

Draft Minutes

**Exeter Board of Selectmen**

**March 9, 2015**

**1. Call Meeting to Order**

Chairwoman Julie Gilman called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chair Dan Chartrand, Selectwoman Nancy Belanger, and Selectman Don Clement. Selectwoman Anne Surman was absent. Town Manager Russell Dean was also present.

**2. Bid Openings/Awards**

None.

**3. Public Comment**

None.

**4. Minutes and Proclamations**

**a. Proclamations/Recognitions**

None.

**b. Regular Meeting: February 23, 2015**

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger to accept the minutes of the February 23, 2015 BOS meeting. Motion carried – all in favor.

**c. Special Meeting: February 18, 2015**

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger to accept the minutes of the February 18, 2015 BOS meeting. Motion carried – all in favor.

**5. Appointments**

None.

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

### **a. New Business**

#### **i) Update: WISE (Watershed Integration Exeter Squamscott)**

Jennifer Perry talked about the WISE project and introduced Dr. Robert Roseen, Project Director.

Mr. Roseen said they had been working on this project for two years. The project is looking at a couple of timely elements with respect to nutrient management in Great Bay. The primary focus is looking at the Exeter Squamscott watershed. Mr. Roseen included an informational sheet in the packet. The project will help Exeter, Stratham, and Newfields meet new wastewater and stormwater permit requirements. Newfields has a permit to upgrade. The idea is to evaluate how to manage more cost effectively. He said they are now at project completion and about to release a report to that effect which will be presented to the DES and EPA.

He went on to say the estimated present value for the stormwater management in Exeter is \$8.6 million over 30 years. The annual cost paid by Exeter is estimated to be \$163,000 per year. He continued talking about major findings that were discovered throughout the project.

Mr. Roseen said this type of effort can have tremendous savings. The draft plan will be out in about three more weeks for comment then it will go to final version.

Ms. Perry said WISE has brought some very high level technology down for everyone to get a better understanding. She acknowledged the WISE team for their hard work and said she gained a lot of insights from the team.

There was discussion about getting suggestions from other towns.

Selectman Clement said 75% of Nitrogen in the Great Bay watershed is coming from other than the wastewater treatment plant. He said they need to try to get as much Nitrogen out of the Bay as possible.

Mr. Roseen said this goal is not achievable unless all other communities are involved. Other communities are going to have to participate.

They went on to talk about costs. Mr. Roseen said they are looking at \$1 per pound of Nitrogen removed in some scenarios. Chairwoman Gilman said it is great to see big agencies pay attention to this. Mr. Roseen said he is positive that they would accept this as the Nitrogen control plant.

## **ii) Set 2015 Goals Meeting Date**

Chairwoman Gilman talked about the next goal setting meeting. She said they are getting there on their goals. She said the end is in sight for some of them. Selectman Clement said they usually do these meetings on Saturday. Chairwoman Gilman agreed. Selectman Clement said he wants to bring back Rick Alpers from Primex. Mr. Dean asked the Board if they want to meet a little earlier this year, perhaps a week. Last year the meeting was April 19, and the Board agreed to tentatively meet on April 11. They will confirm when Selectwoman Surman is present.

## **iii) Committee Appointment List**

Mr. Dean said there is a draft list in the packet of terms ending and current board/committee vacancies. Chairwoman Gilman said they would send out letters to see if people wanted to continue on their boards or committees.

## **b. Old Business**

There was no Old Business.

## **7. Regular Business**

### **a. Tax, Water/Sewer Abatements & Exemptions**

A Motion was made by Selectman Clement and seconded by Selectwoman Belanger to approve abatement for map 72, lot 79 in the amount of \$570.71. Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Belanger to approve abatement for map 70, lot 76 in the amount of \$1701.72. Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Belanger to approve abatement for map 111, lot 5, unit 1B in the amount of \$166.78. Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Belanger to approve two Veteran's Credits both in the amount of \$500.00 for map 65, lot 85 and map 85, lot 70. Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Belanger to approve two Elderly Exemptions both in the amount of \$152,251 for map 65, lot 6 and map 104, lot 79, unit 121. Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Belanger to approve a Disability Exemption for map 104, lot, 79, unit 132C in the amount of \$125,000. Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Belanger to deny a Disability Exemption for map 111, lot 5, unit 1B. Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Clement to correct records for a Current Use Land Change Tax for map 47, lot 9. Motion carried – all in favor.

**b. Permits & Approvals**

There were no permits or approvals.

**c. Town Manager's Report**

Mr. Dean included his Town Manager's Report in the packet and talked about the following:

- State of the Town Presentation to Rotary was on Feb. 23
- EPA meeting on Feb. 24 attended by different communities
- He attended a HealthTrust Board of Directors on March 6
- He attended a Dr. Seuss reading to the Lincoln Street School on March 4
- The Regional Manager's meeting on March 4
- Great Bay Kids Groundbreaking Ceremony on March 5
- A meeting with a proponent of 80 Epping Rd Project
- He worked with Selectman Clement on efforts toward a Town "tree program" to formalize more tree plantings in Exeter

**d. Committee Reports**

Selectwoman Belanger reported Water/Sewer will meet on March 11<sup>th</sup>.

Vice Chair Chartrand reported an Economic Development Commission presentation last week.

Selectman Clement reported a WISE meeting, and EPA summit meeting, and said the Epping Rd project is coming before Conservation Commission tomorrow. Also, Planning Board will meet on the 12<sup>th</sup>. Conservation Commission hosted a snowshoe at Rayne's Farm.

Chairwoman Gilman reported a Heritage Commission meeting on March 11<sup>th</sup>. She said they are getting ready to host a seminar on house colors.

**e. Correspondence**

The following correspondence were included in the packet:

- A letter from the Town of Seabrook regarding Household Hazardous Waste Project
- A Press Release from the Town of Newmarket about the elimination of COAST Route 7

**8. Review Board Calendar**

The next BOS meeting will be March 23, 2015. March 10 is polls day and the Board encouraged residents to vote. Selectman Clement suggested meeting March 16 to meet the first Monday after voting day.

**10. Adjournment**

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger to adjourn the meeting at 7:56pm. Motion carried - all in favor.

Respectively submitted,

Nicole Piper  
Recording Secretary

Draft Minutes

**Exeter Board of Selectmen**

**March 16, 2015**

**1. Call Meeting to Order**

Chairwoman Julie Gilman called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chair Dan Chartrand, Selectwoman Nancy Belanger, Selectwoman Anne Surman and Selectman Don Clement. Town Manager Russell Dean was also present.

**2. Introduced and Swearing In Of Town Officials**

Andie Kohler, Town Clerk, swore in newly elected town officials. She swore in Dan Chartrand who was reelected to BOS, Mark Damsell to the Trustees of Swasey Parkway, Lisa Mcilveen to the Trustees of the Trust Fund, Paul Scafidi for Town Moderator, and Denise Leonard to the Trustees of the Library.

**3. Selectboard Reorganization**

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Belanger to nominate Julie Gilman as Chairwoman of the BOS over the coming year. Motion carried – 4-1 majority vote with Surman voting nay.

A Motion was made by Selectwoman Surman and seconded by Selectman Clement to nominate Don Clement as Vice Chair of the BOS over the coming year. Motion carried – 3-2 majority vote with Chartrand and Belanger voting nay.

A Motion was made by Vice Chair Chartrand and seconded by Selectwoman Surman to nominate Nancy Belanger as Clerk of the BOS over the coming year. Motion carried – all in favor.

**4. Bid Openings/Awards**

None.

**5. Public Comment**

None.

## **6. Minutes and Proclamations**

### **a. Proclamations/Recognitions**

None.

### **b. Regular Meeting: March 9, 2015**

The Board will take action on these minutes at the next BOS meeting.

### **c. Special Meeting: March 13, 2015**

A Motion was made by Selectwoman Belanger and seconded by Selectwoman Surman to accept the minutes of the March 13, 2015 BOS special meeting. Motion carried – all in favor.

## **7. Appointments**

None.

## **8. Discussion/Action Items**

### **a. New Business**

#### **i) Special Town Meeting re: Gilman Street**

Chairwoman Gilman said Phillips Exeter Academy has requested the discontinuance of Gilman Street. This must be voted on by the voters of the Town. Chairwoman Gilman talked about the Special Town Meeting Warrant for this and read the Article that explains. The Board had recommended this discontinuance with a 5-0 vote.

Roger Wakeman, from Phillips Exeter Academy, thanks Chairwoman Gilman for the opportunity to have this considered. He showed a map of the south campus of PEA. They are redoing this areas master plan. He gave some history on Gilman Street. It has a 60 foot right of way that was established in the 1800's for access to Gilman Park. It has been maintained by the Town since.

Mr. Wakeman said they have engaged architects to build up a Performance Arts building in the area. They are being constrained by Gilman Street, which he said is a major hindrance. PEA would like to make part of Gilman Street pedestrian only. All these plans are in the context of the master plan. PEA will take on the maintenance of the street. He said they are considerate of the townspeople feelings on this. They are looking forward to large attendances for performances and such in the new proposed building. They are looking to make a street access in the area to get to the track. Gilman Street will be pedestrian and the Chadwick Lane area will be vehicular. He thanked the Board for supporting this. They are at the point in the

design where they need to finalize where the building will go, which is why timing on this is important.

Martha Pennell, resident at Riverwoods and longtime participant in Exeter committees and boards, is concerned about the proposal. She is concerned with how fast this has come about. She gave some history of Gilman Street and how it came to be. She said there is a notable history in this street. It was meant to give access to the village at the time. She said the Board should be careful with this. She wants to make sure the historical significance is not lost. She hopes the Town will think carefully of the historical significance before discontinuing the street.

Joanna Pellerin said she came to the meeting and now considers herself informed.

Brian Griset said PEA and the Town have worked closely together for a long time. He wondered where they were on the partnership with the stadium well. Chairwoman Gilman said they were close.

Vice Chair Clement liked the idea Ms. Pennell gave of a plaque recognizing the street.

Mr. Dean said the deliberative session for this will be Tuesday, March 31 @7 in the Town Hall.

Selectwoman Surman asked if they determined if PEA would take on some of the costs of this. Chairwoman Gilman said it has not been finalized.

## **ii) Review 2015 Town Meeting Results**

Chairwoman Gilman said everything on the ballot passed, except two articles. Article 8 and Article 9 were defeated. There was only a 17% show of voters, or 1857 out of 11,258 town voters. The town budget passed. Article 11 passed with 80%. The sidewalks passed, but the brick enhancements did not. She went through all the new Town Officials who were sworn in. The Sno-Go replacement passed. The street sweeper and the bucket truck also passed. The shoulder widening project passed. Vice Chair Clement asked if they would be getting to work on this before the grant is in hand. Mr. Dean said they will spend the money on the project and the grant will reimburse. They don't pay up front. Vice Chair Clement asked when the sidewalks project will start. He said DPW is going to be very busy, and suggested that Jennifer Perry give an update on the project. Chairwoman Gilman said yes, and the Town Engineer. Mr. Dean said this will be a busy year and we will be making every effort to keep the public informed on all the happenings. Selectman Chartrand thanked the voters for the sidewalks and TIF passing. He also acknowledged the Budget Recommendations Committee on their work on the budget this year. Mr. Dean said they will be hearing more about the TIF in the next few weeks.

**b. Old Business**

**i) 2015 Goals Meeting**

Chairwoman Gilman said they need to confirm a date for the 2015 Goals Meeting. The Board agreed they would meet on April 11, 2015 at 9am.

**9. Regular Business**

**a. Tax, Water/Sewer Abatements & Exemptions**

None.

**b. Permits & Approvals**

A Motion was made by Vice Chair Clement to approve an application for use of the Town Hall by Jeanne Fuller for a Taoist Tai Chi Workshop on June 13 and 14, 2015 from 9am-9pm on Saturday and 9am-5pm on Sunday. Motion carried – all in favor.

**c. Town Manager's Report**

Mr. Dean just acknowledged the Legislative Bulletin included in the packet.

**d. Committee Reports**

Selectwoman Belanger said she would give her report next week.

Vice Chair Clement reported a Planning Board meeting and a River Study Committee for Thursday morning.

Selectman Chartrand had nothing to report.

Selectwoman Surman had nothing to report.

Chairwoman Gilman had nothing to report but said there will be a Historic District Commission meeting on Thursday.

**e. Correspondence**

The following correspondence were included in the packet:

- The New Hampshire Legislative Bulletin. There was discussion about what was in the Bulletin. The Board discussed keeping Rooms & Meals Tax as it is, money for bridges remaining, HB547 which Mr. Dean said he has been getting a lot of calls on, and State Reps needing to focus more on expenses and revenues.

**10. Review Board Calendar**

The next BOS meeting will be March 23, 2015. The Board will have Unitil in for a presentation and an update on the I&I program.

**12. Adjournment**

A Motion was made by Selectwoman Belanger and seconded by Selectwoman Surman to adjourn the meeting at 8:05pm. Motion carried - all in favor.

