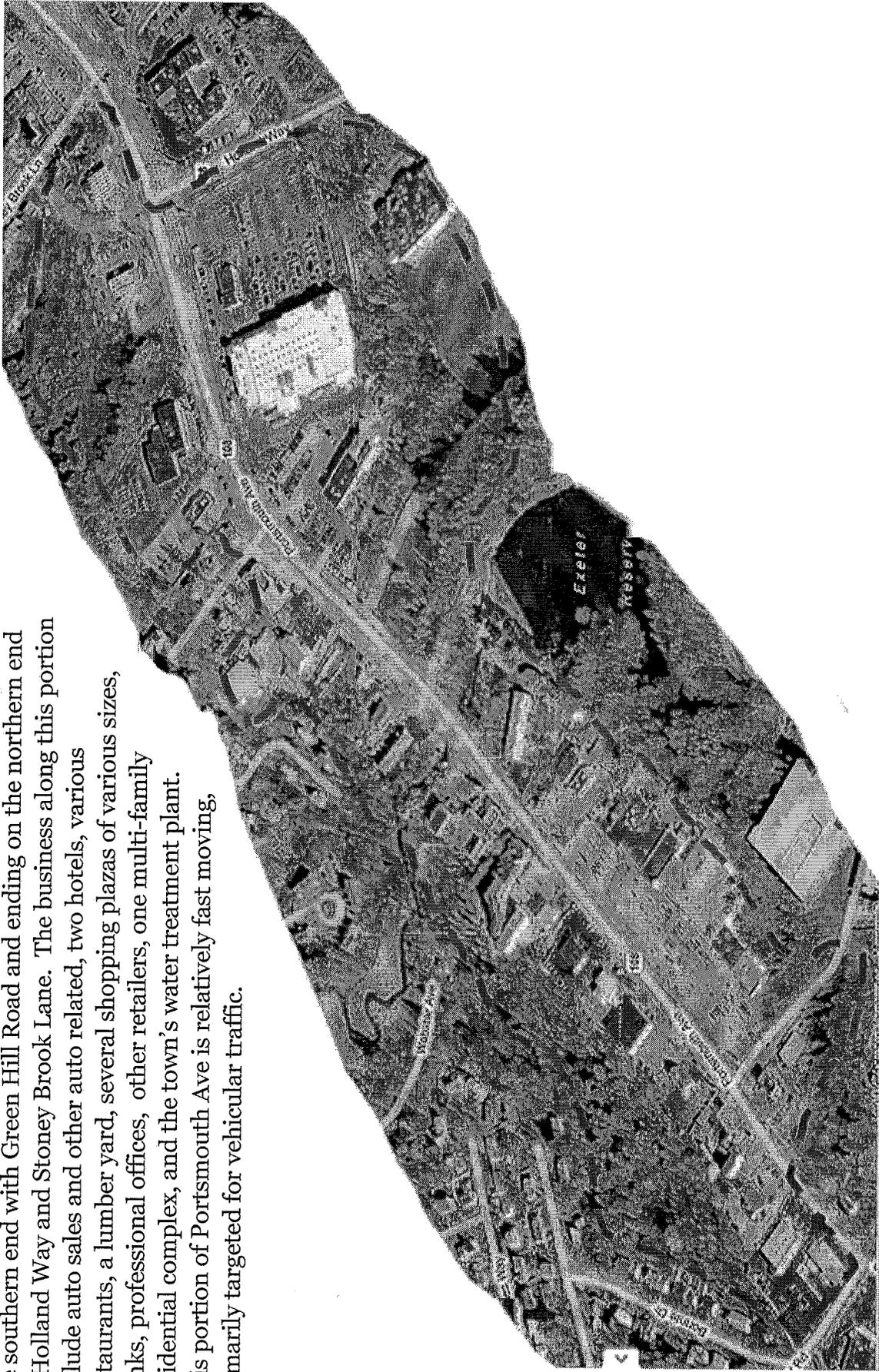
I. Transition Zone:

High Street to Green Hill Road, this zone has a mix of single and multi-family residential, business and office uses. The largest business is the Walgreens pharmacy. Other long term business include bakery, restaurant, rental equipment, bicycle, and an automotive repair shop. Offices include insurance, banking, and dentist. This portion of Portsmouth Ave. has somewhat of a more intimate, neighborhood scale, with close-knit buildings and smaller lots. It is common to see pedestrians walking in this area, including high-school aged youngsters walking to a favorite restaurant or to the drug store.



## II. Portsmouth Ave Business Zone:

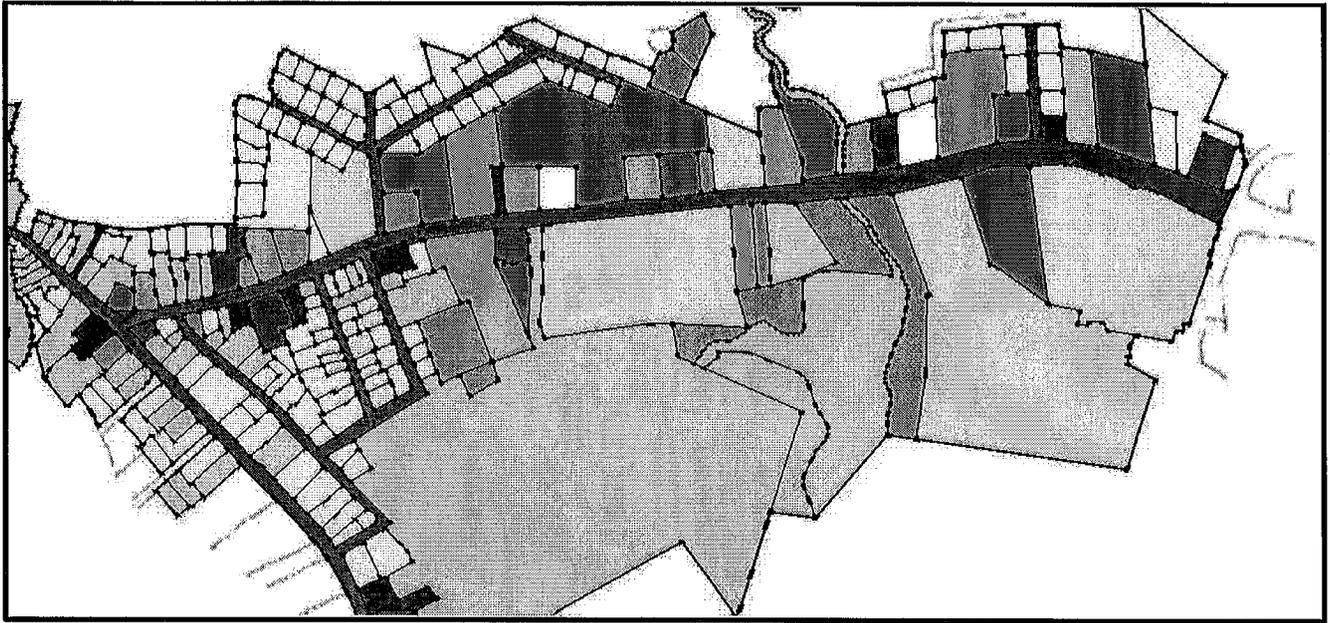
The Business Zone covers the majority of Portsmouth Ave beginning on the southern end with Green Hill Road and ending on the northern end at Holland Way and Stoney Brook Lane. The business along this portion include auto sales and other auto related, two hotels, various restaurants, a lumber yard, several shopping plazas of various sizes, banks, professional offices, other retailers, one multi-family residential complex, and the town's water treatment plant. This portion of Portsmouth Ave is relatively fast moving, primarily targeted for vehicular traffic.



