

**Exeter Board of Selectmen Meeting
Monday, May 20th, 2013, 6:30 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. Non Public Session
3. Board Interview – Exeter Housing Authority
4. Public Comment
5. Minutes & Proclamations
 - a. Proclamation: Public Works Week
 - b. Regular Meetings: May 6th, 2013
6. Appointments
7. Discussion/Action Items
 - a. New Business
 - i. Todd Piskovitz: Lamprey River Watershed Plan
 - ii. Paul Kirshen: CAPE Presentation
 - iii. Public Health Network – Mary Cook
 - iv. Loan Agreement: Portsmouth Avenue Water/Sewer Line Replacement
 - v. Public Works: 2013 Paving Proposal Bell & Flynn
 - b. Old Business-
 - i. Fire Department Grants (PHN, Radios)
8. Regular Business
 - a. Bid Openings – Line Marking
 - b. A/P and Payroll Manifests
 - c. Budget Updates
 - d. Tax Abatements & Exemptions
 - e. Water/Sewer Abatements
 - f. Permits
 - g. Town Manager’s Report
 - h. Legislative Update
 - i. Selectmen’s Committee Reports
 - j. Correspondence
9. Review Board Calendar
10. Non Public Session
11. Adjournment

Don Clement, Chairman
Board of Selectmen

Posted: 5/17/13 Town Offices, Town Hall, and 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.

PROCLAMATION

2013

NATIONAL PUBLIC WORKS WEEK

Whereas, the many services provided by Public Works to our community are an integral part of our citizen's everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewer, storm water, streets, bridges, dams, public buildings, municipal fleet and solid waste; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction is vitally dependent upon the efforts and skills of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff Public Works Departments is materially influenced by the people's attitude and understanding of the work they perform; and

Now, therefore, it is hereby proclaimed, by the Town of Exeter Board of Selectmen, that May 19 through May 25, 2013, is "National Public Works Week" in the Town of Exeter, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which Public Works officials make every day to our health, safety, comfort, and quality of life, not only this week but throughout the year.

Signed this 20th day of May, 2013

Matt Quandt, Chairman

Don Clement, Vice-Chairman

Dan Chartrand, Clerk

Julie Gilman, Selectman

Frank Ferraro, Selectman

Draft Minutes

Exeter Board of Selectmen Meeting

May 6, 2013

1. Call Meeting to Order

Chairman Don Clement called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. This followed a non public session at 6:50 p.m. to discuss a fee waiver.

Other members present were Vice Chairman Dan Chartrand, Selectman Frank Ferraro, Selectwoman Julie Gilman, and Selectman Matt Quandt. Town Manager Russell Dean was also present.

2. Public Comments

No public comment.

3. Minutes and Proclamations

a. Regular Meeting: April 29, 2013

To be approved at a later date, per the request of Selectman Ferraro.

b. Special Meeting: May 1, 2013

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to approve the minutes for the May 1, 2013 Board of Selectmen meeting. Motion carried – all in favor.

Vice Chair Chartrand spoke about a proclamation involving National History Day. He talked about how National History Day requires students from Exeter High School and Phillips Exeter Academy to choose a theme for the year like performance, documentary, website, and paper. The students competed in the 11th Annual National History Day/New Hampshire Competition at Plymouth State College. Meredith Gilman and Gwenovere Gilman were in attendance and recognized for winning first place in the senior group performance category. Amesley Katz, Ben Paquin, and Chandra Budrow won second place for “No Clear Victor”; and Hojone Kim won first place for his paper. All three groups earned a special certificate for outstanding use of primary resources and are to compete in Maryland in June.

4. Appointments

No appointments.

5. Discussion/Action Items

a. New Business

I. Mike Lambert: Stewart Park Proposal

Mike Lambert spoke on behalf of the Exeter Area General Federation of Women's Club, asking to place a small monument in Stewart Park. The monument is essentially a map of the Great Bay Estuary. Mr. Jeff Gallant will inset the map in granite. Mr. Lambert explained the monument will be kept "fresh" with funding from the Women's Club. He is simply looking for approval to place the monument in this location.

Linda Lambert, of the EAGFWC, added there will be writing on the bottom of the monument saying "Courtesy of het EAGFWC". She said the monument is funded by a cash prize the organization won at a recent convention.

Mrs. Lambert went on to talk about the organizations next fundraiser. It will be in celebration of the club's 60th anniversary. It will be held at the Exeter Inn on June 8 at 7:00 and will include dancing, music, and raffles. All profits will go to their contribution for renovating the Exeter Senior Citizen Center.

Selectman Ferraro thinks this is a great idea. He said it will be nice to see where the river goes. He asked Mr. Lambert if there is going to be any marking on the map showing where the person is, i.e. a "You are here" marking. Mr. Lambert said the project initially started out much larger. He said he kept downsizing and was hoping to rely on the sensibility of the individual to know where they are. Selectmen Ferraro mentioned that visitors who are not familiar with the area will look at the map and not know where they are. He said a label might be helpful. Mr. Lambert replied he would mention something to Jeff Gallant to see if he could sneak something in. Mrs. Lambert disagreed.

A Motion was made by Vice Chairman Chartrand and seconded by Selectman Quandt that the Selectboard give the EAGFWC and Mr. Lambert and Mr. Gallant approval to go ahead with put the marker up with the map and we appreciate that you're thinking about maintaining in the future because that is often an issue. Motion carried – all in favor.

II. Discussion on Town Ordinance 703

Mr. Russell Dean said himself and Selectwoman Gilman had a prior discussion about the issue of having public events that involve alcohol. He went on to discuss multiple venues and events of which alcohol was sold at. He said the public drinking ordinance prohibits drinking unless there is an exemption. Mr.

Dean said he was just trying to start a discussion about how to deal with these proposals in the future.

Selectwoman Gilman said it is a difficult discussion because they recognize prior success at beer events. She said events that have alcohol always make more money.

Selectman Ferraro said it is good that the Board is exploring this. He went on to talk about who has the authority to ok these exemptions. He said there are not just outdoor events, that they have to think about indoor events. Selectman Ferraro thinks the BOS should be involved in approving the exemptions.

Selectman Quandt thinks an amendment should be made to have the Selectmen involved.

Chairman Clement said he would like to see somewhere in the ordinance only before "civic" events. The Board talked about this being a "slippery slope". Basically if one event has alcohol, they all will want it. There was a discussion about whether to make it so broad or limit to civic events. They decided it was something to ponder. Chairman Clement said he's not sure why Parks and Rec. are involved in the approving of the exemptions, and he thinks the ordinance needs some tweaking.

Vice Chairman Chartrand said the Board is searching for a problem that does not exist. He said he does not agree that the ordinance needs to be changed and is comfortable with it the way it is.

Mr. Don Woodward, of the Town Budget Recommendations Committee, said all the town departments had been asked to come up with ideas on how their department could improve the town and that is why the Parks and Rec. have been involved in the events.

Mr. Dean went on to report that Primex says whatever the outcome to make sure to stay within the scope of proper insurance. He reported that Primex says for each event they'd be happy to weigh in on thoughts and concerns and can give good insight.

Selectman Ferraro said he would be willing to take a shot at writing a new ordinance, but would like to hear back from Primex on their liabilities first. Mr. Dean says he will have something for the May 20th meeting. Mr. Dean asked the members of the Board to give him all their suggestions.

Chairman Clement said they would wait to hear back from Primex then take the next step.

III. Discussion: SB197

Mr. Russ Dean talked about SB197. He said it is headed for success. He talked about what SB 197 does, saying a few years ago there began a discussion that the water and sewer funds are voted as part of the operating budget in a single article each year. So the question came up: Shouldn't water and sewer have their own budget article? Mr. Dean went on to say the only problem is there is no provision for default budget for either water or sewer funds. So, SB197 came out of a process through one of the committees to craft amendments to the RSA that would allow now operating in a default budget for the water and sewer funds. Basically, making three separate articles: a general fund portion, a water fund portion, and a sewer fund portion.