Respectively submitted,

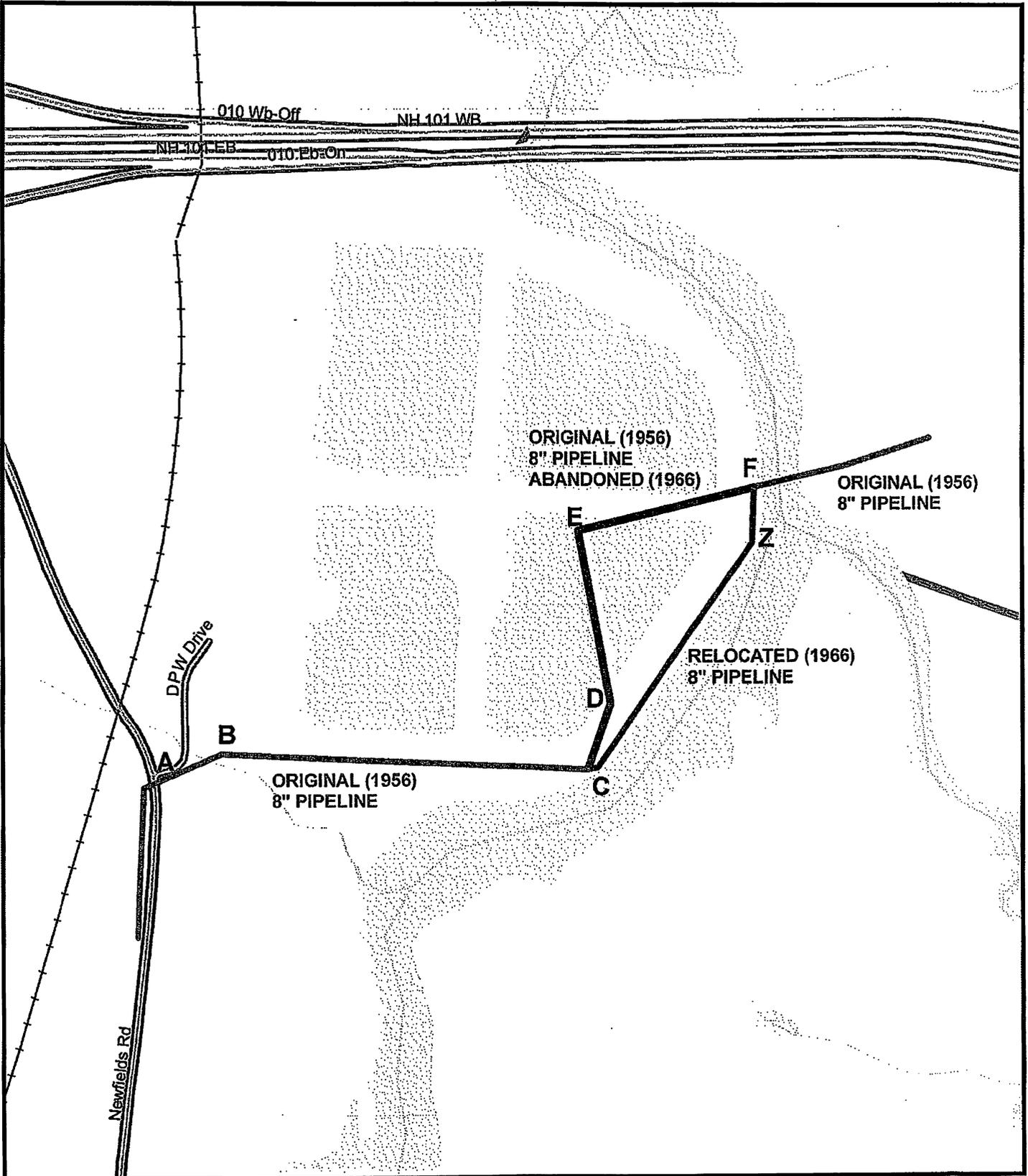
Nicole Piper  
Recording Secretary

**GSGT EASEMENT HISTORY**  
**Town of Exeter Wastewater Plant**

#	YEAR	DESCRIPTION
1	1955	Exeter Industrial Development (EID) granted Granite State Gas Transmission (GSGT) an easement through the parcel between Newfields Road to the Squamscott River.
2	1956	GSGT constructed an 8" diameter pipeline through the EID parcel along the route A-B-C-D-E-F.  <i>See Appendix A: Exeter Wastewater Plant Plan</i>
3	1966	The Town of Exeter purchased the EID parcel in the early 1960s for the purpose of building a Wastewater facility. In 1966 GSGT relocated a section of their pipeline at the Town's expense, from C-D-E-F to C-Z-F to enable the Town to complete their facility.  <i>See Appendix A: Exeter Wastewater Plant Plan</i>
4	1989	The Town recognized that they had not granted GSGT an amended easement for the relocated section C-Z-F. A June 2, 1989 agreement between ToF E and GSGT was executed stating that the Town officials will cooperate with GSGT to install a new pipeline at GSGT expense subject to Town Vote approval.  <i>See Appendix B: Town of Exeter &amp; GSGT Agreement 1989</i>
5	1992	Town of Exeter people voted and passed Article 42, authorizing the Board of Selectmen to negotiate for and to grant an easement to GSGT, for the relocation of the existing gas transmission pipeline over land of the Town off Newfields Road, near the Public Works Department buildings, from its current location adjacent to the sewer lagoons to a more suitable location.  <i>See Appendix C: Town Vote – Article 42</i>
6	2015	Town of Exeter officials and GSGT have agreed a replacement route parallel to the existing Maritime & Northeast (M&N) pipeline through the Town parcel. Both parties are seeking to obtain Board of Selectmen approval and execute the proposed easement.

**Appendix A**

**Exeter Wastewater Plant Plan**



Drawn  
barham  
Date  
1/10/2013

**GSGT PIPELINE  
EXETER WASTEWATER PLANT  
NEWFIELDS RD to SQUAMSCOTT RIVER**

Scale 1" = 400'

**Appendix B**

**Town of Exeter & GSGT Agreement 1989**

**ENGEL & GEARREALD, P.A.**  
ATTORNEYS AT LAW

23 PORTSMOUTH AVENUE  
STRATHAM, NEW HAMPSHIRE

MAILING ADDRESS:  
P.O. BOX 278  
EXETER, NEW HAMPSHIRE 03833

(603) 778-8535

June 2, 1989

DAVID C. ENGEL  
MARK S. GEARREALD  
STEVEN SLOVENSKI  
BRIAN WOODWORTH

OF COUNSEL:  
JOHN E. LABOE  
EDWARD D. BEASLEY

PORTSMOUTH TELEPHONE  
(603) 433-0992

EXETER TELECOPIER  
(603) 772-0226

*Shug*  
William D. MacGillivray, CPA, ILM  
Company Counsel  
Granite State Gas Transmissions, Inc.  
120 Royall Street  
Canton, MA 02021

Re: Easement Agreement

Dear Bill:

Thank you for your letter of May 17, 1989 with enclosures. I enclose with this letter one of the two originals of the agreement executed by Exeter Town Manager, George N. Olson. Thank you for your courtesy with regard to the above.

Very truly yours,

*Mark S. Gearreald*

Mark S. Gearreald

MSG/dc  
Encl.

cc: George N. Olson, Town Manager  
Keith Noyes, Dir. of Public Works

*Finally!*  
*cc: FM Tape*

AGREEMENT

AGREEMENT this 24<sup>th</sup> day of May, 1989 by and between Granite State Gas Transmission, Inc. (hereinafter "the Company") and the Town of Exeter (herein after "the Town").

WHEREAS, the Town of Exeter desires to proceed with construction work at the Exeter Wastewater Treatment Facility in the area of an embankment where a Company pipeline is located that may cause some movement to that pipeline; and

WHEREAS, the Company desires to have said pipeline monitored to assess any movement that may occur as a consequence of the above construction; and

WHEREAS, the present location of the existing pipeline on Town property has not been approved by vote of the Townspeople at Town Meeting but has been relocated there at Town expense from a previous location;

WHEREAS, the Company desires eventually to replace its existing 8 inch pipeline with a new pipeline;

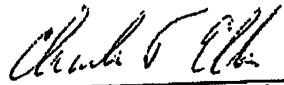
NOW, therefore, in consideration of the mutual covenants and conditions herein contained, the parties agree as follows:

1. That the Company has or shall immediately install at its own expense monitoring devices on the existing pipeline and has or shall engage the services of a qualified surveyor at its own expense to measure any movement in the pipeline during and after construction.

2. That Town Officials will co-operate with Company Officials in an effort to seek the necessary approvals for a 20 foot easement at the current location of the gas pipeline over Town property, for which no additional compensation will have to be paid by the Company, whereon the Company at its sole expense may install a new pipeline, provided that such easement over Town property must ultimately be approved by vote of the Townspeople at Town meeting before such easement can actually be granted and utilized, in addition to complying with all requirements of federal, state and local laws, ordinance, and regulations. In the event such approval is obtained, the Company shall not seek compensation from the Town for installation of a new pipeline.

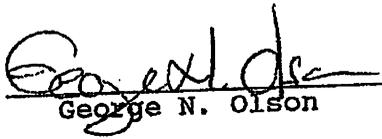
GRANITE STATE GAS TRANSMISSION, INC.

Dated: May 12, 1989

By:   
Charles T. Ellis, President

TOWN OF EXETER

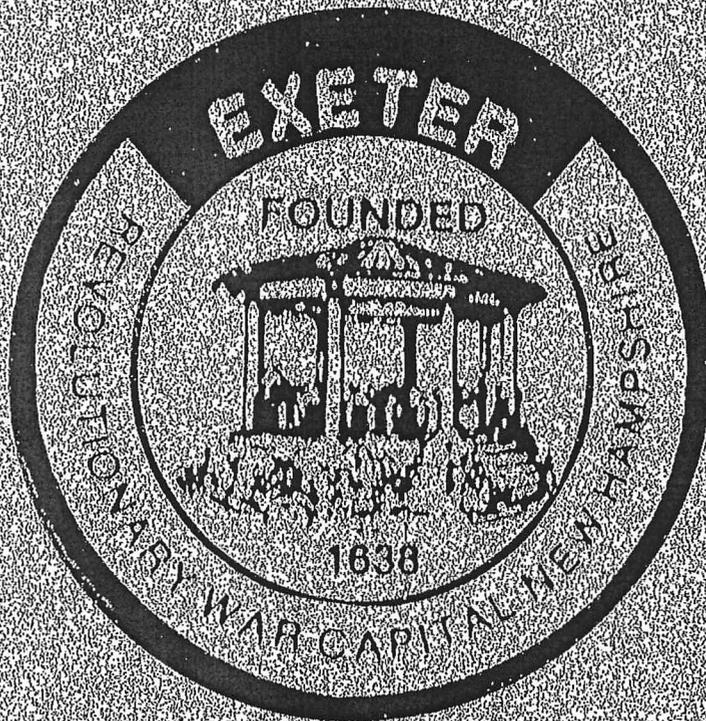
Dated May 24, 1989

By:   
George N. Olson  
Its Town Manager

**Appendix C**

**Town Vote: Article 42**

ANNUAL REPORT OF THE TOWN OFFICERS  
OF  
EXETER, N.H.



for the  
Town Fiscal Year Ending December 31, 1991

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PLEASE DO NOT WASTE THESE REPORTS  
Ordinarily, one per family is sufficient

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Life Care Services of N.H., and by transfer of \$180,000 in land use change tax revenue associated with the construction of Life Care Services of N.H.'s facility, to the water division.

#### ARTICLE 38

To see if the Town will vote to authorize the Board of Selectmen to accept Boulder Brook Drive as a public street.

#### ARTICLE 39

To see if the Town will vote to establish a Town Forest, as authorized by NH RSA 31:110 to include the following lands: Tax Map parcels 5-2-12, 5-2-21, 5-2-23, and 6-1-19, formerly Deene Estate lands; Tax Map parcels 5-2-10, 5-2-11, and 5-2-13, formerly Jensen lands; Tax Map parcel 5-2-7, formerly Stockbridge land; Tax Map parcel 5-2-3, formerly Chamberlin land; and Tax Map parcels 5-2-20.1, 5-2-22, 5-2-6, and 5-2-9; and to authorize the Conservation Commission to manage the Town Forest under the provisions of RSA 31:112 II; and to authorize the placement of any proceeds which may accrue from said forest management in a conservation fund and allowed to accumulate from year to year as authorized by NH RSA 36-A:5.

#### ARTICLE 40

To see if the Town will vote to convey, by Quitclaim Deed, whatever interest it may have in Governor's Lane to the Society of the Cincinnati, in the State of New Hampshire, for the consideration of One Dollar (\$1.00), subject to whatever rights the public may now have to pass and repass by foot.

#### ARTICLE 41

To see if the Town will vote to authorize the Board of Library Trustees to apply for, accept, and expend, without further action by the Town meeting, money from the state, federal or other governmental unit or a private source which becomes available during the fiscal year requiring that such

funds be used only for purposes for which a Town may legally appropriate money. This article is pursuant to RSA 202-A:4-c.

#### ARTICLE 42

To see if the Town will vote to authorize the Board of Selectmen to negotiate for and to grant an easement to Granite State Gas Transmission, Inc., for the relocation of the existing gas transmission pipeline over land of the Town off Newfields Road, near the Public Works Department buildings, from its current location adjacent to the sewer lagoons to a more suitable location.

#### ARTICLE 43

On petition of David Weber and others, to see if the Town will vote to reauthorize the Exeter Conservation Commission to negotiate and sell a 1.7 acre parcel north of Swasey Parkway (Tax Map parcel 9-5-06-001), subject to a conservation easement and architectural covenants, for an amount not less than its fair market value to be confirmed by an MAI appraisal with proceeds from the sale to be returned to the Exeter Conservation Fund.