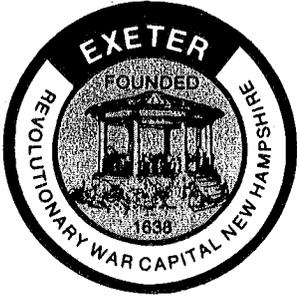
### III. Highway Zone:

The Highway Zone is the most northerly section of the corridor as well as the smallest area. Associated with the Route 101 interchange, this is a very busy and complicated roadway area. The area can be especially intimidating for senior drivers as well as for newcomers to the area. This section also has a few retail shops that are similar to that in the business zone including: auto sales, gas station, fast food, and other retail uses. The distinguishing feature within this district is that it sets the stage for vehicular movement in and out of Exeter and is one of the main gateways into Exeter.





Land Use Identification map – business shades of purple and pink, residential shades of yellow, municipal in brown, office use in blue, vacant = white, industrial = tan



# TOWN OF EXETER

10 FRONT STREET EXETER, NH 03833-2792 (603) 778-0591 Ext. 403 FAX (603) 418-6424  
[www.town.exeter.nh.us](http://www.town.exeter.nh.us)

DATE: JUNE 4, 2012  
TO: CHIEF OF POLICE  
TOWN OF EXETER, NEW HAMPSHIRE  
SUBJECT: WARRANT FOR UNLICENSED DOGS

Pursuant to NH RSA 466:14, entitled "Warrants, Proceedings", you are hereby directed to proceed with the issuance of a civil forfeiture for EACH unlicensed dog or seize any unlicensed dog for holding in an appropriate holding facility for a period of seven (7) days, after which title to the dog shall pass to the said holding facility.

Pursuant to NH RSA 466:16, entitled "RETURNS", you have until July 30<sup>th</sup> to return this warrant with a statement as to the number of owners who received and paid the civil forfeiture, and the number of dogs who have been seized and held under the provisions of RSA 466:14, and the number of owners who have received summons to DISTRICT COURT for failure to pay the civil forfeiture pursuant to RSA 466:13, or to license the dog(s) pursuant to RSA 466:1. All fees collected shall be turned over to the Town Clerk for processing.

Signatures to the Warrant attest:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELECTMEN FOR THE TOWN OF EXETER

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**OFFICE OF THE TOWN CLERK**

Andrea J. Kohler - *Town Clerk*  
[akohler@town.exeter.nh.us](mailto:akohler@town.exeter.nh.us)

**Town Facilities / Permits**  
**June 4 - June 18, 2012**

<b>Date</b>	<b>Length of Rental</b>	<b>Facility/Permit</b>	<b>Group/Purpose</b>
6/5	6-10 p.m.	Town Hall	Seacoast Wind Ensemble
6/7	all day	Town Hall	Musical Arts
6/9 & 6/10	all day	Town Hall	Seacoast Idol



## EXETER POLICE DEPARTMENT



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*Memorandum*

*May 31, 2012*

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**To:** Town Manager

**From:** Chief Kane

**Ref:** Permit to solicit door to door  
Pinnacle Security

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I looked into this permit application and found some issues that the selectman may want to consider before approving or denying the permit. The company is out of Utah and they send groups of salespeople out to sell a home security system. I have attached paperwork showing a number of complaints against the company from different states that I believe you should review. I also checked with NH towns that have issued permits for them to solicit. Nashua and Salem have had citizens call about the salespeople being in the neighborhood (suspicious) or people asking if it is a legitmist company. This is not unusual as that frequently happens to us in Exeter when these types of companies are around. Hudson police had three complaints about salespeople being rude, they also issued a summons to one salesperson who was soliciting after hours although being warned not to. They have asked to solicit from 2:00 to 9:00 I would recommend that it end at 8:00. From past experience with these types of companies one of our biggest complaints from people is that it is late to be knocking on peoples doors. If you have any questions please feel free to give me a call.



Better Business Bureau®

## BBB BUSINESS REVIEW

**THIS BUSINESS IS NOT BBB ACCREDITED**

**Pinnacle Security, LLC  
(Headquarters)**

Phone: (877) 746-7233

Fax: (801) 437-1030

*View Additional Phone Numbers*

1290 Sandhill Rd, Orem, UT 84058-7306

<http://www.pinnaclesecurity.com>

*View Additional Web Addresses*

**! There is an alert for this business !**



On a scale of A+ to F

Reason for Rating

BBB Ratings System Overview

*BBB Business Reviews may not be reproduced for sales or promotional purposes.*

### BBB Accreditation

Pinnacle Security, LLC is not BBB Accredited.

Businesses are under no obligation to seek BBB accreditation, and some businesses are not accredited because accreditation.

To be accredited by BBB, a business must apply for accreditation and BBB must determine that the business meets the requirements, which include a commitment to make a good faith effort to resolve any consumer complaints. BBB Accredited Business must undergo a regular accreditation review/monitoring and for support of BBB services to the public.

**0 of 8 Locations are BBB Accredited**

## Reason for Rating

BBB rating is based on 16 factors. Get the details about the factors considered.

Factors that *lowered* Pinnacle Security, LLC's rating include:

Government action(s) against business.

## Customer Complaints Summary

1186 complaints closed with BBB in last 3 years | 201 closed in last 12 months

Complaint Type	Total Closed Complaints
Advertising / Sales Issues	323
Billing / Collection Issues	207
Delivery Issues	3
Guarantee / Warranty Issues	2
Problems with Product / Service	651
<b>Total Closed Complaints</b>	<b>1186</b>

## Government Actions

The following describes a government action that has been resolved by either a settlement or a decision by a court. If the matter is being appealed, it will be noted below.