Mr. Dean went on to say he just wanted to bring an update. He said there has been a lot of support around the state.

Mr. Dean said this doesn't require the vote of the town to make this happen. He said it is up to the Board to decide the format in the fall.

Selectwoman Gilman commented that she thinks this is a great idea.

Selectman Quandt asked Mr. Dean if he was just looking for an OK from the Board to recommend this legislation. Mr. Dean replied that he is.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to recommend support of the amendment to SB197. Motion carried – all in favor.

Chairman Clement commented the amendment gives a good clarification to the voters.

IV. Discussion: HB617

Mr. Russ Dean started by saying the House passed a version of the Road Toll/Gas Tax Bill that would increase gas tax by four cents a year. The Town of Exeter would see an additional \$816,000 in revenue from this over 10 years for highways. The Senate was to meet on this issue May 7, 2013.

Selectman Quandt said he does not believe this is going to pass the Senate at this time because it is a tax increase. He also mentioned lots of small businesses are against this.

Chairman Clement said Exeter receives a block grant aid based on current gas tax. There was a discussion about last year's revenues they were at about \$250,000 which is applied to the general fund. He said it has been, however, declining over the last few years.

Chairman Clement went on to say he always welcomes additional increased revenue for the state. But he may be a bit ambivalent about raising gas tax over a three year period by 12 cents.

Selectman Quandt said there are two options: either recommend supporting this or recommend not supporting is.

Selectman Ferraro suggested moving on the agenda. No action was made.

b. Old Business

I. Bid Award: Sewer Vector Truck

Mike Jeffers talked about the bid he recommends. He told the Board the bidder he would recommend is C.N. Wood, Inc. with a bid of \$369,000. Mr. Jeffers said he likes this truck. He explained how the truck has a simpler system for dumping and would be easier to fix.

Selectman Ferraro mentioned there is \$5000 worth of spare parts that Mr. Jeffers could use for the vector. Mr. Jeffers agreed and said a lot of the parts are interchangeable.

Selectman Ferraro asked what would be done with the current truck. Mr. Dean said they have not talked about that yet, but will probably put it out to bid. Mr. Jeffers said he was not interested in a trade-in as it needs lots of repairs. He agreed that either a private sale or an auction would be best.

Chairman Clement asked when the new truck would arrive. Mr. Jeffers said they should have it by October or maybe even sooner.

A Motion was made by Vice Chair Chartrand and seconded by Selectman Quandt to award the bid to C.N. Wood Inc. for \$369,000. Motion carried – all in favor.

6. Regular Business

a. Bid Openings

No bid openings.

b. A/P and Payroll Manifests

A Motion was made Selectwoman Gilman and seconded by Selectman Quandt to approve payroll distribution for checks dated May 1, 2013 in the amount of _____, 537.32. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to approve checks dated May 6, 2013 in the amount of \$297,795.46. Motion carried – all in favor.

c. Budget Update

Mr. Dean reported no budget update.

d. Tax Abatements and Exemptions

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve the following abatements:

- Map 47, Lot 4 with a refund of \$996.03
- Map 47, Lot 4 with a refund of \$1021.25

Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Vice Chair Chartrand to approve and elderly exemption for Map 104, Lot 79, Unit 225 in the amount of \$152,251. Motion carried – all in favor.

A Motion was made by Selectwoman Gilman and seconded by Selectman Quandt to collect a Jeopardy Tax in the amount of \$412.13 for Map 87, Lot 14, Unit 9B. Motion carried – all in favor.

e. Water/Sewer Abatements

No water/sewer abatements to report,

f. Permits

Mr. Dean talked about a letter from Phillips Exeter Academy requesting the Town's permission to stop traffic on June 9 on streets close to the Academy for the purpose of graduation exercises. Chairman Clement said he assumes the Police Department is aware of this.

g. Town Manager's Report

Mr. Dean talked about the following:

- An organ the Board had previously declared surplus. He said the estimates of value are coming.
- The history awards presentation. He congratulated the winners and was thankful for his invite.
- Mike Favreau has closed the bathrooms at the rec. parks until park is open for the season due to a vandalism issue.
- Mr. Kirshen will appear at the May 20th meeting to give an update on the climate matters.
- There was a request for a speed limit on a private way. The town, however, does not regulate the speed limits on private ways.
- A note from Mr. Ken Berkenbush saying he expects the survey for work at the Sportsman's Club will go on and the fishing derby will go on as scheduled.

h. Legislative Update

No legislative update to report.

i. Selectmen's Committee Reports

Selectman Ferraro reported no meetings until Planning Board this coming Thursday, May 9.

Selectwoman Gilman said the 375th met. She advised the Board of upcoming events including Seacoast Idol. She said May 17 is National Bike or Walk to Work Day. She said the Heritage Committee meets Wednesday, May 8. She told the Board she walked through the band music room and there are piles of sheet music from 1800's though today that are in good condition. She went on to say she wanted to start going though all the music six years ago, that it is a huge project, but it needs to be taken care of.

Vice Chairman Chartrand attended the meeting of the Tax Increment Finance Work Group last Wednesday, May 1. He reported that the group is developing a document to run by the Planning Board, Historic District Committee, etc., all leading up to a presentation in front of the Board of Selectmen. Vice Chair Chartrand also welcomed back the Farmer's Market.

Selectman Quandt reported the Board of Swazey met.

Chairman Clement the Exeter Housing Authority met. He said there is still landscaping the town needs to provide to finish up the Water Street Interceptor project. He then said the River Study Committee met and they are coming up with two potential alternatives to dam removal. They are leading up to a public presentation in June. He talked about the Unitil Emergency Response Overview and he would leave the essence of the presentation on the Selectmen's mailing box.

j. Correspondence

Chairman Clement went talked about the following correspondence:

- A letter from Mercedes Voorhees about supporting Article 35
- A letter from the Dept of Revenue
- Multiple Comcast correspondence
- A legal notice about the Exeter Planning Board Agenda

7. Review Board Calendar

The next scheduled meeting will be May 20, 2013.

Selectman Ferraro said he will not be in attendance of the May 20th meeting and asked to defer the review/approval of the Minutes for the April 29 and May 6 meetings until his return.

A Motion was made by Selectman Quandt and seconded by Selectwoman Gilman to adjourn the meeting at 8:35. Motion carried – all in favor.