#### ARTICLE 44

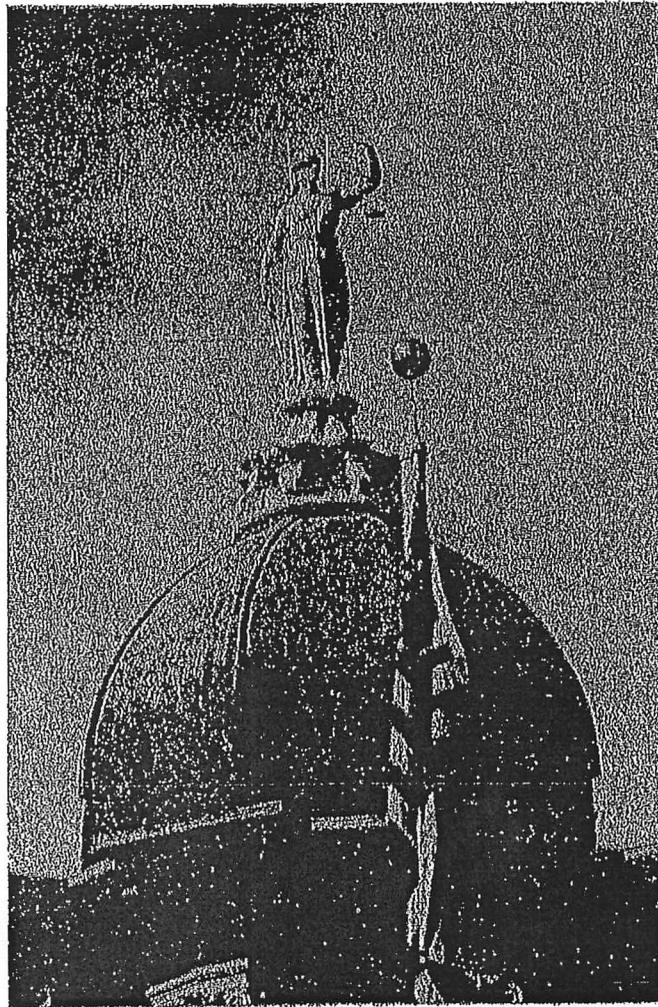
On petition of Judith Sheldon and others, to see if the Town will vote to authorize the Exeter Conservation Commission to negotiate and sell an 11.2 acre parcel adjacent to the Exeter River on Linden Street (Tax Map Parcel 12-2-22.001) subject to a conservation easement, for an amount not less than its fair market value to be confirmed by an MAI appraisal with proceeds from the sale to be returned to the Exeter Conservation Fund.

#### ARTICLE 45

On petition of Diane Kollmorgan and others, to see if the Town will vote to raise and appropriate the sum of Four Hundred Dollars (\$400.00) for the Seacoast Area Chapter of the American

**ANNUAL REPORT OF THE TOWN OFFICERS  
OF EXETER, N.H.**

for the  
Town Fiscal Year Ending December 31, 1992



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MINUTES OF MARCH, 1992 TOWN MEETING

[Abbreviated - refer to 1992 Town Report for article description]

- ARTICLE 1 Selectmen (2) for 3 years: Paul Binette, Sherman Chester  
 ARTICLE 2 Trustees of Library (3) for 3 years: Barbara Young, Diana Perry, Felicia Donovan.  
 ARTICLE 3 Trustee of Trust Fund (1) for 3 years: W. Everett Doe  
 ARTICLE 4 Trustee of Robinson Fund (1) for 7 years: Margaret Duhamel  
 ARTICLE 5 Trustee of Swasey Parkway (1) for 3 years: Wayne C. Raymond  
 ARTICLE 6 Supervisor of Checklist (1) for 5 years: Margaret Duhamel  
 ARTICLE 7 Town Moderator (1) for 2 years: Charles Tucker  
 ARTICLE 8 School Board (2) for 3 years: Benjamin Swiezynski, Sarah Oxnard  
 ARTICLE 9 School Moderator (1) for 3 years: Stephen Hermans  
 ARTICLE 10 School District Clerk (1) for 3 years: Joan Bergofsky (write-in)  
 ARTICLE 11 School District Treasurer (1) for 3 years: Gloria Baillargeon  
 ARTICLE 12 Public Library retain all money received: Yes \*1158 No 166  
 Zoning Amendments:  
 ARTICLE 13 Change references in 9.34.7 (4) & (5) Yes \*991 No 202  
 ARTICLE 14 Amend Density & Dimensional Regs Yes \*900 No 309  
 ARTICLE 15 Amend Side Yard of Corner Lot Yes \*792 No 386  
 ARTICLE 16 Amend Permitted Uses-Waterfront Comm. Yes \*632 No 486  
 ARTICLE 17 Amend Permitted Uses-Shoreland Protect. Yes \*602 No 511  
 ARTICLE 18 Amend Definitions - Wetlands. Yes \*827 No 341  
 ARTICLE 19 Amend Buffer Zones Yes \*831 No 319  
 ARTICLE 20 Amend Off-street Loading Yes \*815 No 266  
 ARTICLE 21 Amend Shoreland Protection District Use Yes \*645 No 443  
 ARTICLE 22 Amend Wetland Conservation District Yes \*763 No 360  
 ARTICLE 23 Amend Definitions (Mobile Home) Yes \*907 No 236  
 ARTICLE 24 Amend Permitted Uses - R-1 Zone Yes \*789 No 340  
 ARTICLE 25 Amend Definitions "Man. Housing Sub-Div. Yes \*790 No 333  
 ARTICLE 26 Joseph Kenick presented the Nominating Committee's report for Town positions for 1992. Voice vote was taken on the following nominees:

Measurer of Wood & Bark: Octave Carbonneau  
 Weighers: George Wool  
 Fence Viewer: Peter Dow

Budget Recommendations Committee:  
 James Griswold Michael Dawley Robert Rowe  
 Benjamin Dagostino John Sinclair Constance Cochran  
 Donald Schultz John Payson Salvatore Morgani  
 Dwane Staples Ann Titus Eileen Hirt  
 Wayne Patten Paul Scafidi

ARTICLE 27 Ballot vote (polls open 1 hour). Yes: 221; No: 155. Vote needed 2/3 majority for passage - did not receive. Declared Article 27 failed.

ARTICLE 28 BUDGET for 1992 in amount of \$8,990,689. Voice vote: Carried.

Selectman Ronald Roy moved to move Article 53A forward for consideration at this point. Motion seconded and voice vote called for. Carried - to discuss 53A. Moderator Tucker noted a petition had been received calling for a checklist & ballot vote on 53A.

ARTICLE 53A Selectman Paul Binette moved amendment: ".pay increase of 7.9% in 1991, an additional 6.5% increase in 1992 and an additional increase of 6.2% in 1993,

and to raise & appropriate \$92,129 for 1992... and to note that the 1992 cost for firefighters' salaries and benefits are estimated to be \$41,390 over those paid in 1990, including \$3,084 to cover the cost of 4 new firefighters for one week in 1993". Motion was seconded; discussion followed. Voice vote passed. Discussion on the amended article continued. Vote by ballot: Yes 183; No 198. Article failed.

Richard Park moved to move Articles 47 and 46 forward for consideration, in that order. Motion seconded; voice vote taken: Carried.

ARTICLE 47 Amendment made: "...will vote to allow the trash collection agents of all occupants..."; seconded. Card vote taken: Yes 110; No 183. Amendment failed. Motion made to table Article 47; seconded. Unanimously approved. Article 47 was tabled.

ARTICLE 46 Amendment made; seconded and vote failed. Vote on original motion: Yes 85; No 175. Article 46 failed.

Town Manager Olson moved the town vote to limit reconsideration of all articles voted this evening per RSA 40:10; seconded. Motion not debatable. Voice vote: passed.

ARTICLE 29 Voice vote: passed.  
ARTICLE 30 Voice vote: passed.  
ARTICLE 31 Voice vote: passed.  
ARTICLE 32 Voice vote: passed.  
ARTICLE 33 Voice vote: passed.  
ARTICLE 34 Voice vote: passed.  
ARTICLE 35 Voice vote: unclear; card vote: Yes 105; No 44.  
ARTICLE 36 Voice vote: passed.  
ARTICLE 37 Voice vote: passed.  
ARTICLE 38 Voice vote: passed.  
ARTICLE 39 Voice vote: passed.  
ARTICLE 40 Voice vote: passed.  
ARTICLE 41 Voice vote: passed.  
ARTICLE 42 Voice vote: passed.  
ARTICLE 43 Voice vote: passed.  
ARTICLE 44 Voice vote: passed.  
ARTICLE 45 Voice vote: passed.

ARTICLE 48 Selectman Roy moved to amend as follows: "...and appropriate the sum of \$7,000 to the Rockingham Visiting Nurse Association" in place of the \$20,580.45 amount requested; second. Card vote: Yes 92; No 70. Amendment carried. Voice vote on amended article: declared passed.

ARTICLE 49 Voice vote: passed.  
ARTICLE 50 Motion to table; seconded. Not debatable. Voice vote: article tabled.  
ARTICLE 51 Voice vote: passed.  
ARTICLE 52 Voice vote: passed.  
ARTICLE 53 Voice vote: passed.  
ARTICLE 54 Motion made to reconsider Article 53A. The Moderator explained this motion is not debatable. If the motion passes, the meeting will be reconvened in at least 7 days at the Town Hall. Voice vote: unclear. Card vote: Yes 70; No 77. Failed. Voice vote to adjourn the Town Meeting. Passed. Time: 10:15PM

Respectfully submitted (in full detail),  
Linda M. Hartson, Town Clerk

THIS IS A TRANSFER FROM AN  
INSTRUMENTALITY OF THE STATE:  
PURSUANT TO REV. 802.03 THE  
TRANSFEROR IS EXEMPT  
FROM PAYING REAL ESTATE  
TRANSFER TAX

**FIRST AMENDMENT TO RIGHT OF WAY AGREEMENT  
AND EASEMENT DEED**

The Town of Exeter, a municipal corporation, with a mailing address of 10 Front Street, Exeter, New Hampshire 03833 (hereinafter “Town”), for consideration paid and acknowledged, grants with warranty covenants to Granite State Gas Transmission, Inc., a New Hampshire corporation, with a mailing address at 325 West Road, Portsmouth, New Hampshire 03831 (hereinafter “GSGT”), and its successors and assigns, a permanent and perpetual easement and right of way for the purpose of preparing, laying, constructing, maintaining, operating, altering, improving, repairing, replacing, relocating, realigning, removing, and conforming with any state or local requirements pertaining to the “Replacement Pipeline,” as defined below, with all related equipment and appurtenances thereto, for the transmission of natural gas along, under and across public land owned by and situated in the Town of Exeter, County of Rockingham, State of New Hampshire, such Town land and affected parcels being located between Newfields Road and the mean high water mark of the Squamscott River, such Replacement Pipeline being shown and depicted on a preliminary plan entitled “Plan Showing Existing & Proposed Relocated Easement Across Property Owned by the Town of Exeter,” dated March 4, 2015, prepared by North Easterly Surveying, Inc., 191 State Road, Suite #1, Kittery, Maine 03904, as recorded in the Rockingham County Registry of Deeds on near or even date with this First Amendment to Right of Way Agreement and Easement Deed (hereinafter “Plan”), and as more particularly described in Exhibit A attached hereto.

In conjunction with the Town’s grant of easement rights associated with the Replacement Pipeline, Town herein restates and amends a certain Right of Way Agreement between GSGT and the Exeter Industrial Development Corporation, predecessor in title to the subject Town parcel(s), and recorded on June 15, 1956 in the Rockingham County Registry of Deeds, Book 1397, Page 179 (the “Right of Way Agreement”), for the purpose of restating and amending the description of the easement granted therein relative to “Existing Pipeline,” as defined below, with all related equipment and appurtenances thereto for the transmission of natural gas, along, under and across the public land described in such Right of Way Agreement.

The Town and GSGT have agreed to create, restate, amend or extinguish, as appropriate, all recorded and unrecorded easement rights with regard to: (i) the permanent abandonment in place of all underground portions of the Existing Pipeline, which abandonment would occur after full construction and operation of the Replacement Pipeline and would thereafter be referred to as the “Abandoned Pipeline;” (ii) permanent removal of all aboveground portions of the Existing Pipeline and (iii) realignment and replacement of the Existing Pipeline through GSGT’s construction, installation and operation of the Replacement Pipeline, all as shown on the Plan.

## **I. Definitions**

“GSGT Easement and Access Rights” shall hereinafter refer to the creation, restatement and amendment of all easement and other property interests and access rights associated with the Existing Pipeline, Replacement Pipeline and Abandoned Pipeline, as defined herein.