On November 19, 2009 the Utah Division of Consumer Protection entered into a Stipulation, Final Order, and Cease and Desist Order with Pinnacle Security Group LLC ("Respondent"). The Respondent was ordered to cease and desist from: a) indicating sponsorship, approval, or affiliation the supplier does not have; b) indicating that the subject of a consumer transaction is a consumer for a reason that does not exist; c) failing to clearly, affirmatively, and expressly identify at the time of a transaction the name of the company they represent, and stating the nature of the commodities they wish to sell; d) stating that a consumer transaction involved or does not involve a warranty, or other rights, remedies, or obligations, if true; e) failing to honor a warranty or warranty term; e) indicating that a replacement or repair is needed when it is not; and f) altering or misrepresenting authorizations are given when they are not, using deceptive tactics and untrue statements in order to secure the sale of products to consumers. Respondent was assessed and ordered to pay an administrative fine of \$6,000. Respondent agreed to the Stipulation, Final Order, and Cease and Desist Order freely and voluntarily, without any undue influence of the Division of Consumer Protection.

The following describes a government action that has been resolved by either a settlement or a decision by a court. If the matter is being appealed, it will be noted below.

On August 12, 2010 the New York Attorney General's Office announced a settlement with Pinnacle Security. The settlement can be viewed [click here](#).

On March 18, 2010 the Illinois Attorney General's Office announced a settlement agreement with Pinnacle Security Group LLC. The settlement agreement requires Pinnacle Security to inform consumers that they may have to pay a termination fee if they currently have a contract with a company that is not Pinnacle Security. Pinnacle Security also must refrain from paying commission to sales personnel who obtain contracts through fraudulent means. Pinnacle Security is required to pay restitution to eligible consumers who entered into contracts as a result of an unauthorized sale. Illinois consumers can request restitution before May 8, 2010, by calling the Attorney General's Consumer Fraud Bureau at 1-800-352-3333 or writing to Pinnacle Security.

The Illinois Attorney General's Press Release on this matter can be found through the following hyperlink:

[http://illinoisattorneygeneral.gov/pressroom/2010\\_03/20100318.html](http://illinoisattorneygeneral.gov/pressroom/2010_03/20100318.html)

The following describes a government action that has been resolved by either a settlement or a decision by a court. If the matter is being appealed, it will be noted below.

On December 12, 2011 the Ohio Attorney General's Office announced a Consent Entry and Order with Pinnacle Security agreed to change certain business practices and train salespeople and staff to: a) give consumers proper notice; b) wait to perform any installation or work until after consumers' three-day cancellation period; c) provide on-site support on the use of their security systems after installation; d) make accurate statements about fees, discounts, and services; and e) instruct consumers to check with their existing home security services provider if they want to switch to Pinnacle Security.

Under the settlement, Pinnacle Security has been assessed a \$50,000 civil penalty, of which \$25,000 will be satisfied by the settlement. Pinnacle Security also will pay a total of \$75,867.29 in restitution to 169 consumers identified in the settlement. Pinnacle Security will also provide the option to cancel their contracts. These consumers filed complaints with the Ohio Attorney General's Office, the Ohio Attorney General's Bureau, or directly to Pinnacle Security. Additionally, Pinnacle Security will pay restitution to consumers who file a complaint after the settlement date. Ohio consumers who have a complaint against Pinnacle Security based on a transaction between December 17, 2008 and February 10, 2012 should file a formal complaint through the Ohio Attorney General's website at [click here](#) or call 1-800-688-8111.

View the full document here:

[click here](#).

Pinnacle Security denied that it committed any violation of the Ohio Home Solicitation Act. The entry of this Consent Entry and Order does not constitute an admission by the company of any fact or the existence of any application of law.

The following describes a government action that has been resolved by either a settlement or a decision by a court. If the matter is being appealed, it will be noted below.

On March 8, 2012 the Florida Attorney General entered into an Assurance of Voluntary Compliance with Pinnacle Security LLC wherein the company agreed to reform its business practices and compensate Florida consumers, for high-pressure sales tactics. Under the agreement, Pinnacle will offer refunds to customers who were misled by the company's relationship with other security companies or the cost of its services. Additionally, customers who could not get their services repaired promptly or were overcharged when they cancelled their Pinnacle contracts will be offered compensation available here:

[click here](#).

The following describes a government action that has been resolved by either a settlement or a decision by a court. If the matter is being appealed, it will be noted below.

On April 20, 2012 the Missouri Attorney General's Office announced a settlement with Pinnacle Security LLC. Under the settlement, Pinnacle will provide \$46,000 in refunds to customers in Missouri who were misled about Pinnacle's relationship with other security companies, its services, or its cancellation policy. Pinnacle will also pay \$12,500 to the Missouri Merchandising Practices Revolving Fund as a penalty to the state. Additionally, Pinnacle must reform its sales practices to ensure consumers understand the terms of the contract before purchasing, including the company with which they are contracting, the monthly price for the service, the terms of any restrictions on cancellation. The settlement also obligates Pinnacle to monitor its sales representatives who are in contact with consumers closely. The Attorney General's full Press Release is available here:

[click here](#).

What government actions does BBB report on?

## Advertising Review

BBB has nothing to report concerning Pinnacle Security, LLC's advertising at this time.

What is BBB Advertising Review?

## Additional Information

BBB file opened: 05/07/2003  
 Business started: 07/01/2001  
 Business started locally: 01/01/2000

### Type of Entity

Limited Liability Company

### Business Management

Pinnacle Security and Devcon Security located in Texas are owned by Golden Gate Capital. Separate BBB Reliability Reports are available for Devcon Security at [www.bbb.org](http://www.bbb.org).

### Contact Information

Mr Stuart Dean (VP of Corporate Comm)

### Business Category

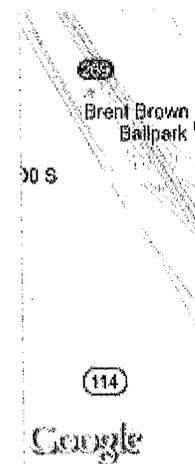
Burglar Alarm Systems - Dealers, Monitoring & Service, VOIP (Voice Over Internet Protocol) Sales & Service, Internet Services

### Alternate Business Names

First Pinnacle Alarm, First Pinnacle Alarm, Inc., Pinnacle Home Security System, Vigilon, Inc.

### Industry Tips

Burglar Alarms  
 Choosing a Web Hosting Service for your Business Web Site  
 Safe & Sound: Securing Your Home  
 Vishing is the New Phishing



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In Utah

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Phone: 778-0591 Fax: 772-4709

PERMIT APPLICATION FOR PEDDLING – SOLICITING – VENDING 802

**PERMIT FEE: To be submitted with permit application. Permit fee is non-refundable.**

Fee: \$25.00 per day or \$100.00 per week or \$250.00 per calendar year or any part thereof, in accordance with Town Ordinance 802.