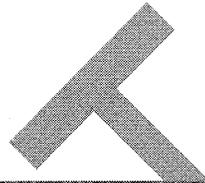
Respectively submitted,

Nicole McCormack
Recording Secretary

2013 Lamprey Rivers Management Plan

Updated and Expanded from 2007 Edition

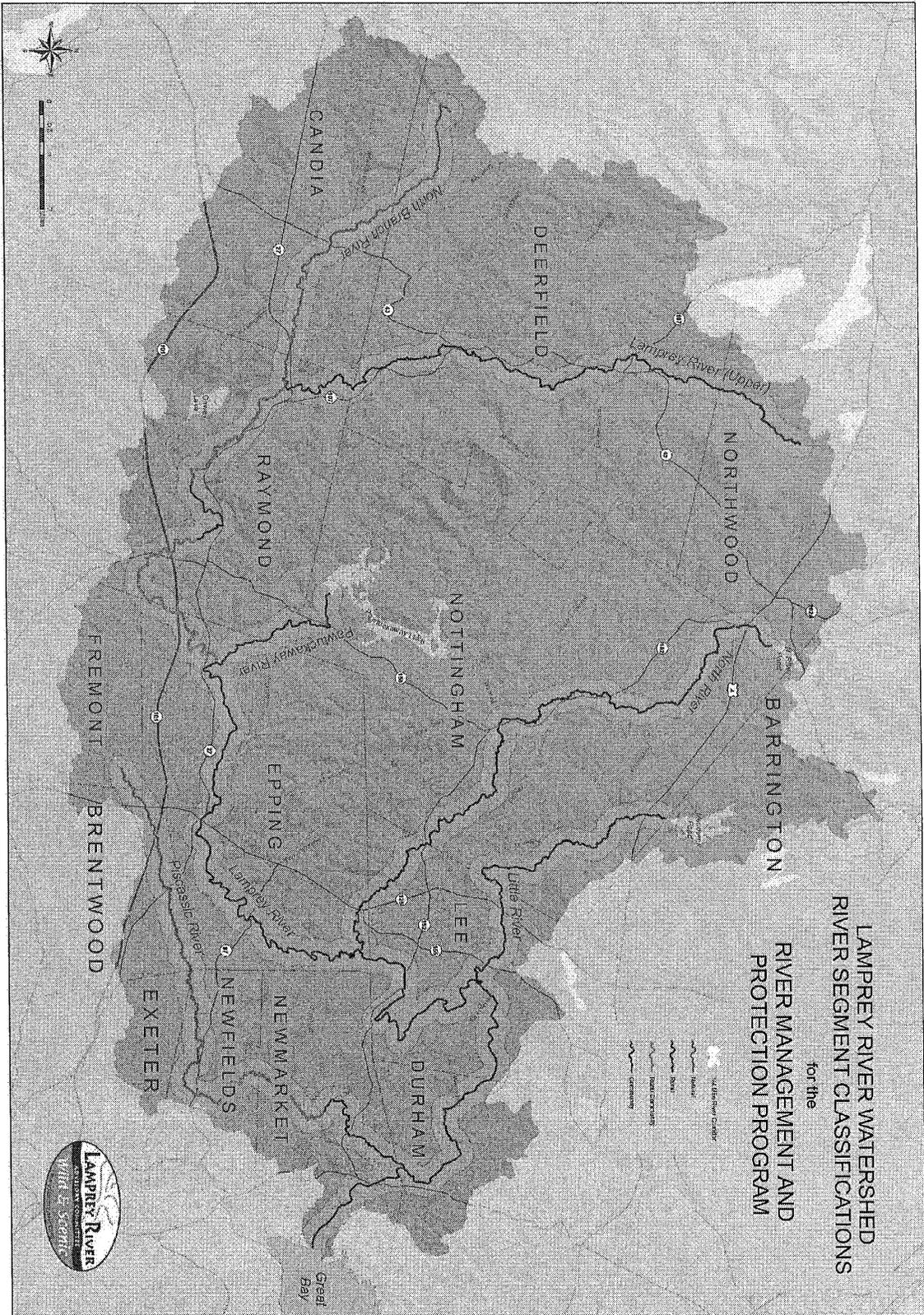
DRAFT



Deerfield Bridge over the Lamprey River, photo by Dawn Genes

Prepared by

the Lamprey Rivers Advisory Committee



Statement of Management Philosophy

The Lamprey River and its major tributaries (North Branch, Pawtuckaway, North, Little, and Piscassic rivers) have been recognized as significant ecological, historic, recreational, and water supply resources by the New Hampshire Rivers Management and Protection Program. In addition, the lower 23 miles of the main stem Lamprey River have been designated under the federal Wild and Scenic Rivers Program. Both programs require an advisory management plan to aid in protecting and managing the resources of the rivers. The Lamprey Rivers Management Plan must provide balance among its three main goals:

1. Protect the ecosystem and associated ecological services of the rivers and their quarter-mile corridors.
2. Promote responsible community use of the rivers and the surrounding land.
3. Respect the interests and rights of property owners while enlisting their support as guardians of the rivers' assets.

The population of the Greater Seacoast area is increasing. The rivers and the land surrounding them face increasing pressure from development and recreational use. As the natural landscape changes, maintaining and improving the current condition of the rivers will be more difficult.

It must also be noted that the Lamprey River and its tributaries contribute a significant amount of water to Great Bay. The Great Bay Estuary and portions of the Lamprey River are showing signs of decline and do not meet federal Clean Water Act criteria for several indicators. Special attention must be paid to mitigating the increase in nitrogen, sediment, and other pollutants that reach the waterways and incorporating climate change science to predict the adverse effects and proper response to severe storm events. The condition of the rivers and Great Bay reflects the actions of individuals and communities that populate the land surrounding these bodies of water.

The importance of educating the public and working together to attain the management plan goals is critical to our shared future. Central to this work will be encouraging the public and various partners to view the rivers as important and worthy of the collective efforts that will be needed for protection now and into the future. The future of the rivers and Great Bay as community assets rests squarely on the willingness of individuals and towns along the river to be knowledgeable and careful stewards. We must all learn to "tread lightly" in the watershed if we are to meet this challenge successfully.

Lamprey Rivers Management Plan 2013 Update

Prepared by the Lamprey Rivers Advisory Committee

Barrington: vacant

Brentwood: vacant

Candia: Dick Snow

Deerfield: Harriet Cady

Durham: Anne Lightbody

Rachel Stevens

Epping: Joe Foley

Exeter: Todd Piskovitz

Fremont: Fred Lindahl

Lee: Jere Beckman

Kitty Miller

Newfields: Alison Watts

Newmarket: Michelle Daley

Northwood: vacant

Nottingham: Mike Russo

Raymond: Kathleen Hoelzel

Dick Lord

Ann Welsh

Jenn Rowden

Sharon Meeker

Preston Samuel

Peter Wellenberger

Ted Janusz



NEW HAMPSHIRE MUNICIPAL BOND BANK

May 13, 2013

Ms. Doreen Ravell
Finance Director
Town of Exeter
10 Front Street
Exeter, NH 03833

Dear Doreen:

I am pleased to inform you that the loan application for the Town of Exeter in the amount of \$1,120,000 for 10 years was approved, subject to no material adverse changes in the Town's financial position, at a meeting of the Board of Directors of the New Hampshire Municipal Bond Bank held on Thursday, May 9, 2013. Your share of the issuance costs will be \$9,000. An invoice will be mailed to you after the bond closing.

Payments on your NH Municipal Bond Bank bonds are due 30 days before the bond payment date for this loan and all outstanding loans with the Bond Bank. This is a new policy established to maintain the Bond Bank's credit ratings.

You should have already received your loan agreement from your Bond Counsel. The loan agreement includes an estimated maximum interest rate which we have set well above the current market as we need to allow for some change between now and the date of sale. However, if rates remain at current levels we expect your actual interest rate to be much less than the maximum rate set in the loan agreement. Please verify the amount of the loan agreement and the term of the loan indicated in Exhibit A. Loan agreements are due back in our office by May 24, 2013.

Please do not hesitate to contact me at 1-800-393-6422 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Tammy St. Gelais'.

Tammy J. St. Gelais
Assistant Director

tjs

TOWN OF EXETER, NEW HAMPSHIRE
(the "Issuer")

CERTIFICATE OF VOTE REGARDING AUTHORIZATION
OF BONDS AND APPROVAL OF
LOAN AGREEMENT WITH THE NEW HAMPSHIRE MUNICIPAL BOND BANK

I, the undersigned Clerk of the Issuer, hereby certify that a meeting of the Governing Board of Issuer (the "Board") was held on _____. A quorum of the Board was in attendance and voting throughout.

I further certify that there are no vacancies on the Board, that all of the members of the Board were duly notified of the time, place and purposes of said meeting, including as one of the purposes the authorization of bonds and the approval of a Loan Agreement between the New Hampshire Municipal Bond Bank (the "Bond Bank") and the Issuer.