“Replacement Pipeline” shall mean a ten inch (10”) or greater diameter steel pipe and all above and below ground appurtenances and related equipment, including but not limited to meters, metering stations, fittings, tieovers, main line valves and other valves, communications systems, monitoring and inspection equipment and cathodic protection equipment, which is to be used by GSGT for the transportation of natural gas in, under, through and adjacent to the Town’s Publicly Owned Treatment Works facility, lagoons and dams (“POTW”), the location of which has been authorized by the Federal Energy Regulatory Commission, by the State of New Hampshire and by Town’s legislative body through delegation of authority to the Board of Selectmen (Article 42, 1992 Town Report), and which is the subject of a Memorandum of Understanding dated January 26, 2014 between the Town, GSGT and Portland Natural Gas Transmission System and Maritimes & Northeast Pipeline, LLC, through Maritimes & Northeast Operating Company, Inc. (“PNGTS/M&N”), hereinafter referred to as “MOU.” The Replacement Pipeline is located within the Replacement Pipeline Easement Area, as defined herein, and as shown on the Plan.

“Abandoned Pipeline” shall mean all underground portions of the Existing Pipeline located between Newfields Road and the Squamscott River, as shown on the Plan, which is to be abandoned in place and grouted so that it no longer functions as a natural gas transmission pipeline upon commencement of transmission by the Replacement Pipeline.

“Existing Pipeline” shall mean the entire length of all above and below ground portions of the natural gas transmission pipeline located between Newfields Road and the Squamscott River as constructed, owned and operated by GSGT and its predecessors in interest, as depicted on the Plan, under the terms of the Right of Way Agreement, as amended by subsequent agreements with the Town’s Board of Selectmen, and which is the subject of the Town’s request to GSGT for removal, realignment, relocation or

abandonment to allow for potential expansion of the Town's POTW and/or installation of new sewer and wastewater conveyance pipelines, as set forth in the MOU.

"Replacement Pipeline Easement Area" shall mean the thirty five foot (35') wide area in which the Replacement Pipeline is located, as shown on the Plan and as described in Exhibit B.

"Temporary Easement Area" shall mean an additional twenty five foot (25') wide area extending on either side of and contiguous to the Replacement Pipeline Easement Area, as shown on the Plan.

**II. GSGT Easement and Access Rights.** The GSGT Easement and Access Rights granted by Town to GSGT shall include the following rights and associated conditions:

(A) a permanent and perpetual easement depicted on the Plan as "Replacement Pipeline Easement Area" consisting of an area thirty five feet (35') in width for the location, operation and maintenance of the Replacement Pipeline, which easement area co-locates within certain portions of the easements granted by Town to PNGTS/M&N and recorded on May 8, 1998 in the Rockingham County Registry of Deeds, Book 329, Pages 185-200 and on December 21, 1998 in Book 3351, Page 2940 ("PNGTS/M&N Easement Area"). Town has reviewed and consents to such co-location within and adjacent to the PNGTS/M&N Easement Area as agreed to by PNGTS/M&N under the terms of the MOU and an associated Co-Location Agreement between GSGT and PNGTS/M&N;

(B) restatement and amendment to previous easements granted for the Existing Pipeline such that GSGT continues to have the right to maintain the Existing Pipeline until completion of construction, installation and full operation and regulatory approval of the Replacement Pipeline, whichever occurs later. Upon written confirmation by GSGT that the Replacement Pipeline is fully operational, GSGT shall remove all aboveground portions of the Existing Pipeline and shall grout and permanently abandon all underground portions of the Existing Pipeline. Upon completion of such removal, grouting, abandonment and any restoration activities required herein, GSGT shall provide written notice to the Town releasing the Town from any and all easements previously granted to GSGT with respect to the Existing Pipeline. GSGT shall have no ongoing easement rights or obligations with respect to the Abandoned Pipeline, nor shall GSGT have any obligation to remove or maintain the Abandoned Pipeline. Upon GSGT's written notification and associated release of all remaining easement rights relating to the Existing Pipeline and Abandoned Pipeline, GSGT shall be released from any and all post-abandonment obligations and liabilities associated with the Abandoned Pipeline;

(C) a temporary easement and right-of-way extending twenty five (25) additional feet on either side of and contiguous to the Replacement Pipeline Easement Area (the "Temporary Easement Area," as depicted on the Plan) to allow for a temporary

workspace when such is necessary for the purposes of preparing, laying and constructing the Replacement Pipeline, which shall expire upon completion of the laying, construction, testing and operation of the Replacement Pipeline, or upon receipt of all necessary permits, approvals and notifications of compliance from the appropriate jurisdictional regulatory agencies with respect to the Replacement Pipeline as laid, or the final restoration of the Replacement Pipeline Easement Area, whichever occurs later;

(D) a temporary easement and right-of-way extending twenty five (25) additional feet on either side of the existing thirty five foot (35') easement for Existing Pipeline when a temporary workspace is necessary for the purpose of removing, grouting or performing other work related to removal or abandonment of portions of the Existing Pipeline, which shall expire upon completion of the construction, testing, removal or grouting of the Existing Pipeline or upon receipt of all necessary permits, approvals and notifications of compliance from the appropriate jurisdictional regulatory agencies or final restoration of surface areas, whichever occurs later;

(E) permanent access to all areas identified in Exhibit A and the Replacement Pipeline Easement Area, including such adjoining publicly owned premises, such that GSGT shall have all privileges convenient for the full use of the rights and easements herein granted, together with ingress and egress on foot and by vehicle, along the roads and within the subject Town property.

GSGT shall have all privileges convenient for the full and exclusive use of the rights and easements granted in Paragraph II (A) through (E) herein and shall have the right to cut and keep clear all trees, brush, structures, dwellings, and other obstructions that may injure, endanger or interfere with the exercise of its rights and easements granted hereby.

**III. Damages and Restoration.** By its acceptance hereof, GSGT agrees to pay for damages to Town property caused by the exercise of GSGT Easement and Access Rights and to restore any pavement or existing improvements damaged in the course of preparing, laying, constructing, maintaining, operating, altering, improving, repairing, changing the size of, replacing, grouting or removing the Replacement Pipeline and Existing Pipeline. GSGT shall restore and fill, grade and repave preexisting paved surface areas within the Replacement Pipeline Easement Area and the Temporary Easement Area, consistent with Town's road construction and paving standards and practices then applicable. Unless caused by the negligence or willful misconduct of Town or its respective officers, agents, servants or employees, Town shall not be responsible for damages to property or injuries to persons which may arise from or be attributable or incident to the condition or state of repair of the Replacement Pipeline, or the construction, operation, maintenance and removal thereof, or from the exercise of GSGT Easement and Access Rights or for damages to GSGT property or to the property of or injuries to GSGT officers, agents, servants or employees, or to third persons.

**IV. Release and Indemnification.** GSGT agrees to assume all risks of loss or damage to property and injury or death of persons by reason of or incident to the construction, operation, installation and maintenance of the Replacement Pipeline or

exercise of the GSGT Easement and Access Rights, unless caused or contributed by the negligence or willful misconduct of Town or its respective officers, agents, servants and employees. GSGT agrees to indemnify, save, hold harmless, and defend Town, its officers, agents and employees, from and against all suits, claims, demands or actions, liabilities, judgments, costs and attorney's fees arising out of, or in any manner predicated upon personal injury, death or property damage or other claims resulting from, related to, caused by or arising out of the construction, operation, maintenance and removal of the Replacement Pipeline or exercise of the GSGT Easement and Access Rights. Except for any existing conditions as may be present on the property at the time of the commencement of the exercise of the GSGT Easement Rights, and subject to other limitations herein, GSGT shall indemnify and hold harmless the Town from any costs, expenses, liabilities, fines, or penalties resulting from discharges, emissions, spills, storage, disposal, or any other action by GSGT or its agents, servants or contractors giving rise to Town liability, civil or criminal, or responsibility under Federal, State or local environmental laws. The agreements contained in this paragraph specifically do not extend to claims for damages caused or contributed to by the negligence or willful misconduct of the officers, agents, servants or employees of Town or to Town activities conducted outside the scope of reservations under paragraph V herein. Town will give GSGT notice of any claim against it covered by this indemnity as soon after learning of it as practicable.

**V. Town Reservation of Rights.** The parties acknowledge and agree that Town has: (a) reserved to itself the right to use the surface within and the area over the Abandoned Pipeline, the right to cross and recross, for itself and others, the Replacement Pipeline Easement Area, the right to cross the Replacement Pipeline with heavy equipment for the sole purpose of seasonal snow storage (the location and extent of such heavy equipment crossing and snow storage to be expressly set forth in a separate written agreement between Town and GSGT), and the right to full use of roads and sidewalks in use as of the date of this Agreement; and (b) reserved to itself the right to develop, construct, maintain, alter and/or operate a new POTW and new sewer pipelines and conduits that may extend adjacent to, on, over or under the Replacement Pipeline Easement Area *provided, however,* that any such uses in (a) and (b) above do not: (i) impair the GSGT Easement and Access Rights or (ii) impair the structural integrity of the Replacement Pipeline, as determined by GSGT. Town agrees that no excavation, heavy equipment crossing, snow storage, change of grade or water impoundments will be made on, and no trees, brush, improvements, aircraft or vehicular parking areas or other obstructions, will be placed or erected over, under or across the Replacement Pipeline Easement Area without prior written consent of GSGT. Town will provide written notice to GSGT at least sixty (60) days in advance of any proposed activity or development referenced herein. GSGT shall review the nature and scope of the proposed activity and shall provide a written response to Town within said sixty (60) day period either consenting to such activity or declining to consent and explaining with reasonable detail the reasons for declining to consent. GSGT may decline to consent based on a reasonable determination that the proposed activity will (i) impair the GSGT Easement and Access Rights or (ii) impair the structural integrity of the Replacement Pipeline. If GSGT fails to respond in writing to Town within said sixty (60) days, GSGT shall be deemed to have

consented to the proposed activity, subject to locational, weight and other limitations proposed by the Town.

**VI. Notices.** Whenever either party shall desire to give or serve upon the other any notice, demand, request, or other communications with respect to this Agreement, each such notice, demand, request or other communication shall be in writing and shall not be effective for any purpose unless same shall be given by facsimile or certified mail, postage prepaid, return receipt requested, addressed as follows:

If to GSGT:

Granite State Gas Transmission, Inc.  
325 West Road  
Portsmouth, NH 03831  
ATTN: Gary Epler, Esq. and  
Roger Barham, Senior Gas Engineer

With copy to:  
Orr & Reno, P.A.  
45 S. South Main Street  
P.O. Box 3550  
Concord, NH 03302  
ATTN: Maureen D. Smith, Esq.

If to Town:

Board of Selectmen  
Town of Exeter  
10 Front Street  
Exeter, NH 03833

With copy to:

[Town Counsel]

or to such other address or addresses as GSGT or Town may, from time to time, designate by way of certified mail notification.

Every notice, demand, request or other communication hereunder sent by mail shall be deemed to have been given or served as of the second business day following the date of such mailing.

**VII. Insurance.** GSGT shall deliver or cause to be delivered promptly to the Town, upon request, certificates of insurance evidencing the following policies of insurance:

A. Commercial General Liability Insurance for bodily injury and property damage with limits of liability in amounts usual and customary for natural gas transmission systems of similar size.

B. Workers' Compensation Insurance in form and amounts required by law.

C. Contractors' Insurance for the period of construction, under which GSGT contractors, shall carry and maintain, unless otherwise agreed to in writing by the Town, general commercial liability insurance in amounts usual and customary for natural gas transmission systems of similar size.

All insurance which this Agreement requires GSGT to carry and maintain or cause to be carried or maintained pursuant to this paragraph shall be in such form, for such amounts, for such periods of time, with such deductible or self-retention amounts, and with such insurers as is customary for natural gas transmission systems of similar size and scope. All policies or certificates issued by the respective insurers shall name Town as an additional insured, provided that no cancellation, reduction in amount, or material change in coverage thereof shall be effective until at least sixty (60) days after receipt by Town of written notice thereof.

**VIII. Compliance and Permits.** GSGT shall construct, maintain and operate the Replacement Pipeline in a manner that is consistent with industry standards, including but not limited to applicable requirements of the United States Department of Transportation (USDOT), and shall exercise due diligence in protecting the Replacement Pipeline against damage or destruction. GSGT shall comply with all Federal, State and local environmental and safety regulations and standards that are applicable to GSGT activities arising from the exercise of the GSGT Easement Rights and not otherwise preempted by law. GSGT shall be responsible for obtaining at its cost and expense any applicable environmental or other permits required for its construction and operation of the Replacement Pipeline and for abandonment and/or removal of the Existing Pipeline, except that Town hereby specifically releases GSGT from any obligation to apply for and obtain any municipal permits otherwise incident to construction of the Replacement Pipeline or work related to the Existing Pipeline. Town assumes no enforcement or supervisory responsibility except with respect to matters committed to its jurisdiction and authority.

**IX. Construction Plans.** GSGT shall not begin construction of the Replacement Pipeline until profile drawings of the Replacement Pipeline at the rear of the POTW buildings have been submitted to Town's Department of Public Works for approval in writing, which drawings must show among other matters the precise location and depth of the Replacement Pipeline within the Replacement Pipeline Easement Area as it relates to the PNGTS/M&N Easement Area, which such approval shall not be unreasonably or untimely withheld or delayed. If Town fails to provide written approval or objection within ten (10) days, the drawings shall be deemed acceptable. Upon commencement of construction, if existing field conditions cause non-material alterations in the construction drawings previously approved, GSGT may proceed with construction; otherwise, for material alterations, GSGT will submit drawings of such alterations to Town. Upon completion of construction of the Replacement Pipeline, GSGT shall own the entire interest in the Replacement Pipeline, as constructed.