Today's Date: 5/17/12

Representative Information:

Name: JAMES MORPHIS Ramsay D. Henderson  
Street Address: 38 HAWTHORNE DR. #B108  
Town/State/Zip: BEDFORD, NH 03310  
Phone#: (818) 641-8920 Fax#: (801) 437-1030

Organization Information:

Name: PINNACLE SECURITY  
Street Address: 1290 SANDHILL RD.  
Town/State/Zip: OREM, UTAH 84058  
Phone#: (801) 437-1020 Fax#: (801) 437-1030

Organization Tax ID#: \_\_\_\_\_

Type of Activity: HOME SECURITY SYSTEM SALES

Dates of Activity: 5/22 - 8/1/12

Time of Activity: (9AM to 9PM limit): 2 pm - 9 pm MONDAY - SATURDAY

At what Town Parks, Parking Lots, Commons will peddling, soliciting or vending occur:

EXETER RESIDENTIAL

Complete the following information for each individual involved:

Name: John W. Morphs DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Name: James L Morphs DOB: ( ) - ( ) SS#: \_\_\_\_\_

Method of Peddling/Soliciting: DOOR - TO - DOOR

Attach copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in peddling/soliciting or vending. Continue on other side of this form.....

Motor Vehicle Information:

License plate#: KGZ LOP State: Missouri

Vehicle description: White Nissan Sentra 2005

Attach additional information sheet if necessary.



This permit is issued to the representative/organization listed on this permit for the purpose indicated on this permit. This permit shall be valid for said representative/organization only during the time and dates indicated on this permit. This permit is non-transferable.

As authorized by the Board of Selectmen/Designee:

\_\_\_\_\_ Date

Office Use:

Date Application Received: \_\_\_\_\_

Fee Received: \$ \_\_\_\_\_ Cash: \_\_\_\_\_ Check: \_\_\_\_\_

Submitted to Police: \_\_\_\_\_

Approved by Police: \_\_\_\_\_

Police Dept Notes: \_\_\_\_\_



Town of Exeter Ordinance: 802  
To regulate Vendors, Hawker, Peddlers, Solicitors, and other Itinerant Vendors, and Door-to-Door Solicitations and Canvassing.

Town of Exeter Ordinance: 802.1  
Requirement  
No person, partnership, corporation, or other entity, whether maintaining permanent location in the Town of Exeter or not, may sell, barter, purchase, or otherwise carry on commerce in goods or services within the Town of Exeter, or attempt to do so, through door-to-door soliciations, or on the streets, sidewalks, or other property of the Town without first applying for and receiving a permit to do so from the Town of Exeter.

Complete Ordinance 802 available upon request.

Applicant  
Dispatch

peddle/05-05

Tom. F. Emmerling  
gmail.com

TOWN OF EXETER, NH  
10 FRONT STREET  
EXETER, NH 03833  
Phone: 778-0591 Fax: 772-4709

APPLICATION FOR A SELECTMEN'S PERMIT

- Structure on Sidewalk
- Block Off Parking Spaces
- Block Off Street/Road
- Parade
- Fireworks
- Picketing
- Other \_\_\_\_\_

Liability Insurance Required: Certificate of Insurance to be submitted with completed application. Required Amounts: General Liability/Bodily Injury/Property Damage (combined): \$300,000-\$1,000,000 with additional personal injury of \$300,000 AND the Town of Exeter listed as an additional insured.

Permission to block off parking spaces near the Bandstand will include blocking off parking spaces from the Bandstand steps to the crosswalk only, not beyond the crosswalk.

If permit involves overnight use of blocking off an area, barricades must be in place before dark.

Application Date: 5/31/12

Applicant Information:

Name: Tom & Uli Emmerling Address: 146 Calef Highway  
Town/State/Zip: Barrington NH 03825 Phone: 603-498-4711 Cell: 617-335-0990

Organization/Company Information:

Name: Sugar & Ice 2 Address: 85A Water Street  
Town/State/Zip: Exeter NH 03833 Phone: 617-335-0990

Describe Activity: placing 2 benches in front of store front window

Describe Location: store front

Date(s) of Activity: \_\_\_\_\_ Time of Activity: every season March - Nov

Parking Enforcement Officer Jones \_\_\_\_\_

Highway Superintendent Jay Perkins \_\_\_\_\_

Code Enforcement/Building Inspector Douglas Eastman \_\_\_\_\_

\*\*Police Dept.  
(required for parade, fireworks, picketing, "other" as deemed necessary) \_\_\_\_\_

This permit is issued for the purpose indicated and shall be valid only during the times/dates indicated on this permit.

As authorized by the Board of Selectmen/Designee: \_\_\_\_\_  
Date

Robert Sullivan e Comcast.net

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Phone: 778-0591 Fax: 772-4709

PERMIT APPLICATION FOR PEDDLING – SOLICITING – VENDING 802

PERMIT FEE: To be submitted with permit application. Permit fee is non-refundable.

Fee: \$25.00 per day or \$100.00 per week or \$250.00 per calendar year or any part thereof, in accordance with Town Ordinance 802.

Today's Date: May 14, 2012

Representative Information:

Name: Robert Sullivan

Street Address: 18 Viola Circle

Town/State/Zip: Seabrook, NH

Phone#: 603-474-1779 Fax#: \_\_\_\_\_

Organization Information:

Name: Sully's Ice Cream

Street Address: 74 Lincoln Street

Town/State/Zip: Exeter, NH

Phone#: 603-997-6616 Fax#: \_\_\_\_\_

Organization Tax ID#: \_\_\_\_\_

Type of Activity: Selling Italian Ice

Dates of Activity: 5-14 to 9-3

Time of Activity: (9AM to 9PM limit): noon to 7pm

At what Town Parks, Parking Lots, Commons will peddling, soliciting or vending occur:

Swasey Parkway

Complete the following information for each individual involved:

Name: Robert Sullivan DOB: 6 SS#: \_\_\_\_\_

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Method of Peddling/Soliciting (Pushcart) To Be Trailered To Location.

Attach copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in peddling/soliciting or vending. Continue on other side of this form.....



MOBILE FOOD ESTABLISHMENT APPLICATION  
FOR FOOD LICENSE

Instructions:

This application must be completed to the best of your ability and submitted to the Regulatory Authority for review prior to operating a Mobile Food Establishment (MFE).

In addition, a floor plan of the Servicing Area (Attachment C) and a plan of the Mobile Food Establishment (Attachment A) must be provided for review.

Name of MFE: Sully's

Name and Address Printed On the MFE (For Customer Identification)

Sully's 74 Lincoln St Exeter NH.

Vehicle License Plate Number: \_\_\_\_\_

Name of Owner/Operator: Robert Sullivan

Address: 74 Lincoln St Exeter N.H.