I further certify that the following is a true copy of resolutions unanimously adopted at said meeting:

RESOLVED: That under and pursuant to the Municipal Finance Act, Chapter 33, N.H.R.S.A., as amended, the New Hampshire Municipal Bond Bank Law, Chapter 35-A, N.H.R.S.A., as amended, and other laws in addition thereto, and to votes of the Issuer duly adopted on March 12, 2013 under Article 18 of the Warrant for the annual meeting of the Issuer there be and hereby is authorized the issuance of a \$1,120,000 Bond of the Issuer (the "Bond") which is being issued by the Issuer for the purpose of financing the replacement and rehabilitation of certain water mains and sewer lines.

The Bond shall be dated as of its date of issuance, shall be in such numbers and denominations as the purchaser shall request, shall mature in accordance with the schedule set forth in Exhibit A to a certain Loan Agreement hereinafter described (the "Loan Agreement"), shall bear a net interest cost rate (as defined in the Loan Agreement) of three and one quarter percent (3.25%) per annum or such lesser amount as may be determined by a majority of the Board. The Bond shall be substantially in the form set forth as Exhibit B to the Loan Agreement and otherwise shall be issued in such manner and form as the signatories shall approve by their execution thereof.

RESOLVED: That the Bond shall be sold to the Bond Bank at the par value thereof plus any applicable premium.

RESOLVED: That in order to evidence the sale of the Bond, the Treasurer of Issuer and a member of the Board are authorized and directed to execute, attest and

deliver, in the name and on behalf of the Issuer, a Loan Agreement in substantially the form submitted to this meeting, which is hereby approved, with such changes therein not inconsistent with this vote and approved by the officers executing the same on behalf of the Issuer. The approval of such changes by said officers shall be conclusively evidenced by the execution of the Loan Agreement by such officers.

RESOLVED: That all things heretofore done and all action heretofore taken by the Issuer and its officers and agents in its authorization of the project to be financed by the Bond are hereby ratified, approved and confirmed.

RESOLVED: That the Clerk and the signers of the Bond are each hereby authorized to take any and all action necessary and convenient to carry out the provisions of this vote, including delivering the Bond against payment therefor.

RESOLVED: That the useful life of the project being financed is in excess of fifteen (15) years.

I further certify that said meeting was open to the public; the aforesaid vote was not taken by secret ballot nor in executive session; that notice of the time and place of said meeting was posted in at least two (2) appropriate public places within the territorial limits of the Issuer, or published in a newspaper of general circulation in said area, at least twenty-four (24) hours, excluding Sundays and legal holidays, before said meeting; that no deliberations or actions with respect to the vote were taken in executive session; and that the minutes of said meeting have been promptly recorded and have been or will be made open to inspection within one hundred forty-four (144) hours of said meeting, all in accordance with Chapter 91-A, N.H.R.S.A., as amended.

I further certify that the above vote has not been amended or rescinded and remains in full force and effect as of this date.

WITNESS my hand and seal of the Issuer this _____ day of _____, 2013.

CLERK OF ISSUER

(SEAL)

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L O A N A G R E E M E N T

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AGREEMENT, dated the day of June 2013, between the New Hampshire Municipal Bond Bank, a public body corporate and politic constituted as an instrumentality of the State of New Hampshire exercising public and essential governmental functions (hereinafter referred to as the "Bank"), created pursuant to the provisions of Chapter 35-A of the New Hampshire Revised Statutes Annotated, as amended (hereinafter referred to as the "Act"), having its principal place of business in Concord, New Hampshire, and **Town of Exeter** (hereinafter referred to as the "Governmental Unit"):

W I T N E S S E T H :

WHEREAS, pursuant to the Act, the Bank is authorized to loan money (hereinafter referred to as the "Loans") to the Governmental Unit and the Governmental Unit is authorized to contract with the Bank with respect to such Loans to be evidenced by its municipal bonds (as defined in the Act) to be purchased by the Bank; and

WHEREAS, the Governmental Unit has requested a loan from the Bank in the amount of **\$1,120,000** (hereinafter referred to as the "Loan") and, to evidence the indebtedness to be incurred thereby, has duly authorized the issuance of its bonds in at least that principal amount (the "Municipal Bonds"), which Municipal Bonds are to be purchased by the Bank in accordance with this Loan Agreement; and

WHEREAS, the Bank has adopted or will adopt a General Bond Resolution (hereinafter referred to as the "Bond Resolution") authorizing the issuance of its bonds from time to time, a portion of the proceeds of which will be expended for the purpose of making the Loan, and will adopt a resolution authorizing the making of the Loan to the Governmental Unit by the purchase of the Municipal Bonds,

NOW, THEREFORE, the parties agree:

1. The following words or terms used herein shall have the following meanings:

(a) "Fees and Charges" shall mean all fees and charges authorized to be charged by the Bank for the use of its services or facilities pursuant to paragraph VIII of Section 6 of the Act.

(b) "Governmental Unit's Allocable Proportion" shall mean the proportionate amount of the total requirement in respect of which the term is used, determined by the ratio that the Loan then outstanding bears to the total of all Loans which are then outstanding, as certified by the Bank.

(c) "Loan Obligation" shall mean that amount of bonds issued by the Bank which is equal to the principal amount of the Municipal Bonds outstanding.

(d) "Maximum Interest Cost Rate" shall mean an interest cost rate of 3.25% per centum per annum.

(e) "Municipal Bonds Interest Payments" shall mean the amount to be paid by the Governmental Unit pursuant to this Loan Agreement representing interest due or to become due on its Municipal Bonds.

(f) "Municipal Bonds Principal Payments" shall mean the amount to be paid by the Governmental Unit pursuant to this Loan Agreement representing principal due or to become due on its Municipal Bonds.

2. The Bank hereby agrees to make the Loan and the Governmental Unit hereby agrees to accept the Loan and to sell to the Bank the Municipal Bonds in the principal amount of the Loan. The Municipal Bonds shall bear interest from the date of their delivery to the Bank at such rate or rates per annum as will result in an interest cost rate to the Governmental Unit of the Maximum Interest Cost Rate (as calculated by the "Interest Cost Per Annum" method) or at rates per annum as will result in a lesser interest cost rate to the Governmental Unit as determined by the Bank. The interest cost rate for purposes of this Loan Agreement will be computed as if the Municipal Bonds bore interest from the delivery date of the Bank's bonds, and without regard to Sections 4 and 5 hereof which require that Governmental Unit make funds available to the Bank for the payment of principal and interest at least thirty (30) calendar days (inclusive of Saturdays, Sundays and holidays) prior to each respective principal and interest payment date. Subject to any applicable legal limitations, the rate or rates of interest borne by the Municipal Bonds shall be not less than the rate or rates of interest borne by the bonds issued by the Bank (for corresponding maturities) the proceeds of sale of which were used to make the Loan and to purchase the Municipal Bonds. Notwithstanding the above, the obligation of the Bank to make the Loan shall be conditioned upon receipt by the Bank of the proceeds of bonds issued by the Bank both for the purposes set forth herein and to create the reserves required by the Bond Resolution.

3. The Governmental Unit has duly adopted or will adopt all necessary votes and resolutions and has taken or will take all proceedings required by law to enable it to enter into this Loan Agreement and issue its Municipal Bonds for purchase by the Bank.

4. The Municipal Bonds Interest Payments shall be not less than the total amount of interest the Bank is required to pay on the Loan Obligation and shall be scheduled by the Bank in such manner and at such times as to provide funds sufficient to pay interest as the same becomes due on the Loan Obligation and the Governmental Unit shall make such funds available to the Bank at least thirty (30) calendar days (inclusive of Saturdays, Sundays and holidays) prior to each interest payment date.

5. The Municipal Bonds Principal Payments shall be scheduled by the Bank in such manner and at such times as to provide funds sufficient to pay the principal of the Loan Obligation as the same matures (based upon the maturity schedule provided by and for the Governmental Unit and appended hereto as Exhibit A) and the Governmental Unit shall make such funds available to the Bank at at least thirty (30) calendar days (inclusive of Saturdays, Sundays and holidays) prior to each principal payment date.