**X. Assignment.** GSGT is hereby expressly given the right to lease and assign this easement and right-of-way or any part thereof, or interest therein, and the same shall be divisible among two or more lessees or assignees as to any right or rights created hereunder, so that each lessee or assignee shall have the full rights and privileges herein granted, to be owned and enjoyed either in common or severally.

**XI. Miscellaneous.** Each individual executing this Agreement represents and warrants that he or she is duly authorized to execute this Agreement on behalf of the party and that such execution binds said party in accordance with its terms. This Agreement shall be recorded in the Rockingham County Registry of Deeds. The provisions of this Agreement shall inure to the benefit of, and shall be binding upon, the respective successors and assigns of Town and GSGT and shall be deemed to be a covenant running with the lands affected. This Agreement shall be construed and enforced in accordance with the laws of the State of New Hampshire. Any action or proceedings with respect to any matters arising under or growing out of this Agreement shall be instituted and prosecuted only in Federal or State courts located in the State of New Hampshire or in applicable regulatory venues. If any provisions of this Agreement are deemed invalid or unenforceable, as a matter of law, the remaining provisions shall be unaffected thereby and shall remain in full force and effect.

To have and to hold said rights-of-way and easements with all privileges and appurtenances thereof unto GSGT, its successors and assigns forever.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

TOWN OF EXETER

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

DRAFT

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Its: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM, SS

\_\_\_\_\_, 2015

Then personally appeared the above named Town of Exeter Board of Selectmen and acknowledged the foregoing instrument to be their free act and deed in their said capacity.

Before me,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

My Commission expires: \_\_\_\_\_

DRAFT

**EXHIBIT A**

**EASEMENT DESCRIPTION**

## EXHIBIT A

### EASEMENT DESCRIPTION

Beginning at a point in the easterly sideline of Newfields Road, so-called, in Exeter, Rockingham County, New Hampshire, said point lying at the northwesterly corner of land now or formerly of Russel F. and Diane L. Fredericksen as shown on a plan entitled "Plan Showing Existing & Proposed Relocated Easement Across Property Owned By Town of Exeter," dated March 4, 2015, prepared by North Easterly Surveying, Inc., 191 State Road, Suite #1, Kittery, Maine 03904, as recorded in the Rockingham County Registry of Deeds;

Thence northerly along said Newfields Road sideline on a curve to the left having a radius of 538.89 feet, a distance of 36.88 feet to a point;

Thence turning and running N 75° 08' 03" E, a distance of 156.14 feet to a point;

Thence N 78° 37' 06" E, a distance of 245.30 feet to a point;

Thence on a curve to the left having a radius of 270.00 feet, a distance of 278.21 feet to a point;

Thence N 19° 34' 51" E, a distance of 323.66 feet to a point;

Thence on a curve to the left having a radius of 210.00 feet, a distance of 91.72 feet to a point;

Thence on a curve to the right having a radius of 350.00 feet, a distance of 106.93 feet to a point;

Thence turning and running S 77° 56' 19" E, a distance of 5.00 feet to a point;

Thence on a curve to the right having a radius of 345.00 feet, a distance of 39.30 feet to a point;

Thence N 18° 35' 20" E, a distance of 750.62 feet to a point;

Thence turning and running S 76° 17' 45" E, a distance of 627.7 feet, more or less, to the westerly shore of the Squamscott River;

Thence turning and running southeasterly along said Squamscott River shoreline to a point that is on a tie course of S 25° 09' 18" E, a distance of 64.2 feet from the last mentioned point;

Thence turning and running N 76° 17' 45" W, a distance of 56.6 feet to a point;

Thence N 18° 31' 04" W, a distance of 17.73 feet to a point;

Thence N 76° 17' 45" W, a distance of 580.30 feet to a point;

Thence turning and running S 18° 35' 20" W, a distance of 717.63 feet to a point;

Thence on a curve to the left having a radius of 320.00 feet, a distance of 36.45 feet to a point;

Thence turning and running S 77° 56' 19" E, a distance of 5.00 feet to a point;

Thence on a curve to the left having a radius of 315.00 feet, a distance of 96.24 feet to a point;

Thence on a curve to the right having a radius of 245.00 feet, a distance of 107.00 feet to a point;

Thence S 19° 34' 51" W, a distance of 323.66 feet to a point;

Thence on a curve to the right having a radius of 305.00 feet, a distance of 314.27 feet to a point;

Thence S 78° 37' 06" W, a distance of 244.23 feet to a point;  
Thence S 75° 08' 03" W, a distance of 166.69 feet to the aforesaid easterly sideline of  
Newfields Road and the point of beginning.

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DRAFT



**DRAFT**  
**POLICY STATEMENT**

Private I/I Public Education, Outreach and Enforcement Program  
Exeter, New Hampshire  
January 13, 2015

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TOWN ORDINANCE

*Article 1506.1:*

*No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.*

*Article 1502.1:*

*The Owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance and of reconstruction (if necessary) of the Building Sewer beginning at the main of the Sewer System and ending at the building.*

*This means that each property owner is accountable that they don't direct drainage to the sewer (roof leaders, driveway drains, sump pumps, foundation drains, etc.) and that their sewer lateral does not leak.*

TOWN NPDES Permit No. NH0100871

*Section C(5)(f & g):*

*The permittee shall develop and implement...An ongoing program to identify and remove sources of I/I. The program shall include an inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof downspouts; and an educational public outreach program for all aspects of I/I control, particularly private inflow.*

Background and Purpose:

- Infiltration and Inflow (I/I) is essentially clean water (non-sanitary) that enters the sewer. Common sources of I/I include:
  - Stormwater inflow from roof drains, catch basins, yard drains, etc. connected to the sewer
  - Groundwater infiltration/inflow from leaking sewer pipes (including private service laterals), leaking sewer manholes, sump pumps connected to the sewer, foundation drains connected to the sewer, etc.
  
- The Town's *Phase III Infiltration and Inflow (I/I) Evaluation* by Underwood Engineers, Inc. (2013) identified that approximately 60% of the I/I observed in the Town's wastewater collection system appeared to be from private sources.
  
- Private I/I must be mitigated to achieve the Town's goal to eliminate Combined Sewer Overflow (CSO) discharges to the environment and optimize wastewater conveyance and treatment costs.

**DRAFT**  
**POLICY STATEMENT**

Private I/I Public Education, Outreach and Enforcement Program  
Exeter, New Hampshire  
January 13, 2015

- 
- Town Ordinances prohibit discharge of private I/I to the sewer. However, historically there has been limited enforcement of the ordinance or compliance inspections.
  - Removal of private sources of I/I is essential and also cost effective for the Town to mitigate CSO discharges.
  - The Town endeavors to reduce private I/I in the system with an updated public education, outreach, and enforcement program; the details of which are described in this document.

Public Education and Outreach Approach:

- Town will mail an educational tri-fold brochure flier to all sewer users about how they can identify sources of private I/I on their property to facilitate completion of the “Compliance Response” (described below), and offer suggestions of how to mitigate illicit connections and private I/I.
- Accompanying the mailer will be a 1-page “Compliance Response” questionnaire asking sewer users to identify any known private I/I sources located at the property including:
  - Request for technical assistance from the Town for identification of private I/I sources and suggestions/assistance for elimination
  - Presence of any sump pumps
  - Presence of sump pumps that discharge to the sewer
  - Presence of roof leaders that discharge into the sewer and/or the ground
  - Presence of foundation drains tied to the sewer
  - Presence of defective sewer service laterals and history of sewer lateral problems
- “Compliance Responses” from users will be mailed directly to the Town’s Consulting Engineer for compilation and summary. The Town will provide self-addressed stamped envelopes for this purpose and give users 30 days to return the response.
- A non-response will be considered a statement of compliance of the Ordinance by the homeowner, unless the Town has information to the contrary. A non-response negates amnesty.

**DRAFT**  
**POLICY STATEMENT**

Private I/I Public Education, Outreach and Enforcement Program  
Exeter, New Hampshire  
January 13, 2015

**Compliance Inspections, Non-Compliance Notifications and Enforcement Approach:**

The following table summarizes the schedule and approach for implementation of the program:

<b><i>Implementation Year</i></b>	<b><i>Activity/Action Description</i></b>
0 to 1	Develop policy document, education mailer with compliance response
0 to 5*	“Grace Period” or “Amnesty” - Town to provide technical assistance if requested and homeowners expected to take steps necessary for Sewer Use Ordinance (SUO) compliance
0 to 5	Capital Improvement Plan (CIP) considerations for potential projects to assist with illicit connection removal
5*	Enforcement actions begin
2	Town begins policy to perform house inspections (sump pumps and roof leaders) and lateral CCTV (defective laterals and foundation drains) as part of final meter readings for all property transactions and notifies buyers agent if illicit connections found
2	Town begins policy to perform house inspections and lateral CCTV: - Prior to issuance of any building permit for improvements - When an existing sanitary sewer lateral is to be used to serve a new structure - At the time of water meter replacements - At the time of property transfers - Upon specific information that the premises may be in violation of Town Ordinances
3	Town begins methodical Town-wide house inspection program using information gathered during years 0-2 to prioritize neighborhoods with suspected densities of illicit connections/lateral issues.

*\*The grace period or amnesty program only applies to questionnaire respondents.*

The notification, enforcement and confirmation procedures described in Article 1508 of the Town Ordinances will be initiated if any of the following prohibited discharges are found upon subsequent inspection after the allotted “grace period”:

1. Sump pumps that discharge to the sanitary sewer
2. Roof leaders that discharge to the sanitary sewer
3. Foundation drains that discharge to the sanitary sewer
4. Defective laterals found to discharge greater than 4,000 gpd/idm infiltration to the system
5. Other illicit or prohibited discharges

**Town Assistance Summary**

- The Town will perform a site visit of the property to assist the owner with illicit connection identification and completion of the “Compliance Response”.

**DRAFT**  
**POLICY STATEMENT**

Private I/I Public Education, Outreach and Enforcement Program  
Exeter, New Hampshire  
January 13, 2015

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- The Town ***will not*** issue users a charge for technical assistance inspections during “Grace Period” unless it involves resources outside Town Staff.
- If illicit connections are identified on a property the Town ***will*** offer the owner suggestions for alternate discharge locations based on existing site conditions.
- The Town ***will*** levy fines or surcharges to users with illicit connections that have a viable discharge location for private I/I which may include:
  - Natural drainage course on the property
  - Municipal drainage system (swales) abutting the property
  - Municipal closed drainage system in the street with drain service
  - Site conditions suitable for groundwater infiltration
- The Town ***will*** levy surcharges to users with illicit connections that do not have a viable discharge location for private I/I.
- The Town ***may*** provide a drain service stub to the edge of the roadway ROW to provide users a location for I/I disposal if a municipal drainage system is present in the street.
- The Town ***may*** provide financial assistance to users for evaluation and/or implementation of on-site infiltration private I/I disposal.
- The Town ***may*** provide financial assistance to users for replacement/rehabilitation of defective laterals.
- The Town ***will*** provide a confirmation inspection to document removal.
- The Town ***will not*** perform investigations on the site such as test pits, infiltration tests, etc. to evaluate whether groundwater infiltration is an appropriate method for I/I disposal on site.

ACCEPTED BY:

Board of Selectmen

Sewer Advisory Committee

Department of Public Works

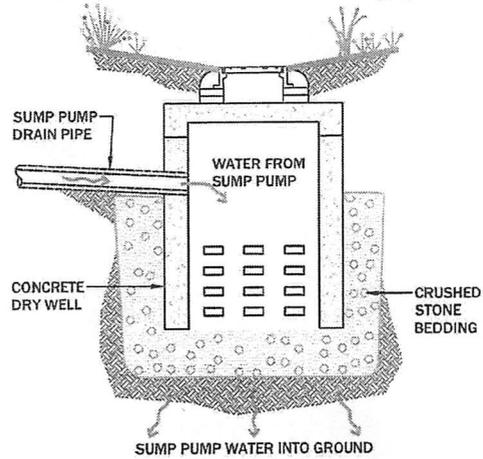
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Date \_\_\_\_\_

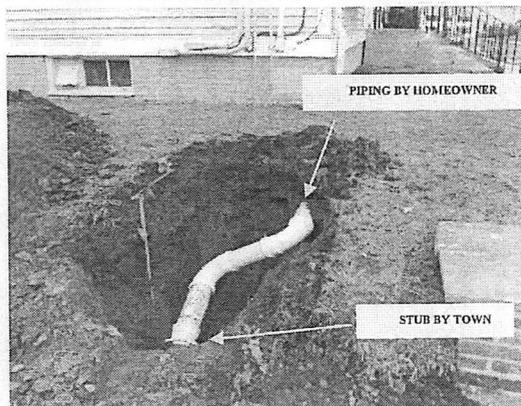
## SUMP PUMP DISCHARGE OPTIONS



INFILTRATION BASINS



RAIN GARDENS



MUNICIPAL DRAIN SERVICES

## TOWN ORDINANCE

# DRAFT

### Chapter 15 – Sewer Regulations

#### Article 1506.1

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer

#### Section 1504.1, Paragraph 6

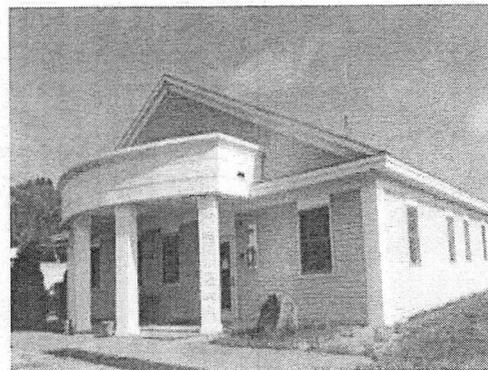
No person shall make connection of roof downspouts, foundation drains, area drains, or other surface runoff or groundwater to a building sewer

### WHAT YOU CAN DO TO HELP

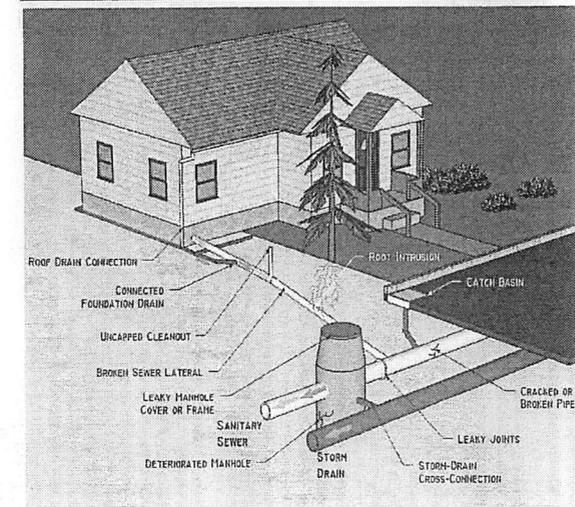
Check to see if your home contributes I/I:

- Look for I/I connections yourself in your basement and on the outside of your house.
- Complete and return the provided Compliance Response Questionnaire to Underwood Engineers.
- Contact the Town by calling Matt Berube at 773-6157 to set up an appointment and check for I/I connections to the sewer or for more information.