Telephone Number: 603-997-6616.

Type of MFE (circle one):  
Self-Sufficient Vehicle or Trailer  
Vehicle or Trailer that is not Self-Sufficient  
Push-Cart  
Pre-Packaged, Non-TCS Push-Cart  
Other (describe): \_\_\_\_\_

Name, Address, Telephone Number for the Servicing Area

Swasey Parkway

Describe the location of the MFE in relation to the Servicing Area

Side walk near Bandstand. (Refer to Bandstand in parking area)

Locations, Days and Approximate Times the MFE will stop to service its customers

m-Sunday 12-7 PM

Anticipated Numbers of Meals/Servings per Day: 50

List the name of the Person in Charge who will be present at the MFE during its hours of operation:

Robert Sullivan

List the name of the Person in Charge who is responsible for the operation of the Servicing Area:

Employee - Paige Sullivan

List ALL food and beverage items to be prepared and/or served at the MFE. Attach a separate sheet if necessary. (Note: Any changes to the menu must be submitted to and approved by the Regulatory Authority prior to their service.):

1 Size Italian Ice/slusht. 6 Flavors

List ALL of the food and beverage items to be prepared at the Servicing Area.

Italian Ice (Lemon, Watermelon, Cherry, Blue Rasp,  
Cotton Candy, Orange CRM.

Identify the sources for all food items. Include the source of the ice.

Richties Slush Co.

Will all foods be prepared at and stored on the MFE?

YES Complete Attachment D, Food Preparation at the MFE

NO Complete Attachment B, Food Preparation at the Servicing Area and Attachment D, Food Preparation at the MFE and describe how the food will be transported to the MFE

How will food temperatures be monitored at the MFE? Built in Thermostat.

List the equipment and procedures that will be used at the MFE to maintain temperatures of PHF/TCS foods: 1 Cold Plate Freezer and Generator to Recharge.

Specifically identify how ready-to-eat foods will be protected from raw foods of animal origin during storage, transportation, preparation by food workers, and cooking at the MFE:

N/A

How will food and related items that are not temperature sensitive (paper products, utensils, etc.) be stored at the MFE? Food grade plastic containers.

Describe the location and set-up of the hand washing facility to be used at the MFE.

next to Postcast Hand sanitizer water container, Paper towels.  
5gal Pail for waste water.

Identify the source of the potable water supply and describe how water will be provided to the MFE. If a non-public water supply is to be used, provide the results of the most recent water tests. water will be provided from Sullys Icecream

24 Lincoln St. Town water supply.

Identify how, how often, and how much water will be provided to the MFE. Specify the location, number, and volume of any potable water tanks to be used. Describe the procedures for cleaning and refilling the tanks. water to be provided as needed

By site personal in 5gal containers that will be filled at Lincoln st

location container will be rinsed with commercial grade. Dish soap and rinsed with. Sterasthen  
Sanitize.

Identify the location, source, and capacity of the hot water supply for the MFE.

5gals To stored at site. supply is Lincoln st location.

Describe where utensil washing will take place. Describe where extra supplies of clean utensils will be stored. Individual Scoops For each Bucket of Slush

and at least 2 Per Flavor Backup 1 with Product. Remainder.  
In Sanitary Container DRY and Free From Moisture.

Identify which sanitizer(s) will be used at the MFE and where they will be stored.

Sterra Sleen. To wash. Paper Towel to DRY and Plastic Container to Store,

Describe how and where wastewater from hand washing and utensil washing will be collected, stored, and disposed of. Specify the volume and location of the wastewater collection vessels and the procedures for emptying the tanks. 5 gal wastewater

Bucket with Lid. To Transport to Sully's Ice Cream  
For disposal

Identify the location of toilet facilities for the MFE workers. N/A

Describe the number, location, and types of garbage disposal containers at the MFE.

1 at Pushcart.

Identify how, when, and where the garbage disposal containers will be emptied.

as needed.

Describe the structure of the MFE (floors, walls, overhead protection, surfaces, and general facilities for food protection). Freezer Push cart.

Describe how electricity, gas, propane, and other utilities will be provided to the MFE.

By owner.

Please add any information about the MFE & Servicing Area that should be considered.

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Statement: I hereby certify that the above information is correct and I fully understand that any deviation from the above without prior permission from the Regulatory Authority may nullify final approval.

Signature(s): Robert Sullivan

Printed Name(s): Robert Sullivan

Date of Submission: 5-15-12

Approval of these plans and specifications by the Regulatory Authority does not indicate compliance with any other code, law, or regulation that may be required (federal, state, or local). Furthermore, it does not constitute endorsement or acceptance of the completed MFE (structure or equipment). A pre-opening inspection of the MFE with equipment in place and operational will be necessary to determine if it complies with the local and state laws governing MFEs.

Regulatory Authority Representative: \_\_\_\_\_

Date: \_\_\_\_\_

Restrictions: \_\_\_\_\_

Permit Effective Dates: \_\_\_\_\_

Disapproval Date: \_\_\_\_\_

Reasons for Disapproval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attachment A

## Floor Layout--Servicing Area

In the following space, provide a scaled plan layout of the Servicing Area. Identify and describe all equipment including cooking equipment and hot and cold holding equipment, hand washing facilities, work tables, dishwashing facilities, food and single service storage, garbage containers, the potable water supply, and waste water disposal system at the Servicing Area.

Attachment B

List each food item and its preparation procedures that will take place at the Servicing Area.

FOOD	THAW How? Where?	CUT/WASH/ ASSEMBLE How? Where?	COLD HOLDING How? Where?	COOK How? Where?	COOLING How? Where?	REHEATING How? Where?	DEL TO T

Attachment C

**Proposed Floor Layout--Mobile Food Establishment**

In the following space, provide a scaled plan layout of the MFE. Identify

and describe all equipment including cooking equipment and hot and cold holding equipment, hand washing facilities, work tables, dishwashing facilities, food and single service storage, garbage containers, and customer service areas.

Attachment D

**Food Preparation at the MFE**

List each food item and its preparation procedures that will take place on the MFE.

FOOD	THAW How? Where?	CUT/WASH/ ASSEMBLE How? Where?	COLD HOLDING How? Where?	COOK How? Where?	COOLING How? Where?	REHEATING How? Where?	COMMERCIAL PRE- PACKAGED ITEM

Appendix II

**FDA Food Code Mobile Food Establishment Matrix**

This table is a plan review and inspectional guide for mobile food establishments based on the mobile unit's menu and operation. Mobile units range in type from push carts to food preparation catering vehicles.