6. The Governmental Unit agrees to be obligated to pay Fees and Charges to the Bank. Such Fees and Charges, if any, collected from the Governmental Unit shall be in an amount sufficient, together with the Governmental Unit's Allocable Proportion of other monies available therefore, including any grants made by the United States of America or any agency or instrumentality thereof or by the State or any agency or instrumentality thereof, to pay on a semi-annual basis:

(a) as the same becomes due, the Governmental Unit's Allocable Proportion of the administrative expenses of the Bank; and

(b) as the same becomes due, the Governmental Unit's Allocable Proportion of the fees and expenses of the trustee and paying agents for the bonds of the Bank.

7. The Governmental Unit agrees to be obligated to make the Municipal Bonds Principal Payments scheduled by the Bank on an annual basis and agrees to be obligated to make the Municipal Bonds Interest Payments scheduled by the Bank and to pay any Fees and Charges imposed by the Bank on a semi-annual basis.

8. The Governmental Unit agrees that any loan agreements previously entered into between the Bank and the Governmental Unit in connection with loan obligations previously undertaken and presently outstanding between the Bank and the Governmental Unit, are hereby amended so as to provide that the Governmental Unit shall make such funds available to the Bank with respect to the payment of interest and principal of each such loan obligation, if any, at least thirty (30) calendar days (inclusive of Saturdays, Sundays and holidays) prior to each interest or principal payment date pertaining thereto.

9. The Bank shall not sell and the Governmental Unit shall not redeem prior to maturity any of the Municipal Bonds with respect to which the Loan is made by the Bank prior to the date on which all outstanding bonds issued by the Bank with respect to such Loan are redeemable, and in the event of any sale or redemption prior to maturity of such Municipal Bonds thereafter, the same shall be in an amount equal to the aggregate of (i) the principal amount of the Loan Obligation so to be redeemed, (ii) the interest to accrue on the Loan Obligation so to be redeemed to the next redemption date thereof not previously paid, (iii) the applicable premium, if any, payable on the Loan Obligation so to be redeemed, (iv) the costs and expenses of the Bank in effecting the redemption of the Loan Obligation, and (v) at the direction of the Bank, an amount equal to the proportionate amount of bonds so to be redeemed which were issued by the Bank with respect to the Loan Obligation and necessary to fund a portion of the reserve fund authorized by Section 11 of the Act, less the amount of monies or investments available for withdrawal from such reserve fund and for application to the redemption of such bonds issued by the Bank in accordance with the terms and provisions of the Bond Resolution, as determined by the Bank; provided, however, that, in the event the Loan Obligation has been refunded and the refunding bonds issued by the Bank were issued in a principal amount in excess of or less than the Loan Obligation remaining unpaid at the date of issuance of such refunding bonds, the amount which the Governmental Unit shall be obligated to pay under item (i) hereof shall be the amount set forth in the resolution of the Bank. In the event the Loan Obligation has been refunded and the interest the Bank is required to pay on the refunding bonds is less than the interest the Bank was

required to pay on such Loan Obligation, the amount which the Governmental Unit shall be obligated to pay under item (ii) above shall be the amount of interest set forth in the resolution of the Bank. In no event shall any such sale or redemption of Municipal Bonds be affected without the prior written agreement and consent of both parties hereto.

10. Simultaneously with the delivery to the Bank of the Municipal Bonds, which Municipal Bonds shall be in a form acceptable to the Bank, the Governmental Unit shall furnish to the Bank an opinion of bond counsel satisfactory to the Bank which shall set forth among other things, the unqualified approval of said Municipal Bonds then being delivered to the Bank and that said Municipal Bonds will constitute valid general obligations of the Governmental Unit as required by the Act. The Governmental Unit shall bear the cost of such opinion.

11. The Governmental Unit shall be obligated to notify the Bank and the corporate trust office of the trustee for the bonds of the Bank in writing at least 30 days prior to each interest payment date of the name of the official of the Governmental Unit to whom invoices for the payment of interest and principal should be addressed.

12. The Governmental Unit and the Bank agree that the Municipal Bonds Principal Payments, the Municipal Bonds Interest Payments and the Municipal Bonds or a portion thereof may be pledged or assigned by the Bank under and pursuant to the Bond Resolution.

13. The Governmental Unit agrees upon surrender to it of the Municipal Bonds by the Bank it will, at the option of the Bank, cause there to be delivered to the Bank either registered or coupon Municipal Bonds as the case may be.

14. Prior to payment of the amount of the Loan, or any portion thereof, and the delivery of the Governmental Unit's Municipal Bonds to the Bank or its designee, the Bank shall have the right to cancel all or any part of its obligations hereunder if:

(a) any representation made by the Governmental Unit to the Bank in connection with application for Bank assistance shall be incorrect or incomplete in any material respect; or

(b) the Governmental Unit has violated commitments made by it in its application and supporting document or has violated any of the terms of this Loan Agreement.

15. (a). The Governmental Unit agrees to furnish to the Bank annually as long as any of the Municipal Bonds remain outstanding such financial reports, audit reports and other financial information as the Bank may reasonably require.

(b). So long as the Governmental Unit shall constitute an obligated person within the meaning of S.E.C. Rule 15c2-12 (the "Rule") as in effect from time to time, the Governmental Unit agrees to furnish to the Bank (1) such financial information and operating data with respect to the Governmental Unit at such times and in such forms as the Bank shall reasonably request in order to comply with the provisions of the Rule, (2) when and if available, the Governmental Unit agrees promptly to provide the Bank with its audited financial statements for each fiscal year and (3) the Governmental Unit agrees to provide to

the Bank in a timely manner, notice of any of the following events with respect to the Municipal Bonds, if material:

- (a) Principal and interest payment delinquencies.
- (b) Non-payment related defaults, if material.
- (c) Unscheduled draws on debt service reserves reflecting financial difficulties.
- (d) Unscheduled draws on credit enhancements reflecting financial difficulties.
- (e) Substitution of credit or liquidity providers, or their failure to perform.
- (f) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Municipal Bonds, or other material events affecting the tax-exempt status of the Municipal Bonds.
- (g) Modifications to rights of the beneficial owners of the Municipal Bonds, if material.
- (h) Bond calls, if material, and tender offers.
- (i) Defeasance of the Municipal Bonds or any portion thereof.
- (j) Release, substitution or sale of property securing repayment of the Municipal Bonds, if material.
- (k) Rating changes.
- (l) Bankruptcy, insolvency, receivership or similar event of the Government Unit.
- (m) The consummation of a merger, consolidation, or acquisition involving the Government Unit or the sale of all or substantially all of the assets of the Government Unit, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material.
- (n) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Governmental Unit agrees that from time to time it will also provide notice to the Bank of the occurrence of other events, in addition to those listed above, if such other event is material with respect to the Municipal Bonds.

The Governmental Unit will provide, in a timely manner, to the Bank, notice of a failure to satisfy the requirements of this Section.

The intent of the Governmental Unit's undertaking pursuant to this Section is to facilitate the Bank's ability to comply with the requirements of the Rule. Accordingly, the Governmental Unit agrees to provide the Bank with any additional information the Bank may reasonably require in order to comply with the requirements of the Rule, as in effect from time to time.

To the extent the Rule no longer requires issuers of municipal securities to provide all or any portion of the information the Governmental Unit has agreed to provide pursuant to this Section, the obligation of the Governmental Unit to provide such information pursuant to this Section also shall cease immediately.

The sole remedy available to the Bank or to any other person for the failure of the Governmental Unit to comply with any provision of this Section shall be an action for specific performance of the Governmental Unit's obligations under this Section.