Brochure produced by:  
Public Works Department  
13 Newfields Rd  
603-773-6157

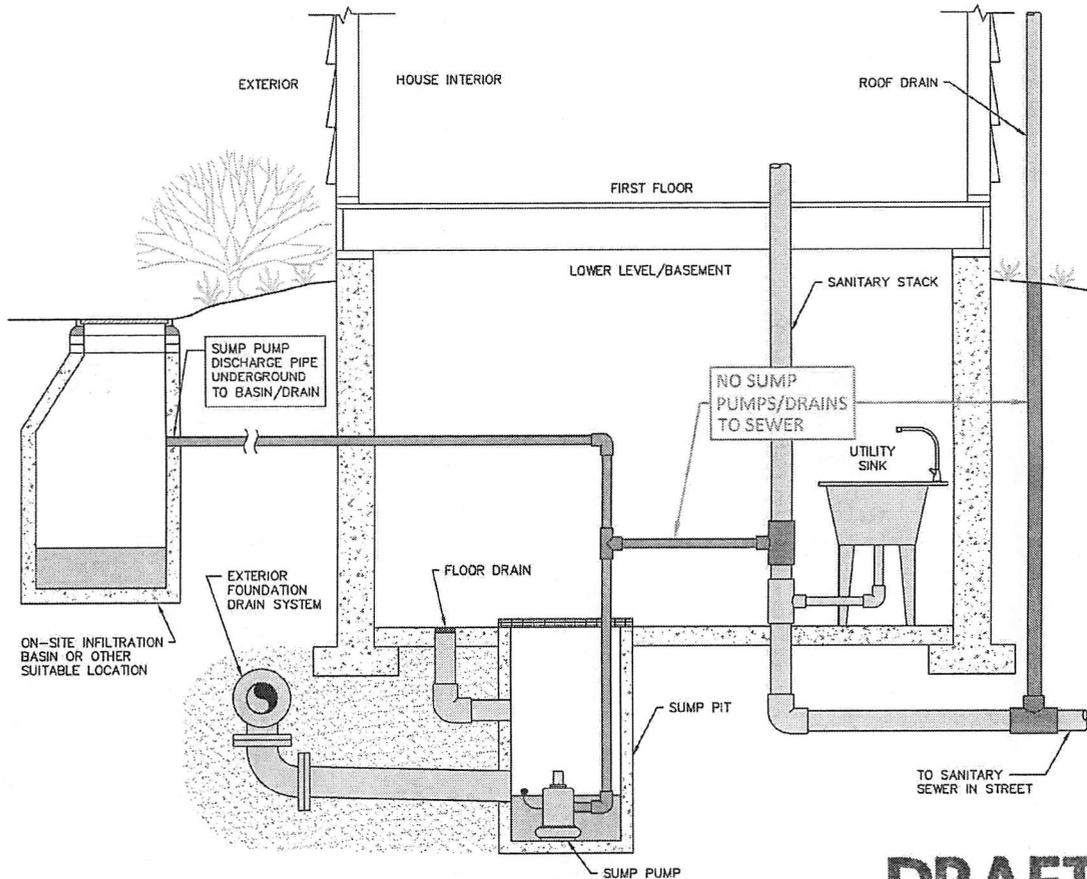


# SUMP PUMP REMOVAL PROGRAM



## What is Infiltration and Inflow (I/I)?

I/I is clean water that gets into the sewer system and is treated at the wastewater treatment facility. Since the water is clean, it doesn't really need to be treated like sewage ("dirty" water) does. However, because it gets into the sewer system it is processed like sewage and treated. Treatment costs money (from ratepayers) and treating clean water is a waste of money and energy. Removing the clean water from the sewer system will reduce the costs of treatment and provides other benefits to the Town. *This brochure summarizes some of the important points you should know about I/I, in your house and how you can help!*



**DRAFT**

## WHY IT'S A BIG DEAL

- Ratepayers pay to treat wastewater. It is estimated that 50% of the flow at the treatment facility is I/I and much of it is from private property.
- Too much I/I can overwhelm the sewer system and cause dirty water to overflow to the Squamscott River (called a combined sewer overflow (CSO)).
- Treating I/I at the wastewater treatment facility leaves less space for treating sewage and requires capital improvements to Treat these higher flows.
- I/I from private property violates The Town's Sewer Use Ordinance. For more info go to [www.town.exeter.nh.us/sewer](http://www.town.exeter.nh.us/sewer).

Remove clean water connections to the sewer:

Disconnect any sump pumps from the sewer and discharge to a proper location.

## Please Don't Direct Pump to Street!



*This can lead to icing and other maintenance issues*

## Preferred Sump Pump Discharge Locations include:

- On-site Infiltration Basin
- Rain Gardens
- Municipal Drain Service Lateral (if applicable)
- Surface Drainage Courses  
(see reverse side for examples)

**Also...spread the word  
Tell a neighbor or a friend  
about the Sump Pump Program.**



## Appropriations

Account Code	Purpose of Appropriation	Warrant Article #	Appropriations As Voted
<b>General Government</b>			
0000-0000	Collective Bargaining	18	\$3,575
4130-4139	Executive	15	\$239,691
4140-4149	Election, Registration, and Vital Statistics	15	\$329,660
4150-4151	Financial Administration	15	\$757,554
4152	Revaluation of Property	15	\$1
4153	Legal Expense	15	\$80,000
4155-4159	Personnel Administration	15	\$356,922
4191-4193	Planning and Zoning	15	\$252,791
4194	General Government Buildings	15	\$1,062,221
4195	Cemeteries		
4196	Insurance	15	\$124,324
4197	Advertising and Regional Association		
4199	Other General Government	15	\$26,919
<b>Public Safety</b>			
4210-4214	Police	15	\$3,206,899
4215-4219	Ambulance		
4220-4229	Fire	15	\$3,470,149
4240-4249	Building Inspection	15	\$225,083
4290-4298	Emergency Management	15	\$28,816
4299	Other (Including Communications)	15	\$439,338
<b>Airport/Aviation Center</b>			
4301-4309	Airport Operations		
<b>Highways and Streets</b>			
4311	Administration	15	\$383,395
4312	Highways and Streets	15	\$1,950,118
4313	Bridges		
4316	Street Lighting	15	\$130,000
4319	Other	15	\$264,043
<b>Sanitation</b>			
4321	Administration		
4323	Solid Waste Collection	15	\$834,001
4324	Solid Waste Disposal		\$0
4325	Solid Waste Cleanup		\$0
4326-4328	Sewage Collection and Disposal		\$0
4329	Other Sanitation		\$0
<b>Water Distribution and Treatment</b>			
4331	Administration		\$0
4332	Water Services		\$0
4335	Water Treatment		\$0
4338-4339	Water Conservation and Other		\$0
<b>Electric</b>			
4351-4352	Administration and Generation		\$0
4353	Purchase Costs		\$0
4354	Electric Equipment Maintenance		\$0
4359	Other Electric Costs		\$0
<b>Health</b>			
4411	Administration	15	\$160,708
4414	Pest Control	15	\$1,250
4415-4419	Health Agencies, Hospitals, and Other		\$0
<b>Welfare</b>			

## Appropriations

Account Code	Purpose of Appropriation	Warrant Article #	Appropriations As Voted
4441-4442	Administration and Direct Assistance	15	\$86,436
4444	Intergovernmental Welfare Payments		\$0
4445-4449	Vendor Payments and Other	21	\$113,895
<b>Culture and Recreation</b>			
4520-4529	Parks and Recreation	15	\$458,806
4550-4559	Library	15	\$898,407
4583	Patriotic Purposes	15	\$14,000
4589	Other Culture and Recreation	15	\$31,300
<b>Conservation and Development</b>			
4611-4612	Administration and Purchasing of Natural Resources	15	\$10,057
4619	Other Conservation		\$0
4631-4632	Redevelopment and Housing		\$0
4651-4659	Economic Development	15	\$125,862
<b>Debt Service</b>			
4711	Long Term Bonds and Notes - Principal	15	\$751,600
4721	Long Term Bonds and Notes - Interest	15	\$192,157
4723	Tax Anticipation Notes - Interest	15	\$1
4790-4799	Other Debt Service		\$0
<b>Capital Outlay</b>			
4901	Land		\$0
4902	Machinery, Vehicles, and Equipment	15,20,22,23,26,27	\$665,666
4903	Buildings		\$0
4909	Improvements Other than Buildings	10,11,12,19	\$8,886,312
<b>Operating Transfers Out</b>			
4912	To Special Revenue Fund		\$0
4913	To Capital Projects Fund		\$0
4914A	To Proprietary Fund - Airport		\$0
4914E	To Proprietary Fund - Electric		\$0
4914O	To Proprietary Fund - Other		\$0
4914S	To Proprietary Fund - Sewer	17	\$2,496,622
4914W	To Proprietary Fund - Water	16	\$2,791,462
4915	To Capital Reserve Fund	25	\$50,000
4916	To Expendable Trusts/Fiduciary Funds		\$0
4917	To Health Maintenance Trust Funds		\$0
4918	To Non-Expendable Trust Funds		\$0
4919	To Fiduciary Funds	24	\$50,000
<b>Total Voted Appropriations</b>			<b>\$31,950,041</b>

## Selectmen Representatives to the Committees

Committee	2014	2015
Budget Recommendations Committee	Nancy Belanger	Nancy Belanger
	Dan Chartrand	Dan Chartrand
	Donald Clement	Donald Clement
	Julie Gilman	Julie Gilman
	Anne Surman	Anne Surman
Cable Television Advisory Committee	Nancy Belanger	
Conservation Commission	Anne Surman	
Council On Aging	Nancy Belanger	
Exeter Economic Development Commission	Dan Chartrand	
Emergency Management Committee	Donald Clement	
Exeter Arts Committee	Dan Chartrand	
Exeter River Study Committee	Donald Clement	
Exeter Transportation Committee	Julie Gilman	
Health & Safety Committee	Donald Clement	
Heritage Commission	Julie Gilman	
Historic District Commission	Julie Gilman	
Housing Advisory Committee	None	Nancy Belanger
Planning Board	Donald Clement	
Rockingham Planning Commission	Donald Clement	
Swasey Parkway Trustees	Anne Surman	
Technology Advisory Committee	Julie Gilman	
Train Committee	Julie Gilman	
Water & Sewer Advisory Committee	Nancy Belanger	

No BOS rep to Zoning Board of Adjustment per RSA

Meet monthly

## List for Selectmen's meeting March 23, 2015

### Abatements

<b>Map/Lot</b>	<b>Location</b>	<b>Refund</b>
73/49/76	156 Front St U416	109.45
63/255	69 Main Street	503.79

### Veteran's Credit

<b>Map/Lot</b>	<b>Location</b>	<b>Credit Amount</b>
21/36/3	2 Sinclair Drive	500.00
68/6/418	4 Sterling Hill Ln U418	500.00
93/10	48 Drinkwater Road	500.00
104/79/603	603 Canterbury Drive	500.00
68/6/347	3 Sterling Hill Lane u347	500.00
80/6/26	5 Liberty Lane	500.00

### Elderly Exemption

<b>Map/Lot</b>	<b>Location</b>	<b>Exemption Amount</b>
96/2/13	13 Strouts Park	152,251
104/79/422	422 Friar Tuck	236,251
63/102/54	5 Brookside Dr U6	152,251
95/64/199	16 Cornwall Ave	152,251





# 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: [sriffle@exeternh.gov](mailto:sriffle@exeternh.gov)

Facility:  Town Hall (Main Floor)  Bandstand  Parking - # Spaces \_\_\_\_\_ Location \_\_\_\_\_

Signboard Requested:  Poster Board Week: \_\_\_\_\_  Plywood Board Week: \_\_\_\_\_

### Representative Information:

Name: Charles MacDougall Address: 7 School Street

Town/State/Zip: Exeter, NH Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Date of Application: 3-17-15

### Organization Information:

Name: Exeter Brass Band Address: \_\_\_\_\_

Town/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

### Reservation Information:

Type of Event/Meeting: Brass Band Concert Date: 6-29, 7-6, 13, 20, 27

Times of Event: 7:30 - 9pm Times needed for set-up/clean-up: \_\_\_\_\_

# of tables: \_\_\_\_\_ # of chairs: 8 Will food/beverages be served? \_\_\_\_\_

List Town equipment you request to use: \_\_\_\_\_

Comments: \_\_\_\_\_

### 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: Charles MacDougall Date: \_\_\_\_\_

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

## Town Manager Updates

Submitted by: Russell Dean, Town Manager

Week Ending: March 23<sup>rd</sup>, 2015

### Updates

Town Election – March 10<sup>th</sup>

Selectboard Meetings – March 9<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>.