To use the table, read down the columns based on the menu and operation in use. For example, if only prepackaged potentially hazardous food (time/temperature control for safety food) is served, then requirements listed in the **Potentially Hazardous (TCS)**

Menu - *Prepackaged* column apply. Likewise, if only food that is not potentially hazardous (time/temperature control for safety food) is prepared on board, then requirements listed in the **Not Potentially Hazardous Menu (TCS) - Food Preparation** column apply. Note that if a mobile food establishment has available for sale to the consumer both prepackaged potentially hazardous food (time/temperature control for safety food) and potentially hazardous food (time/temperature control for safety food) prepared on board, then the more stringent requirements of the **Potentially Hazardous (TCS) Menu - Food Preparation** column apply.

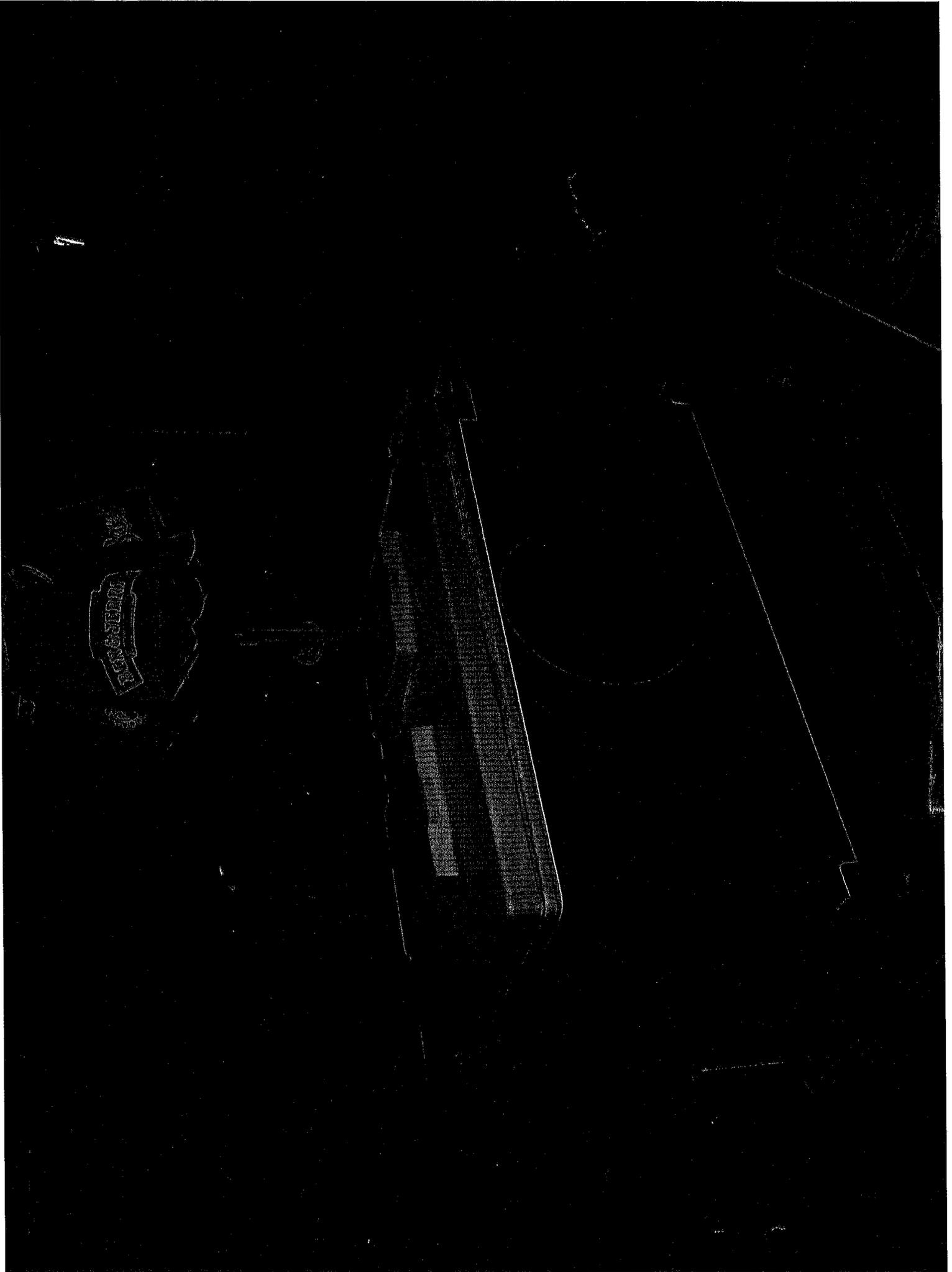
It is important to remember that mobile units may also be subject to all Food Code provisions that apply to food establishments. Consult the local regulatory authority for specific local requirements.

The local regulatory authority's decision to require auxiliary support services such as a commissary or servicing area should be based on the menu, type of operation, and availability of on-board or on-site equipment.

NOTE: The Food Code definition of "Food Establishment" does not include an establishment that offers only prepackaged foods that are not potentially hazardous (time/temperature control for safety foods).

FDA FOOD CODE MOBILE FOOD ESTABLISHMENT MATRIX			
<i>Food Code</i>	<i>Potentially Hazardous Food (TCS food) Menu</i>		<i>Not Potentially Hazardous Food (TCS Food) Menu</i>
<i>Areas/Chapter</i>	<i>Food Preparation</i>	<i>Prepackaged</i>	<i>Food Preparation</i>
Personnel	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)

Food	3-101.11 3-201.11-.16 3-202.16; Applicable Sections of Part 3-3; 3-501.16 3-501.18(A)	3-101.11 3-201.11-.16 3-303.12(A) 3-501.16 3-305.11; 3-305.12 (Applicable to Service Area or Commissary)	3-101.11; 3-201.11 3-202.16; Applicable Sections of Part 3-3
Temperature Requirements	3-202.11; Applicable Sections of Parts 3-4 & 3-5	3-202.11 3-501.16	NONE
Equipment Requirements	Applicable Sections of Parts 4-1- 4-9 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-6 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-5 - 4-6 and 5-5
Water & Sewage	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13 -.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15
Physical Facility	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111	6-101.11 6-102.11(A) & (B) 6-202.15 6-501.111	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111
Toxic Materials	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7.	Applicable Sections of Chapter 7
Servicing	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code
Compliance and Enforcement	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1



From: Renee O'barton <reneeobarton@yahoo.com>

Date: Mon, 21 May 2012 19:09:17 -0700 (PDT)

To: mjquandt@comcast.net<mjquandt@comcast.net>;  
dclement43@comcast.net<dclement43@comcast.net>; dchartra@rcn.com<dchartra@rcn.com>;  
juliedgilman@comcast.net<juliedgilman@comcast.net>; Frank Ferraro<fferraro2010@gmail.com>

ReplyTo: Renee O'barton <reneeobarton@yahoo.com>

Subject: Tonight's meeting and 91-A violations

Dear Selectmen Quandt, Clement, Chartrand and Ferraro and Selectwoman Gilman:

Given Mr. Griset's comments tonight regarding the violations of 91-A which took place during the Board of Selectmen meeting held on May 21, 2012 (i.e. receiving and reading text messages as well as private conversations between board members during the meeting) and Chariman Quandt's response that this matter will be "looked into", I am formally requesting that those members of the Board who received and read text messages during the meeting preserve those text messages and not delete them until further notice.