16. The Governmental Unit shall not take, or permit to be taken, any action or actions that would cause any Municipal Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as from time to time in effect (the "Code") or a "private activity bond" within the meaning of Section 141(a) of the Code or that would cause any Municipal Bond to be "federally guaranteed" within the meaning of Section 149(b) of the Code, or that would otherwise cause interest on the Municipal Bonds to become included in gross income of the recipient thereof for the purpose of federal income taxation.

The Governmental Unit shall at all times do and perform all acts and things permitted by law and necessary or desirable in order to assure that interest paid by the Governmental Unit on the Municipal Bonds shall be excluded from gross income of the recipient thereof for the purpose of federal income taxation under any valid provision of law and to assure that the Municipal Bonds shall not be "private activity bonds" within the meaning of Section 141(a) of the Code, including the preparation and filing of any statements required to be filed by the Governmental Unit in order to maintain such exclusion.

17. If any provision of this Loan Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Loan Agreement and this Loan Agreement shall be construed and enforced as if such invalid or unenforceable provision had not been contained herein.

18. This Loan Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. Each party agrees that it will execute any and all documents or other instruments, and take such other actions as may be necessary to give effect to the terms of this Loan Agreement.

19. No waiver by either party of any term or conditions of this Loan Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase, or other provision of this Loan Agreement.

20. This Loan Agreement merges and supersedes all prior negotiations, representations, and agreements between the parties hereto relating to the subject matter hereof and constitutes the entire agreement between the parties hereto in respect hereof.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

NEW HAMPSHIRE MUNICIPAL BOND BANK

Attest:

By _____
Secretary, NHMBB

(NHMBB SEAL)

By _____
Chairman, NHMBB Board of Directors

Attest:

By _____
Member, Board of Selectmen

By _____
Town Clerk

By _____
Town Treasurer

Town of Exeter (SEAL)

EXHIBIT A

Town of Exeter

MATURITY SCHEDULE

Governmental Unit's Bonds

Due	Principal Amount
8/15/2014	115,000
8/15/2015	115,000
8/15/2016	115,000
8/15/2017	115,000
8/15/2018	110,000
8/15/2019	110,000
8/15/2020	110,000
8/15/2021	110,000
8/15/2022	110,000
8/15/2023	110,000
8/15/2024	
8/15/2025	
8/15/2026	
8/15/2027	
8/15/2028	
8/15/2029	
8/15/2030	
8/15/2031	
8/15/2032	
8/15/2033	
Total Issue	\$1,120,000



Town of Exeter
Public Works Department

Memo

To: Board of Selectmen
Russell Dean, Town Manager

From: Jennifer R. Perry, P.E., Public Works Director *JRP*

Date: May 17, 2013

Re: 2013 Paving

The Department has reviewed and updated the Road Surface Management Program using MicroPaver. The following street improvement list includes approximately 9.8 lane miles of roadway for 2013.

NAME	SECTION	AREA
Bow St	Clifford St to South St	8,242
Front St	School St to Washington St	80,536
Liberty Ln		46,896
Brentwood Rd	Epping Rd to Colcord Pd	45,298
Mill Stream Dr		41,184
Hartman Pl		27,356
Plouff Ln		26,604
Greenleaf Dr		102,128
Dogtown Rd		61,040
Beech Hill Rd Ext		31,680
Exeter Farms Rd		49,536
Wyndebrook Cir		16,464
Ashbrook Rd		76,632
Meadowood Dr		33,192
Twin Pond Cir		12,936

Please find attached Bell & Flynn, Inc., proposal to extend 2012 contract pricing of \$72.90/ton, through August 15, 2013. Pavement installed after August 15 would be adjusted per NHDOT procedure. The vast majority of paving would be complete prior to August 15, and only a minor amount of paving could become subject to price adjustment. This proposal is advantageous to the Town and cost competitive, when compared to the installed tonnage prices for other southeastern New Hampshire communities (ranges from \$73.75 to \$86).

BELL & FLYNN, INC.

Pavement Reclamation
Engineers & Contractors

Planning · Testing · Design · Engineered/Reconstruction · Construction

Telephone: (603) 778-8511
Fax: (603) 772-4396

69 Bunker Hill Avenue
Stratham, NH 03885

May 15, 2013

Town of Exeter
Mr. Russell Dean, Town Manager
10 Front Street
Exeter, NH 03833

Dear Mr. Dean,

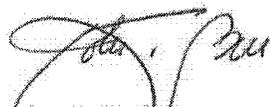
Despite continuing cost increases associated with wage/benefits, equipment/maintenance, transportation/energy and regulatory requirements which are customarily reflected in increased unit prices at the commencement of each construction season Bell & Flynn, Inc. is pleased to be able at this time to offer to extend the current contract for road reconstruction services under the previously approved 2012 pricing guidelines upon mutual agreement by the Town of Exeter.

The Unit Price of Pay Item #1, "Bituminous Concrete Paving", per ton, in place, per Project Manual and Specifications, shall remain \$72.90 per ton thru August 15, 2013. The unit price of Bituminous Concrete Pavement installed after August 15, 2013 shall be subject to adjustment per NHDOT asphalt cement adjustment clause (Item 1010.2). All other terms, conditions and prices including pavement reclamation, fine grading and compaction, and installation of additional asphalt stabilized base material shall remain unchanged.

In April 2012, the Exeter Board of Selectmen opted to extend the annual paving contract, thereby avoiding mid-season price increases of \$2.00 per ton. Similarly 2013 spring start up pricing currently approaches the highest price point of 2012 and normal seasonal demand exacerbated by macroeconomic dynamics in crude oil markets is anticipated to again increase the price of asphalt pavements through the summer months of 2013. While the fundamental market dynamics of liquid asphalt cited above remain volatile and hot mix asphalt producers are understandably reluctant to enter long-term price commitments, after extensive negotiations with our suppliers Bell & Flynn, Inc. is currently able to guarantee pricing for all paving services completed prior to August 15, 2013, thereby securing pricing indexed to the NHDOT May 15 asphalt cement adjustment and protecting the Town of Exeter from the repercussions of the June 15 and July 15 monthly adjustments. Considering these anticipated cost increases, in an attempt to provide price stability (at the lowest possible price!) it should again prove beneficial to the Town of Exeter to extend the current contract for road reconstruction services including paving and to complete as much work as possible prior to mid-August similarly to last year.

Thanking you in advance for your thoughtful consideration of this letter, I remain,

Sincerely,



John T. Bell
Vice President

List for Selectmen's meeting May 20, 2013

Elderly Exemption

Map/Lot	Location	Exemption Amount
52/29	6 Ridgecrest Drive	236,251



Cedarcrest Pointe 200

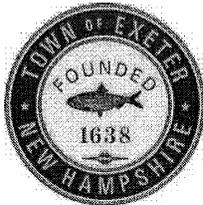
211 TEVIS UPTON
ALLSTATE

212

221

222

interview 6/3 @ 6:50



Town of Exeter Boards, Commissions & Committees Appointment Application

Committee Selection:

1st Choice: Planning Board 2nd Choice: _____

Name: Christina Hardy

Address: 5 Sterling Hill Lane #538, Exeter, NH 03833

Email: titchhardy@yahoo.com

Phone: _____ Cell: 603 380 8090

Please describe your interest in serving on this committee.

As a business owner of 20 years and a commercial property owner of 10 years (2 Concidental Drive), and a resident, I am interested in being a part of the continued development of the Town.

Please provide any background information that would be of interest to the Board when considering your application, including previous committee service or other relevant experience. (resume can be attached)

Are you aware of any conflicts that could arise affecting your service on this committee?

No

Are you aware of the meeting schedule and able to commit to attending regularly? YES NO

After submitting this application for appointment to the Town Manager:

- The application will be reviewed and you will be scheduled for an interview with the Selectmen
- Following the interview the Board will vote on your potential appointment at the next regular meeting
- If appointed, you will receive a letter from the Town Manager and will be required to complete paperwork with the Town Clerk prior to the start of your service on the committee or board.