Townwide Facilities Plan – Interviewed five firms who submitted proposals the week of March 16<sup>th</sup>. Support from Chairwoman Gilman, and DPW. Recommendation expected to Selectboard first meeting in April.

Master Plan update planning meeting at RPC – March 12<sup>th</sup>. Discussion for Board of Selectmen at goal setting of April 11<sup>th</sup>. Public input sessions discussed. Population estimates, general format of Master Plan, and vision statement.

Exeter Area Chamber of Commerce Forum Committee meeting on March 18<sup>th</sup>, full board meeting on March 20<sup>th</sup>.

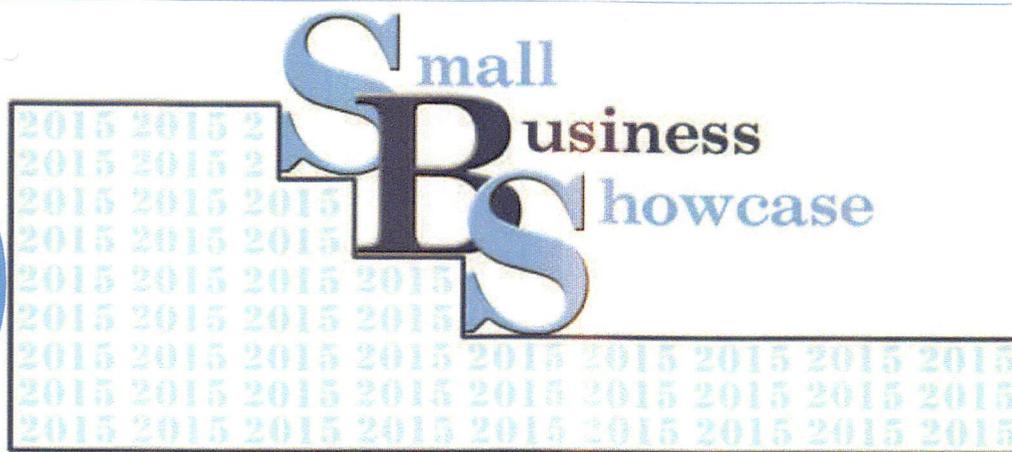
Prepare for Moody's review with Finance Director. Assist Finance with Town Treasurer changeover. Review FY15 approved budget and MS2 report of appropriations.

### Other

1. Continue employee evaluation process
2. Review Monthly Department Reports
3. Continued review of Department annual goals (March to March)
4. 91-A Request – Christopher Gilroy regarding Article 9/Town Ballot
5. Met with Kim Rogers regarding sign request at 1 Hampton Road
6. Bushnell Letter – mailed by Chairwoman Gilman
7. Plan for Upcoming Projects – FY15
8. Review planning process with Town Planner, PB Chair, Selectman Clement
9. Pot Hole Patrol

### Upcoming Calendar

1. Special Town Meeting – March 31<sup>st</sup>
2. BOS Regular Meetings – April 6<sup>th</sup>, 20<sup>th</sup>
3. BOS Goal Seeting – Saturday April 11<sup>th</sup>



9th Annual

## Small Business Showcase

Wednesday, April 8, 2015

4:00-7:00 PM

Seacoast School of Technology

Talbot Gymnasium

40 Linden Street

Exeter, NH 03833



A unique opportunity to showcase and network your business to the community and public.

Sponsored by the  
Seacoast School of Technology  
Marketing Technologies Students  
and Exeter Area Chamber of Commerce

Display Table \$50, with Electricity Access \$75

For more information:

Call (603) 775-8468

or e-mail:

[sstsmallbusinessshowcase@gmail.com](mailto:sstsmallbusinessshowcase@gmail.com)

**From:** Brian Griset [mailto:grisetandsons@comcast.net]  
**Sent:** Monday, February 23, 2015 1:13 PM  
**To:** Don Clement; Exeter Selectmen; Julie D. Gilman; Anne Surman; Dan Chartran  
**Subject:** Comments on Exeter Stratham Water Draft Program Points

Exeter Board of Selectmen,

Please find below, as requested, a written bullet points of my comments at last Wednesday February 18th's meeting of the Board. As this was requested by the Board I am assuming it will be part of the official record and minutes of the meeting.

**Para 1: Volume- Do we have the capacity?**

1) In light of the proposed TIF on Epping Rd. and the projected economic development on that corridor do we have the capacity to supply both Stratham and the TIF at the old Surface Treatment Plant?

2) Is there a study available?

**Para 2: Rate Schedule/Costs- Rate proposed causes Exeter ratepayers to subsidize Stratham users**

3) Exeter's Average Daily Usage is approximately 1.2 MGD and much higher in the Summer. The new groundwater plant is projected to provide 90% of this amount, the remainder from the surface plant. Any increase in demand will have to come from the Surface Plant which has higher operating costs.

The Groundwater plant was "sold" to the voters because it will produce higher quality water at 60% of the operation costs. These savings belong to the Exeter ratepayers. Having Stratham pay the same rate is unfair.

By having a single rate apply to both towns, essentially you will be averaging the operating costs of the 2 separate plants thereby transferring costs to Exeter.

The groundwater plant operating cost per gallon is X.  
 The surface plant operating cost is X time 1.67 (40% higher cost)  
 Exeter's volume is 1.2 MGD  
 Stratham's proposed volume is .125 (unit factor)  
 Combined volume is 1.325 MGD

For comparison of rate costs see the following.

**Exeter 1.2 MGD:**

To determine rate cost-

1.2 divided by .125 MGD = 9.6 units (125,000 gallons)

1.1 MGD times X	= 1.100
0.1 MGD times X times 1.67	= 0.167
Total operating cost	1.267
Divide by unit Factor	9.6
Equals	0.132 rate per 125,000 gallons

Exeter's prorated operating cost should be .132 per 125,000 gallons

**Stratham 125,000 gallons per day:**

Surface plant rate of 0.167 should be used

Stratham's prorated operating cost should be 0.167

Using the proposed same rate of Exeter we need to average the costs to determine the new rate:

Exeter's total operating costs	1.267
Stratham's total cost	0.167
Total costs	1.434
Divided by total unit factors	10.6

Average unit cost per 125,000 gallons .1353

**The result is that Exeter ratepayers see an increase of .023 to their operating cost rate which is a 1.74% subsidy for Stratham equating to a 19% reduction in their operations costs payment rate.**

4) Exeter currently charges the statutory 10% surcharge on all out of Town services. Why does this agreement not provide for similar charge.

5) The agreement does not address that Exeter would be liable for the costly repairs and upgrades to the Surface plant to supply water to Stratham without any mechanism to recoup those costs directly from Stratham. If does not address the sewer treatment costs directly related to operation of the surface plant which would be subsidized by the sewer users.

**Para 3: Impact Fee Issue- Exeter is not receiving reimbursement for all of the existing capital infrastructure costs of our system that we are entitled to.**

6) The \$2 million dollar figure has been previously proposed but is now tied into language regarding the Groundwater Treatment plant. It has nothing to do with the Groundwater Treatment plant. Further, it is dangerous to link the two into a legal agreement as Stratham could make claims related to this verbal linkage.

7) The fact that the Town Administrator has not updated the Impact Fee Schedule over his 10 year rein is not a reason to pick a figure out of a hat. The Impact Fee statutes are very specific and allow the town of Exeter to collect for ALL capacity improvements inherent in its system that benefit the new customer. These would include not just the treatment plants but the new water tower, Epping road waterline improvements, Portsmouth Ave and Lincoln Street improvements, booster stations, new backup generators and all other pooled costs providing service to the system.

**Para 4: Costs, Legal Talk and Restrictive Language**

8) We are paying for the new meter facility. Why? Usually a developer is required to pay all costs.

9) Why do they want the legal language allowing them to transfer ownership to anyone?

10) The language regarding service fees is too restrictive. There are numerous issues regarding services and service changes which should be addressed separately and individually.

**Para 5: Designs, inspections and Hydrants**

11) While designs are nice, inspections of installations is the common practice of the Exeter W&S Department. This should be addressed not only at initial construction but also in the future.

12) Hydrants: There are numerous issues related to hydrants including inspections, flushing requirements, liability, service charges, public verses private hydrant classifications, etc.. This is a big issue.

**Para 6: Liability Clause**

13) Liability clause needs work to protect Exeter.

**Para 7: Remedy and Exit Clause**

14) Once again legal language regarding allowing a third party and throwing in "unreasonably" as a legal standard that benefits Stratham if there is a future issue.

15) The entire envisioned process transfers power from the Selectmen and sets not standard.

**Para 8: Ownership rights**

16) This should be looked at seriously from a legal stand point or not included at all. This is an item that could be negotiated at a future date if we were so inclined.

# LEGISLATIVE BULLETIN

Bulletin #12

2015 Session

March 20, 2015

INSIDE THIS ISSUE:

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Moderators as Photographers	5
Accessory Dwelling Units	5
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Senate Calendar, Floor Action	7
NHMA Webinar, Local Officials Workshops	8

### NHMA Government Affairs Contact Information

**Judy A. Silva**  
Executive Director

**Cordell A. Johnston**  
Government Affairs Counsel

**Barbara T. Reid**  
Government Finance Advisor

**Timothy W. Fortier**  
Communications & Member Services Coordinator



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](mailto:governmentaffairs@nhmunicipal.org)  
Website: [www.nhmunicipal.org](http://www.nhmunicipal.org)

## Will the Legislature Pass a Road Toll Increase? *(or will 'you can't get there from here' really come true in NH?)*

**Please call your legislators ASAP!** Why? Read on.

House Finance Committee Division II, which deals with the Departments of Transportation, Safety, and Education, among others, not only had a goal of reducing general funds by \$34 million over the biennium, it also had to address a **\$109.9 million deficit** in the highway fund, due in large part to the rejection of the Governor's proposal to raise motor vehicle registration fees. How did they do it?

The largest reduction came from the Department of Transportation (DOT), which saw a whopping **\$88.2 million** cut. These cuts appear in an amendment to **HB 357**—but more on that later.

### What does \$88.2 million look like? It includes:

- cutting all overtime except for winter maintenance,
- cutting \$9.4 million for the mechanical services bureau, which maintains all DOT vehicles and equipment—over 1100 units, many of which are well beyond their established replacement age, and cutting equipment,
- reducing bridge maintenance by 50%,
- cutting all part-time personnel except winter maintenance,
- laying off 409 active employees, plus 221 more to cover the costs of payouts to those laid off, for a total loss of 630 employees, and the elimination of 83 currently vacant positions. Total positions eliminated = 713, out of 1,408 highway fund positions currently authorized for DOT.

**What does this mean for municipalities?** Information submitted this week by DOT indicates:

- DOT will no longer be able to maintain and plow 2,500 miles of roads and 1,000 bridges, which will be left to municipalities,

**Road Toll Increase - continued**

- overtime in the non-winter months is eliminated, meaning that evening and weekend roadway issues, such as downed trees, flooding, and sinkholes (6,387 incidents April-November 2014) will have to wait for attention until business hours or Monday morning,
- there will no longer be traffic control for major events (NASCAR, Highland Games, Hampton Food Festival).

**What can be done?** As mentioned above, the DOT budget and these cuts have all been put in an amendment to **HB 357**, which will go to the floor of the House on **Wednesday, March 25<sup>th</sup>**. As has been stated by some Finance Committee members, the cuts made are drastic and not in the state's best interest, but without additional revenue, this is a proposal for DOT that lives within the state's means. In the House Calendar for next week, there is an amendment to **HB 357** that raises the road toll (gas tax) by eight cents/gallon to 26 cents. At first reading, this looks like it is expected to raise \$68 million per year, some of which is specifically designated in the amendment to go to the mechanical services bureau to maintain and purchase equipment. Some will increase the municipal highway block grant in fiscal year 2017. Any increase goes to the highway fund, so it must be spent on highway fund expenses.