I am further requesting that those of you who conducted private conversations (i.e. conversations among one another not on the record and not made public) during the public meeting independently put into writing (and not discuss or disclose this information with each other):

A. Who the conversation was with; and B. What was discussed in those conversations.

If you have any questions regarding this request please do not hesitate to contact me.

Sincerely,

Renee



# TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

[www.town.exeter.nh.us](http://www.town.exeter.nh.us)

May 29, 2012

Ms. Renee O'Barton  
5 Blanche Lane  
Exeter, NH 03833

Dear Ms. O'Barton,

I have consulted with each Selectboard member based on your email of May 21<sup>st</sup>, 2012 received at my office on May 22<sup>nd</sup>, 2012.

In response to your email I would offer the following:

- No member of the Board of Selectmen recalls sending or receiving text messages during the May 21<sup>st</sup>, 2012 Board of Selectmen meeting;
- During the meeting, Ms. Gilman confirmed the time of the Memorial Day parade with Mr. Chartrand. Mr. Clement was made aware of a motion from a prior set of minutes by Mr. Ferraro. Mr. Chartrand recollected Mr. Quandt asking him if he wanted to make a motion on an item.

In addition to the above, I indicated to Mr. Quandt on his way by me at one point confirming I wished to speak to an item.

It is not uncommon during meetings for Board members to, on occasion, put items in their calendars if an event is discussed that involves the presence of one or more Board members like the Memorial Day Parade. That is what you may have observed.

Sincerely,

Russell Dean  
Town Manager



Russ Dean <rdean@town.exeter.nh.us>

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## RSA 91-A Request

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Brian Griset <grisetandsons@comcast.net>

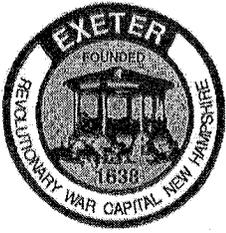
Tue, May 22, 2012 at 5:12 PM

To: "Mjquandt@Comcast. Net" <mjquandt@comcast.net>, Russ Dean <rdean@town.exeter.nh.us>, dchartra@rcn.com, Don Clement <dclement43@yahoo.com>, "Julie D. Gilman" <juliedgilman@comcast.net>, Frank Ferraro <fferraro2010@gmail.com>

Mr. Dean, Chairman Quandt,

I hereby request copies of all electronic communications, of any kind, which took place just prior to, during and immediately after the Selectmen meeting last night. Please inform me of the process and requirements to obtain this data.

Brian Griset



## TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

*www.town.exeter.nh.us*

May 23, 2012

Mr. Brian Griset  
26 Cullen Way  
Exeter, NH 03833

Dear Mr. Griset

I write to acknowledge your emailed Right to Know request dated May 22, 2012 at 5:12 p.m..

I want to make sure the Town complies fully with your request, but in its present form it is quite vague and therefore inappropriately requires the Town to guess at what public records you are seeking.

Please assist us by providing further specification – specifically, what are you referring to when you mention electronic communications, between which individuals, and what period of time are you referring to when you use the phrases “just prior to” and “immediately after.”

Sincerely,

Russell Dean  
Town Manager

CC: Exeter Board of Selectmen



Russ Dean <rdean@town.exeter.nh.us>

---

## RSA 91-A Request

---

Brian Griset <grisetandsons@comcast.net>

Wed, May 30, 2012 at 11:55  
AM

To: Russ Dean <rdean@town.exeter.nh.us>, "Mjquandt@Comcast. Net" <mjquandt@comcast.net>, Don Clement <dclement43@yahoo.com>, Frank Ferraro <fferraro2010@gmail.com>, "Julie D. Gilman" <juliedgilman@comcast.net>, Dan Chartran <dchartra@rcn.com>

Mr. Dean,

I am in receipt of your email response to my 91-A request of 5-22-2012.

Although I believe clarification is not necessary and has once again caused delay in production of the request, please accept the following.

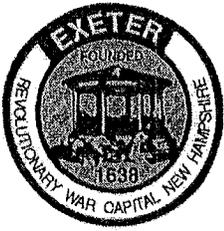
In response;

The term electronic shall mean as defined by statute.

In terms of time frame, from the posted time of the meeting to the actual time that the meeting adjourned.

In accordance with RSA 91-A, please provide all communication by and between Town staff and all Selectmen regarding this request either in hard copy or electronic form.

Brian Griset



# TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

[www.town.exeter.nh.us](http://www.town.exeter.nh.us)

May 31, 2012

Mr. Brian Griset  
26 Cullen Way  
Exeter, NH 03833

Dear Mr. Griset

I am responding to your May 22 email request, as explained in your email of May 30<sup>th</sup>.

Since all selectmen were present from the posted time of the May 21<sup>st</sup> meeting until its adjournment, the only type of electronic communications that could possibly have occurred during that time period would have been either by text or email over their cell phones.

I have inquired of each selectmen and each has stated that he/she had no text or email communications with other selectmen or town staff during that time period.

Respectfully yours,

Russell Dean  
Town Manager

CC: Exeter Board of Selectmen

# WONDERLAND THRIFT SHOP

GIVING BACK, A LITTLE AT A TIME

Phone: (603) 793-4284

Website: [www.wonderlandthrift.org](http://www.wonderlandthrift.org)

E-mail: [cheryl@wonderlandthrift.org](mailto:cheryl@wonderlandthrift.org)

20, May 2012

Dear Community Friend:

It has been nearly 4 years since Wonderland Thrift opened its doors for business! Time sure does fly! We have enjoyed heartwarming support from the community thus far and had the honor of donating proceeds so far to Seacoast Hospice, Seacoast Promise, Womenade, Families First and St. Vincent De Paul to name just a few. We continue to donate to different local groups and have our beneficiary list set up until 2012.

We provide our community with a source of reasonably priced, quality, household, clothing, and children's items while at the same time utilizing proceeds to support worthy causes within the community.

Wonderland is fast becoming an integral part of and source of support for, this wonderful community in which we live. While we have enjoyed a great response from the community thus far, we are always in need of storage, jewelry displays, shelving, racks and totes. We ask that if you ever have any of these items that you cannot use, please contact me so that we can use them and continue our good work in the community.