Signature: C. Hardy Date: 05-16-13

Please submit to: Town Manager, Town of Exeter 10 Front Street Exeter, NH 03833



Application for Use of Town Facility

Forms can be mailed: Town of Exeter, 10 Front Street, Exeter, NH 03833
Faxed #: 603-772-4709 or emailed: twmMgr@town.exeter.nh.us

Facility Requested: Town Hall (Main Floor) Town Hall Stage Bandstand

Signboard Requested: Poster Board Week: Plywood Board Week:

Representative Information:

Name: John Hauschildt Address: 225 Water Street
Town/State/Zip: Exeter, NH 03833 Phone: 603-686-8090
Email: john@rumdoodle.com Date of Application: 5-7-13

Organization Information:

Name: Exeter Photography Group Address: _____
Town/State/Zip: _____ Phone: _____

Reservation Information:

Type of Event/Meeting: Monthly meeting Date: 3rd Thursday of month
Times of Event: 6:30 -9pm Times needed for set-up/clean-up: 6pm
of tables: 0 # of chairs: 60

List materials being used for this event: _____
Will food/beverages be served? _____ Description: _____

Requirements:

Cleaning Deposit: A cleaning deposit of \$100 is required of any user serving food or beverages. If the town determines after use that the building was acceptably cleaned, the deposit fee will be returned to the user. No food is allowed in Main Hall of the Town Hall. If food is to be served and/or prepared in foyer of Town Hall, the electrical outlet cannot exceed 20 amps. For more information call Kevin Smart, Maintenance Superintendent at 773-6162 prior to use.

Liability Insurance Required: The Town requires liability insurance to be submitted with this completed application. Required insurance amounts: General Liability/Bodily Injury/Property Damage: \$300,000/\$1,000,000. The Town of Exeter must be listed as additional insured.

Rental Fee: For Town Hall use there is a fee of \$75.00 per day, a payment of \$250 may be required for use of main floor and stage for more than a single day. You may request a waiver of the rental fee in writing.

Keys: Access to a town building after normal business hours requires a key sign out. Forms and keys can be obtained from the Town Manager's office at the Town Office during normal business hours (there is no other option for obtaining a key). A key can be collected up to 24 hours before your event (with the exception of Sunday events).

Signing below acknowledges receipt of and agreement to all rules, regulations and requirements pertaining to the use of a town facility. Permit approvals are contingent upon proper insurance and fees paid to the Town of Exeter.

Applicant signature: [Signature] Date: 7-11-2013

Authorized by the Board of Selectmen/Designee: _____ Date: _____

Office Use Only:

Liability Insurance: On file In-process Will receive by _____
Fee: Paid Will pay by _____ Non-profit fee waiver requested

LEGISLATIVE BULLETIN

Bulletin #22

2013 Session

May 17, 2013

INSIDE THIS ISSUE:

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Gas Tax May Be Re-Deferred

On Tuesday, with no discussion and very little commentary, the Senate Ways & Means Committee voted 3-2 to recommend that **HB 617**, the gas tax bill, be re-referred to the committee. The bill will go to the full Senate for a vote next **Thursday, May 23**.

So what does re-referred mean? Officially, if the Senate adopts the committee's recommendation of re-referral, the bill will be sent back to the Ways & Means Committee for further consideration and a recommendation to the full Senate at the beginning of the 2014 legislative session. From a practical standpoint, it provides an opportunity to keep the bill alive without having senators vote to either support or oppose the bill.

We have reported extensively in *Legislative Bulletin #21*, *Legislative Bulletin #20*, and *Legislative Bulletin #18* on the need and justification for this increase in the road toll. We have a serious problem with insufficient funding for transportation infrastructure needs in this state, and there is no alternative plan on the legislative docket that will provide money in the next biennium to address these needs. The only alternative funding for maintaining and improving municipal roads and bridges is increased property taxes.

As we have mentioned before, the provisions of **HB 617** are also incorporated in **HB 2**, the budget trailer bill, which is currently in the Senate Finance Committee, so the vote on **HB 617** next week will not be the last word on the issue. Nevertheless, the debate on the bill is important—if there *is* a debate; we would not be surprised by an immediate, non-debatable motion to table. In any event, please make sure your senator understands the seriousness of the situation before the vote on **HB 617** occurs next Thursday.

House Committee Recommends ITL on Gambling Bill

While we made no prediction about which way this week's committee vote would go on **SB 152**, the expanded gambling bill, we will concede that the 23-22 vote of Inexpedient to Legislate (ITL) by the Joint House

Government Affairs Contact Information

Judy A. Silva

Interim Executive Director

Cordell A. Johnston

Government Affairs Counsel

Barbara T. Reid

Government Finance Advisor

Timothy W. Fortier

Government Affairs Advocate



25 Triangle Park Drive
Concord, NH 03301

Tel: 603.224.7447/Fax: 603.415.3090
NH Toll Free: 800.852.3358

Email: governmentaffairs@nhmunicipal.org
Website: www.nhmunicipal.org

Gambling Bill - continued

Finance and Ways & Means Committee was closer than we expected. The committee spent three hours Wednesday morning hearing explanations of 18 proposed amendments, with at least one being a bipartisan omnibus amendment that addressed many of the concerns raised by the three subcommittees that reviewed the bill. (See *Legislative Bulletin #21*).

However, the afternoon executive session began with an immediate ITL motion on the bill as passed by the Senate, without considering any of the proposed amendments presented earlier. The final tally had 12 Democrats and 11 Republicans voting to recommend killing the bill, while 13 Democrats and 9 Republicans wanted to keep the bill alive (at least long enough to consider the proposed amendments). We are now ready to make a prediction on **SB 152**: that the debate in the House next Wednesday will be both lively and long!

Senate Committee Adopts Revenue Estimates

On Tuesday the Senate Ways & Means Committee voted on the estimated revenues for the upcoming state fiscal biennium beginning July 1, 2013. The combined general fund and education trust fund revenues adopted by the committee are approximately \$180 million less than the revenues adopted by the House and upon which the House version of the biennial operating budget is based. Approximately \$107 million of this difference involves estimated revenue from the Medicaid Enhancement Tax, which serves as state match for federal Medicaid dollars. This means that an additional \$107 million of federal funds are now in question, bringing the total difference to approximately \$287 million. Besides the Medicaid Enhancement Tax, other significant differences between the House and Senate estimates are: (1) revenues generated from the tobacco tax, with the House proposing a 30-cent increase over the current rate and the Senate proposing a 10-cent increase, (2) revenues anticipated from increased audit staff at the Department of Revenue Administration, and (3) recognition of tobacco tax settlement funds.

The Senate Finance Committee now must propose a two-year operating budget within these revenue parameters, and will be looking to reduce by \$287 million the spending level proposed by the House in **HB 1** and **HB 2**, the state operating budget and trailer bill. The Senate Finance Committee is scheduled to meet four days (and likely four nights) next week in order to complete its work by the end of this month so that the full Senate can vote on the budget by the June 6 deadline. Once the Senate adopts its version of the budget, a committee of conference will be formed to work out the differences in both the revenues and the appropriations between the House and Senate budgets.

We highlighted in *Legislative Bulletin #20* the municipal funding included in the House version of the budget. Please make sure your senator knows how important all of these programs are to your municipality!

Water Bill Is Not a Conspiracy

SB 11 is an **NHMA policy bill** that would authorize a municipality to establish a “water and/or sewer utility district” for the purpose of providing “public drinking water and water for domestic uses; water for fire suppression; wastewater management; related construction, operation, and maintenance of capital facilities needed in the performance of these services; and other business development services and activities related to the maintenance of an attractive, useful, and economically viable business environment within the district.” It would also allow two or more municipalities to enter into an agreement for the operation of such a district.