**NHMA member-adopted policy supports increasing the road toll, provided the additional funds are used exclusively for highway purposes and provided the proportionate share of the additional revenues is distributed to cities and towns in accordance with the existing law.**

**Please call your legislators ASAP and urge them to support any effort to increase the road toll that meets this two-pronged standard.** Again, the full House meets on **Wednesday, March 25<sup>th</sup>** to vote on **HB 357**, and there will likely be a variety of amendments offered. It is impossible to say right now what they all will provide, but if the two-pronged standard is met, the devastating cuts to DOT will be avoided and much-needed municipal highway funding will increase as well.

Please call the Government Affairs staff if you have any questions. For a detailed overview of DOT finances, please see the [Citizen's Guide to DOT](#).

## **Hearing on Utility Valuation Bill**

**HB 192**, the **NHMA policy bill** on valuation of utility property, is scheduled for a hearing next **Tuesday, March 24, at 9:15 a.m., in State House Room 103**, before the Senate Ways and Means Committee. Here is a refresher on the issue:

Utility property is subject to local property taxes, and also to a uniform statewide utility property tax under RSA 83-F (the latter in lieu of the statewide education property tax that all other taxpayers pay). For purposes of the utility property tax,

### Utility Valuation - continued

the Department of Revenue Administration determines the value of the utility property. Some municipalities rely on the DRA value for their own local property tax purposes, but most do their own appraisals.

In the last few years, the electric utilities have filed many appeals of their local property tax assessments with the Board of Tax and Land Appeals. In those appeals, they have introduced the DRA values (which are usually lower than the values determined locally, because DRA uses a different valuation method), and the BTLA has begun to allow those values as evidence.

In recent Board of Tax and Land Appeals cases, utility companies have essentially been able to use the state's utility appraiser as their own expert witness. We thus have an anomalous situation in which the state is lending its expert witness to the utilities—at taxpayer expense and no cost to the utilities—to testify against the state's own political subdivisions.

**HB 192** will prohibit utilities from relying on DRA's extremely low appraisal numbers when they appeal their local property tax bills. DRA's appraisals are, by statute, designed to be used solely for purposes of the utility property tax under RSA 83-F. They were never intended to be used for local property tax assessment, and because they value a business on a statewide basis, they do not accurately reflect the value of properties within individual municipalities. **HB 192** would not prevent a utility from offering its own expert testimony in an appeal. It would merely prohibit the utility from relying on the *state's* expert. Thus, like any other taxpayer, the utility would need to find its own expert to do battle with the municipality's assessor. It is a matter of simple fairness.

The bill made it through the House with surprising ease, but we know it will face stiff opposition from utility companies in the Senate. ***If you are able to make it to the hearing, please do so. Otherwise, please contact your senator and members of the Ways and Means Committee and ask them to support HB 192.***

### State Budget – General Fund Reductions

It feels like June! Not with the weather, but with the three divisions of the House Finance Committee. The kinds of cuts and spreadsheets and amendments flying around the legislative office building this week were more typical of the committee of conference season in June, rather than March. Instructions to the divisions (the House Finance subcommittees responsible for different sections of the state budget) were to reduce the Governor's proposed budget by approximately \$240 million in general funds in order to stay within the House Ways and Means Committee's revenue projections for the next two years. Since those projections did not include the Governor's revenue proposals (tax and fee increases or new revenue from kenno) the only alternative to reaching a balanced budget was to reduce spending. And that they did, with each division given a target reduction amount. It has been a grim picture as some programs were whittled and trimmed, while others were slashed or eliminated.

**State Budget - continued**

There are numerous provisions that directly or indirectly affect municipalities:

- Freezing the meals and rooms tax distributions at the 2015 level (*i.e.*, suspending the statutory catch-up provision), a potential loss of \$15 million over the biennium.
- Continuing the moratorium on any new environmental grants so that only current obligations (grants that have already received Governor and Executive Council approval) for state aid would be funded, a potential loss of a minimum of \$7.1 million over the biennium.
- Requiring the state to only pay the New Hampshire share of the flood control payments in lieu of taxes (PILOT). The full amount of the PILOT would be made only if payments are received from the other states involved in the flood control compacts (which is unlikely to occur), a potential loss of \$1.1 million. However, another amendment appropriates \$165,285 from the recent settlement with Massachusetts to partially reimburse municipalities for the amount of the PILOT owed to them from fiscal year 2013.
- Eliminating the funding enacted last year in **SB 409** to compensate municipalities for the state match (12.5%) toward federal disaster assistance grants, a loss of \$5 million.
- Suspending revenue sharing for the biennium, a loss of \$50.4 million (although no one ever expected revenue sharing to be restored in this budget).
- Closing three Division of Motor Vehicle substations (Gorham, Epping and possibly Milford), which would likely increase registration activity in surrounding towns.
- Reducing staff at the Department of Safety forensic lab, which may delay test results in criminal cases.
- Postponing from September 1, 2015 until July 1, 2017 the voter photo requirement enacted in 2012, since funding for the necessary cameras is not included in the Secretary of State's budget.
- We have yet to determine the impact that reductions at the Department of Health and Human Services may have on municipalities.

On **Monday, March 23, at 10:00 a.m., in LOB Room 210**, the House Finance Committee will be briefed on the budget provisions proposed by each of the three divisions, with the expectation that votes on the budget will take place on **Tuesday, March 24, at 10:30 a.m., in LOB Room 210**. The Finance Committee's recommended budget will then go to the full House for a vote the following week.

## Will Moderators Have to Double as Photographers?

The question of whether moderators will have to begin taking photographs of voters at elections after September 1 is kicking around in the legislature, and has not been resolved yet. The answer may come in the budget bill, which of course will not be decided until June.

Some background: In 2012 the legislature enacted a voter identification law. Under that law, if a voter does not present a photo ID at the polls, he or she may still vote by completing a qualified voter affidavit. The new law included a provision requiring the moderator to take a photograph of any voter who signs a qualified voter affidavit and attach it to the affidavit. That provision, however, had a delayed effective date of September 1, 2013, and in 2013 the effective date was delayed again until September 1, 2015.

This year, **SB 207** would have eliminated this requirement altogether, and NHMA supported that effort. Unfortunately, the Senate killed that bill, so as of right now, the requirement is scheduled to take effect this September.

However, there is still hope. As mentioned in the budget article above, the House Finance Committee is poised to include a provision in **HB 2** that would suspend the requirement until September 1, 2017. This is a budget-related action, because if and when the requirement does take effect, it requires the Secretary of State to provide each municipality with the necessary photography equipment.

We would prefer to see the requirement repealed instead of suspended, because it is difficult to see how taking a picture of a voter is going to make a dent in voter fraud. It certainly is not worth the hassle to equip every polling place with cameras and give moderators one more job to do on election day. We are optimistic that the suspension will remain in **HB 2** through the end of the process.

## Accessory Dwelling Units

The Senate last week passed a bill that would affect how municipalities regulate the creation of accessory dwelling units (ADUs) (often referred to as “in-law apartments”). The bill has been referred to the House Municipal and County Government Committee, although a hearing has not been scheduled yet.

The bill is an effort to expand housing opportunities for elderly parents and for young adults, and it limits a municipality’s ability to restrict the creation of ADUs. NHMA initially opposed the bill because of its restriction on local control, but quickly concluded that the bill was likely to pass regardless of our opposition. Our options, then, were (a) to oppose the bill and lose without anything to show for it; or (b) to work with the bill’s supporters to make it more palatable. We chose the latter.

The bill that went to the Senate floor last week had several improvements, most notably a provision allowing the municipality to require a special exception for an

**Accessory Dwelling Units - continued**

ADU, and another stating that every ADU will be considered a unit of workforce housing for purposes of satisfying the municipality's statutory obligation. In exchange for these concessions, NHMA agreed not to oppose the bill.

One unfortunate change, however, came in the form of a floor amendment. The bill recommended by the committee would have allowed municipalities to limit ADUs to a maximum size of "800 square feet of living space or 40 percent of the living space of the principal dwelling unit, whichever is smaller." The floor amendment eliminated the reference to 800 square feet, meaning that the municipality could only limit an ADU to 40 percent of the size of the principal unit. For a 3,000-square-foot house, that would mean allowing a 1,200-square-foot ADU.

If we are able to get the 800-square-foot alternative restored, we will not oppose the bill in the House. However, individual municipalities should feel free to express their views, positive or negative, to their own representatives or to members of the Municipal and County Government Committee.

**HOUSE CALENDAR****Joint House/Senate Meetings Are Listed Under This Section****TUESDAY, MARCH 24****CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 206-208, LOB**

10:00 a.m. **SB 116-FN**, repealing the license requirement for carrying a concealed pistol or revolver.

**MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

10:00 a.m. **SB 20-FN-L**, (New Title) establishing a commission on historic burial grounds and cemeteries.

10:30 a.m. **SB 54**, relative to property tax payments by therapeutic cannabis alternative treatment centers.

11:00 a.m. **SB 97**, authorizing municipalities to adopt ordinances to regulate storm-water to comply with federal permit requirements.

11:20 a.m. **SB 98**, relative to third party review required by the planning board.

11:40 a.m. **SB 143**, relative to defining phased development.

**FRIDAY, MARCH 27****COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E:1), Department of Environmental Services, Pease**

9:00 a.m. Regular meeting.

**FRIDAY, APRIL 3****COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E:1), Department of Environmental Services, Pease**

11:00 a.m. Steering Committee.

## SENATE CALENDAR

### TUESDAY, MARCH 24

#### **EDUCATION, Room 103, LOB**

10:00 a.m. **HB 662-FN-L**, relative to property taxes paid by chartered public schools leasing property.

#### **WAYS AND MEANS, Room 103, SH**

9:15 a.m. **HB 192**, relative to the valuation of utility property. **NHMA Policy.**

9:30 a.m. **HB 193**, relative to utility assessments for the use of village district roads.

9:45 a.m. **HB 344**, relative to membership on advisory boards for municipal economic development and revitalization districts and relative to the financing plan of such districts.

### WEDNESDAY, MARCH 25

#### **PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB**

9:00 a.m. **HB 102**, relative to consideration of warrant articles.

9:30 a.m. **HB 133**, relative to recounts on questions.

9:45 a.m. **HB 140**, relative to appointment of inspectors of election.

10:15 a.m. **HB 135**, relative to qualifications of assistant election officials.

## HOUSE FLOOR ACTION

There is no floor action to report this week.

## SENATE FLOOR ACTION

Thursday, March 19, 2015

**CACR 5**, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. **Passed with Amendment.**

**SB 85**, establishing a statutory commission to study post-retirement employment of New Hampshire retirement system retirees. **Inexpedient to Legislate.**

**SB 105**, (New Title) relative to child-resistant packaging for tobacco products and establishing a committee to study revising the indoor smoking act. **Passed with Amendment.**

**SB 164**, relative to the independent investment committee in the New Hampshire retirement system. **Inexpedient to Legislate.**

**SB 186**, reestablishing the commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund. **Passed with Amendment.**

**SB 241**, relative to authorization for the town of Rindge to make capital expenditures from a trust fund. **Passed with Amendment.**

**Senate Floor Action** - continued

**SB 249**, relative to the Hampton and Exeter district divisions of the circuit court. **Passed.**

**SB 254**, establishing a committee to study the provision of services to the public through peer-to-peer or sharing economy businesses. **Passed with Amendment.**

### NHMA Webinar

#### NHMA Webinar - A Mid-Session Legislative Update

Event Date: Wednesday, April 8, 2015

Time: 12:00 PM - 1:00 PM

Contact: NHMA (603) 224-7447 Ext. 3408

Join Government Affairs Counsel Cordell Johnston and Government Finance Advisor Barbara Reid for a look at the status of legislation affecting municipalities after "Crossover." Crossover is the date (April 2 this year) by which a bill must pass either the House or the Senate in order to "cross over" to the other chamber for consideration.

This webinar will discuss the prospects for bills still alive at the State House, and offer a postmortem on a few that have been killed. The discussion will include, among others, the state budget, state aid grants for water and wastewater facilities, the Right-to-Know law, the retirement system, planning and zoning issues, assessing, and tax exemptions for telephone poles and pollution control facilities.

This webinar is open to members of the New Hampshire Municipal Association.

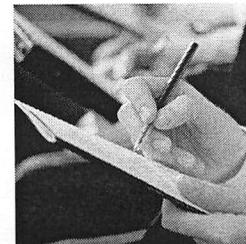
**[Click here to register before April 7](#)**

### 2015 Local Officials Workshops

Presented by NHMA's Legal Services attorneys, the 2015 *Local Officials Workshops* provide elected and appointed municipal officials with the tools and information needed to effectively serve their communities.

This workshop is **for NHMA members only**. Although there is no registration fee, online pre-registration is required one week prior to the event date. Attendees will receive a copy of NHMA's 2015 edition of *Knowing the Territory*. Continental breakfast and lunch will also be provided.

Wednesday, April 22:	Durham Public Library, Durham
Saturday, April 25:	Antioch University New England, Keene
Friday, May 15:	Conway Professional Development Center, Conway
Saturday, May 16:	Bethlehem Town Hall, Bethlehem
Saturday, May 30:	NHMA Offices, 25 Triangle Park Drive, Concord



Each workshop runs from 9:00 am – 3:00 pm. For more information, or to register online, please visit [www.nhmunicipal.org](http://www.nhmunicipal.org) and click on Calendar of Events. If you have other questions, please contact us at 800.852.3358, ext. 3350, or email [nhmaregistrations@nhmunicipal.org](mailto:nhmaregistrations@nhmunicipal.org).