We always need:

LEFT OVER ITEMS

KNICK-KNACKS, HOUSEWARES, GIFTS, DÉCOR, TOYS, JEWELRY

SHELVING – STORAGE ITEMS

ITEMS YOU HAVE HAD RETURNED

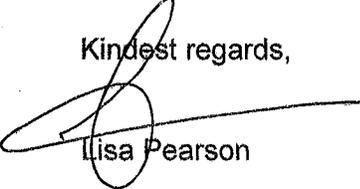
OUT OF SEASON STOCK – SEASONAL ITEMS

CLOTHING DRIVE HELP

FURNITURE

If we could be on your corporate giving list, this would be wonderful. We are able to pickup items.

Kindest regards,

  
Lisa Pearson



96-98 Epping Road, Exeter, NH 03833

*If we each give a little every day, might there come a day when we no longer need to give at all?*

# WONDERLAND?



## WHAT'S THE BUZZ?

The BUZZ is kids clothing is now 50¢, teen and adult clothing \$2.00 each. Kids onesies 50¢. Gap, Aeropostale, Abercrombie, Levis, Talbots, Polo..... hundreds more! New season clothing in stock now!

Wonderland donates funds locally, has a clothing voucher program and provides support for many families and individuals.

We have a great clothing store and a full furniture barn, something for everyone. We sell furniture, antiques/collectibles, pictures, kitchen items, small appliances, books, crafts, house-wares, décor, toys, dishes, electronics, silverware, jewelry, shoes, sports, textiles, baby items – a little of everything!

Get involved, volunteer, donate, shop with us, host a coat drive this year, spread the word, “like” us on Facebook. We always need house-wares, furniture, jewelry, coats and boots.

Hours: Monday through Saturday, late night Thursday til 7:00pm.

Sunday 12-4:00pm

Donations gratefully accepted during business hours.

Pickup available for furniture/large lots.

Open 7 days per week!

Thank you and God Bless you all.

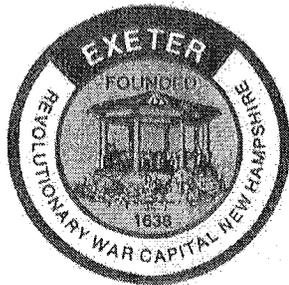
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Wonderland Thrift Non Profit: 96 Epping Road, Exeter, NH 03833 - (603) 686 5313

Wonderland Furniture Barn: 98 Epping Road, Exeter, NH 03833 – (603) 793 5314

[info@wonderlandthrift.org](mailto:info@wonderlandthrift.org)

[www.wonderlandthrift.org](http://www.wonderlandthrift.org)



# TOWN OF EXETER

10 FRONT STREET EXETER, NEW HAMPSHIRE 03833-2792

[www.town.exeter.nh.us](http://www.town.exeter.nh.us)

June 1, 2012

TO: Russ Dean, Town Manager  
Board of Selectmen

FROM: Mike Favreau

RE: Planet Playground Work Thank You

I would like to inform you of the fine job that the senior class of 2012 did with the assistance of Bernier Corp. and Summerwind Landscaping at Planet Playground today. The event was spearheaded by Karen Pryor and the senior class advisors working with our department.

They repainted much of the original artwork, repainted many other surfaces, did raking and landscaping, added another ramp to make to make the playground handicapped accessible, replaced many of the rubber chain coatings and replanted a tree lost during one of the past storms. The ramp and the tree were donations by the above named companies, who have seniors graduating.

Many of the seniors were the original users/builders (with their parents) when it was built twelve years ago. This was very serendipitous. The playground looks sharp now!

PARKS AND RECREATION DEPARTMENT

32 COURT STREET, EXETER, NH 03833

Tel (603) 773-6151 Fax (603) 773-6152



Russ Dean <rdean@town.exeter.nh.us>

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## COAST - Upcoming Public Transit Changes in the Seacoast

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**Rad Nichols** <rnichols@coastbus.org>  
To: Rad Nichols <rnichols@coastbus.org>  
Bcc: rdean@town.exeter.nh.us

Fri, Jun 1, 2012 at 1:33 PM

Dear All,

For the eleventh out of the past twelve years, COAST is once again on a record setting pace! More greater Seacoast residents are relying on our set of fixed-route, flex-route and demand response public transit services than anytime in our almost 30 year history. We continue to strive to provide the highest quality, safe, affordable and convenient public transportation service. I believe the proof of the success our efforts is evidenced by the continually growing number of individuals that are seen waiting at COAST bus stops and on the buses every day.

Additional news, later this month(June 25th) our fixed-route bus system will undergo some significant changes. In Dover, despite success, we will be eliminating a number of routes and services due to a lack of a sustainable funding source (<http://t.co/RFFe1y0W>). Between Rochester, Somersworth, Dover, Newington, and Portsmouth we will be significantly expanding the frequency of public transit services on our bus routes 2 & 40/41 (<http://t.co/mPbDM08e>). In each case these projects were/are being funded by targeted grants under the federal Congestion Mitigation/Air Quality (CMAQ) program.

At COAST we feel strongly that the set of services we offer serve to increase the overall attractiveness of the region. COAST and public transit systems like it offer affordable and convenient mobility, which is a key factor in the economic health and competitiveness of a community and region. The number one use for public transit at COAST and in NH is to commute to and from work. The next popular uses all revolve around accessing local and regional commerce. The commute period expansions we will be implementing later this month will result in some of the highest frequency public transit services in the state of NH.

We hope that you will help us spread the news of these upcoming changes and maybe even try riding COAST when you have a chance. You might be surprised at how simple, convenient and fun it is.

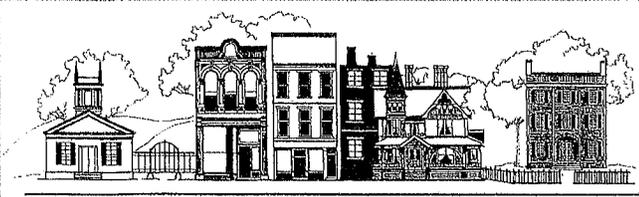
If you would like us to make a presentation, or set up an information table, at your organization or business to learn more about how easy and affordable it is to use COAST, please contact us at (603) 743-5777. We would be happy to help businesses, employees and individuals discover a more affordable - and still convenient - way to get to work and your place of business.

Rad Nichols  
Executive Director  
Cooperative Alliance for Seacoast Transportation  
42 Sumner Drive  
Dover, NH 03820  
(603) 743-5777

[www.coastbus.org](http://www.coastbus.org)

*"Living a life that matters doesn't happen by accident. It's not a matter of circumstance but of choice."*

*Michael Josephson*



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

Mary Kate Ryan  
State Survey Coordinator  
NH Division of Historical Resources  
19 Pillsbury Street, Concord, NH 03301  
603.271.6435  
www.nh.gov/nhdhr

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**603-715-1352**