The bill passed the Senate on the consent calendar, received an 18-0 Ought to Pass recommendation from the House Municipal & County Government Committee, and was placed on the consent calendar in the House. Along the way, all legislators who considered the bill seemed to agree that providing drinking water, controlling fires, managing wastewater, and attracting business development were worthy, uncontroversial goals.

Last week, however, the bill was forced to take a strange detour. It was pulled off the consent calendar after some representatives received a “Red Alert” from a political action committee claiming that

SB 11 is part of the Water Sustainability Initiative started by Governor Lynch. It is part of SCI (Sustainable Communities Initiative) and is structured to take away your water rights. If you own a well, you will soon not own it. If you collect rain water, you soon will not be allowed to and you will be fined or arrested if you do.

It appears that someone had a little too much coffee. **SB 11** has nothing to do with the Water Sustainability Initiative or the Sustainable Communities Initiative. It is a simple bill to allow a municipality to provide water and sewer services for a developing commercial district. It was hatched not in Washington or Brussels or Moscow, but at the Stratham town hall, and it is co-sponsored by a bi-partisan group of legislators (four Republicans, three Democrats) from Stratham and Exeter. You can scour the bill's language all day, and you will find nothing that, by the wildest stretch of (almost) anyone's imagination, would result in the confiscation of wells or the arrest of anyone for collecting rain water. The bill merely allows a town, *by vote of its legislative body*, to establish a water or sewer utility district, elect commissioners, and levy fees or assessments on benefited properties to pay for the water/sewer infrastructure.

We suspect there may be some concern about language in the “purpose” section of the bill stating, among other things, that “the waters of New Hampshire constitute a limited and precious public resource to be protected, conserved, and managed in the interest of present and future generations. This requires careful stewardship and management of water and wastewater within the state.” For what it's worth, this statement is borrowed almost verbatim from language that has been in RSA 481:1 since 1985, and we know of no one who has been arrested for collecting rain

Water Bill - continued

water as a result. Nevertheless, we understand that, to forestall any claim that this language may somehow be construed as an effort to take away people's water rights, there may be a floor amendment to delete the language. Although such an amendment should be unnecessary, it certainly is not a problem. This language is not essential to the bill, and its omission would not compromise the bill.

Conspiracy theories aside, some representatives are now questioning why the bill is necessary, given that there are other laws that allow a municipality to construct and pay for water infrastructure. The answer is that those laws leave a hole. As indicated, this bill originated in the Town of Stratham, which is interested in providing water and sewer services for a potential commercial district. The town could construct a water distribution facility under RSA 38, but town officials believe it may be more cost-effective to enter into an agreement with the neighboring Town of Exeter for an extension of Exeter's infrastructure. Municipalities may enter into inter-municipal agreements under RSA 53-A, but it is unclear whether that statute would authorize the election of a governing body and the levying of assessments. A village district can be formed under RSA 52 to provide water and wastewater facilities, but that requires creation of a whole new political subdivision. Accomplishing the town's goals would require weaving together several statutes, and it is still unclear that the necessary authority would exist. **SB 11** solves that problem.

SB 11 is a clean, simple solution to a small but vexing problem. It does not threaten anyone's property rights, and it grants authority that can be exercised only by approval of the legislative body, meaning the town meeting in most municipalities.

The bill will return to the House floor next **Wednesday, May 22**. If you hear any concerns about the bill from your representatives, please explain that it is good for municipalities and urge them to support the bill.

Committee Opposes Change to Welfare Law

The House Municipal & County Government Committee this week took a surprising action on **SB 146**, which would modify the treatment of old age assistance (OAA) and aid to permanently and totally disabled (APTD) recipients under the local welfare statutes.

Current law (RSA 167:27) states:

No person receiving old age assistance or aid to the permanently and totally disabled under this chapter or RSA 161 shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical assistance, and the acceptance of such relief shall operate as a revocation of old age assistance or aid to the permanently and totally disabled.

As introduced in the Senate, **SB 146** would have repealed this prohibition. NHMA opposed the bill as introduced, because eliminating the limitation would have expanded the group of people to whom municipalities could be required to provide

Welfare Law - continued

local assistance. This is because RSA 165:1 states, “Whenever a person in any town is poor and unable to support himself, he *shall* be relieved and maintained by the overseers of public welfare of such town” (Emphasis added.) The existing language in RSA 167:27 is the only thing that prevents municipalities from being required to assist OAA and APTD recipients who might otherwise qualify; with that language repealed, municipalities would have an expanded obligation—and this would be an unconstitutional unfunded mandate.

The Senate amended the bill to address this concern. The Senate version would change the language in RSA 167:27 to *allow* a municipality to provide assistance to OAA and APTD recipients if it is permitted by its welfare guidelines.

Some people expressed a concern that leaving this decision to the municipality could encourage people to “shop around” to find municipalities that have the best benefits. Apparently in response to that objection, an amendment was introduced in the House committee that would essentially restore the bill to the as-introduced version. At an executive session of the committee this week, NHMA again cautioned that this would seem to create an unfunded mandate. The committee then voted down the amendment.

We assumed that after defeating the amendment, the committee would vote to recommend the bill as passed by the Senate—which no one, including NHMA, had opposed. Instead, the committee voted down an Ought to Pass motion and then voted the bill Inexpedient to Legislate. We expect the bill to go to the House floor the week after next, where a floor fight seems likely.

HOUSE CALENDAR**TUESDAY, MAY 21**

WAYS AND MEANS, Room 202, LOB

10:00 a.m. SB 14, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.
NHMA Policy.

SENATE CALENDAR

There are no hearings on bills of municipal interest.

HOUSE/SENATE FLOOR ACTION

There is no floor action to report.

AMERICAN INDEPENDENCE MUSEUM

ONE GOVERNORS LANE • EXETER, NH 03833-2420 • 603-772-2622 • WWW.INDEPENDENCEMUSEUM.ORG

May 10, 2013

Mr. Russell Dean
10 Front Street
Exeter, NH 03833

Dear Russ,

Thank you so much for your generous past support of the American Independence Museum. Since its inception in 1991, the Museum has shared the story of the unique role that the Town of Exeter, the Ladd-Gilman house and the State of New Hampshire played in the founding of our nation. We also celebrate the Society of the Cincinnati and their place in our museum's history.

Our founding fathers were visionary and patriotic, but faced both struggles and triumphs. This past year has been one of challenge, change and rebirth for the Museum as we have persevered through our own struggles. Over the past two years, we have been unable to meet our income goals for fundraising and ticket sales. Our story is an important one that must continue to be shared to excite and educate multiple generations of visitors - New Hampshire residents and Americans everywhere. The Board of Governors, together with the Society of the Cincinnati, are engaged and ready to embark upon a Strategic Plan to see how we can best serve the public, while maintaining a feasible and strong financial footing.

We have long depended on the generous support of our members, and this year is no different. We are asking you to reaffirm your belief in our mission, our work, and our potential. Please renew your membership with us again this year! With your support, we can continue to open the Museum to the public, run our popular and well-attended American Independence Festival, maintain special programming, and provide tours for school groups as well (on a limited basis this year).

This is an exciting time for the Museum. It is a chance for us to try new things, engage more individuals in our work, look toward the future and continue to build our momentum. The Museum will be opening on June 1st; we are excited to welcome you throughout the season.

We hope we can count on your continued support. Thank you once again for your consideration and your help. If you have any questions, please do not hesitate to contact Julie Williams, Interim Administrator at jwilliams@independencemuseum.org or (603) 772-2622.

On behalf of the Board of Governors, we thank all of the dedicated volunteers and the members of the American Independence Museum, without whom, we could not exist.

Sincerely,



Allison M. Field
President – Board of Governors



Julie Hall Williams
Interim Administrator

PS – Recently you supported us a John Adams Circle member. Please consider renewing as a Benjamin Franklin Circle member before our opening day on June 1.

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