

4. Reconvene regular Selectmen’s meeting

Chairman Campbell reconvened the Board in a regular session at 7:02PM, having voted to come from a non-public session beginning at 6:30PM. Chairman Campbell introduced the Board. Those present: Lionel Ingram, Paul Binette, Robert Eastman, Joseph Pace and Town Manager George Olson.

5. Minutes of Selectmen’s meeting of November 1, 2004

Mr. Binette moved to accept the minutes as submitted; second by Mr. Ingram. VOTE: Unanimous.

6. Presentation of gift to the Town – CDR Leonard J. Pichini, USCG (Ret).

Retired Commander Pichini, currently an Exeter resident, is President of his Coast Guard class of 1962. His class commissioned ‘Coast Guard Art’, depicting scenes from World War I through 9/11 through murals to be displayed at the Academy (New London, CT). He presented a reproduction of the picture of the Coast Guard responding to the 9/11 attacks as a reminder of the heartbreak and courage displayed on 9/11. The Board thanked Commander Pichini for his generosity. Mr. Olson suggested the gift be displayed outside the Nowak Room for the next month (for all attending various meetings to view) and find a permanent location for it within the Town’s offices.

7. Bid opening – Swimming pool slide.

Three bids were received:	Option 1	Option 2
Pettinelli & Assoc., Burlington VT	\$ 9,430.28	\$ 18,229.28
Custom Pools, Newington NH	\$11,592.00	\$ 38,790.00
M.E. O’Brien & Sons, Medfield MA	\$11,669.00	\$ 34,260.00

Mike Favreau, Parks & Recreation Director, explained the funds remain from the warrant article for the renovation of the pool area, though no one replaced the diving boards and this option of slides was proposed. Option 1 is a straight tube with 10-12’ of slide into the water; Option 2 is a 180 degree tube slide with 25-30’ into the water. The maximum estimate is \$28,000. *Mr. Binette moved to refer the bids to the Town Manager and Recreation Director for their review and to return with their report; second by Mr. Pace. VOTE: Unanimous.*

8. Request to accept Sloans Brook Drive & Sinclair Drive as public ways.

Mr. Olson explained the roads in the subdivision would need Board acceptance once all Town standards have been met. Primary requirements include (1) deed description of road (2) maintenance bond in place (3) as-builts are in order. A punch list of items is reviewed to be sure they are addressed prior to the Town taking over the road. Nine items on the punch list remain as of today.

Michael Gerrapy, representative from the Brook at Exeter, LLC, noted they were working on the list through late this afternoon and Jeff Hyland, DPW Inspector, gave his verbal okay for acceptance. Mr. Olson recommended the Board act to accept the roads pending confirmation from DPW that all punch list items have been met and vote at the November 29th meeting for final acceptance.

Mr. Eastman asked what the latest date was to accept roads prior to winter. Keith Noyes, DPW Director believed it was today (November 15th). Mr. Olson thought with the change in winter parking dates to December 1st, the date for accepting roads was also December 1st. This will be an agenda item on November 29th.

9. Request to address the Board – Ingrid Collier re Connie Road.

Ingrid Collier, 9 Connie Road, reported the dirt road was originally owned by Chet Simpson and was left to the Town. Before that, residents maintained the road and had rights to them, and the Town plowed. Currently there is no known owner and the residents don't wish to maintain the road with no rights for use. When they have maintained the road, their results become washed away. They are currently in limbo but are concerned over the upcoming winter.

Mr. Olson reported there were many private ways in the 1980's the Town did not take over but Town Meetings allowed us to plow for safety issues. This, and many, would be expensive to bring up to current Town standards. Roads are reviewed by the Planning Board and DPW, as with item #8 just prior to this discussion. He recommended DPW review this for an estimated cost in order to use the road and then take the matter to Town Meeting.

Mr. Binette stated he viewed the area today and it is quite a mess, noting its narrowness and the need for trees to be cut for proper passage and any acceptance. Ms Collier expressed concern over several elderly residents, with health issues, if the safety vehicles area unable to get to their location due to the road passage. She has been there 23 years and the Town has done a great job with the plowing but she fears damage to even their vehicles with the condition the road is in now.

Mr. Pace explained the Board cannot legally accept the road unless it has gone through the Planning Board et al process. Ms. Collier stated the road was deeded to the Town with the Simpson property.

Lindsey Boyd-Robertson, 5 Connie Road, asked if Mr. Simpson deeded all property to the Town, why does nothing show this. Mr. Olson stated nothing has been found to date. Mr. Campbell suggested this be researched and an estimate obtained from DPW. Mr. Noyes asked by what standard would we estimate costs, as the road is only about 12' wide and Town standards are twice that. Mr. Eastman noted it would take a major effort to bring up to standards, including taking land by eminent domain. Ms. Collier noted research at the Registry of Deeds shows nothing; she was told their computers changed and those records are gone.

Mark Edison, 14 Connie Road, stated huge ruts have been caused by the rain, then causing the water to run down the road into his yard. He asked the Town to also take his situation into consideration. Ms. Collier thanked the Board for their consideration, again reiterating they can't maintain the road if it's not theirs.

10. Warrant article to create a Recreation Revolving Loan Fund – Mike Favreau.

Parks & Recreation Director Favreau provided the attached documents to aid in the discussion. These show the accounts in the Recreation & pool portions of the budget they propose to offset by revenue taken in; information as to where the revenue comes from by program (though not a complete list) and suggested wording for the article. He noted the fund would be similar to the Ambulance Fund, now paying for the program. Extra funds would cover items in the current budget or CIP programs, such as bus replacement.

Mr. Favreau also stated this would cover under-appropriated program accounts. Currently, an amount is budgeted but enrollment is larger than anticipated – this cannot be covered by the General Fund. Under the proposed plan, this could be covered. Mr. Pace noted it's the assumption the program would be 'Revenue Neutral' but only if spent on projects.

Mr. Ingram asked if there is too much in the fund, with no project in CIP to apply it to, would there be a mechanism for the Town to transfer some to the General Fund or would the fund only be set for Recreation programs. Mr. Olson believes only for recreation funds. Mr. Eastman noted he feels this is the right way to go but the warrant article should state what stays and what goes to the General fund. Mr. Ingram stated RSA 35-B may state further information on how this would work i.e. cover administrative overhead, etc. Mr. Favreau stated the RSA is very general. The Board was in general support of the warrant article, but clarification is needed for next meeting.

11. Response from engineers re lead testing at Sportsmen's Club.

Mr. Campbell, following review of CDM's response to lead testing, noted both 'sides' are basically correct. CDM has been engaged in the water treatment plant design so performed a total lead analysis. He noted the contractors involved in the project will need to know the total there when bids are prepared as this will protect the Town for change orders and possible legal suits if the total is not figured into the price. Mr. Campbell also feels Dr. Peddicord was correct if only performing a risk analysis over the area of concern with the Club situation.

Mr. Ingram noted CDM even referred to Dr. Peddicord's concerns in part of their summary: "...we offer the comment that it could possibly be fruitful for the Town to pursue Dr. Peddicord's concerns with NHDES, regarding the areas not being affected by construction of the STP. While it may not be helpful to open such a discussion with an assertion that efforts to date have been "in error" and are "bad science", the Town could legitimately inquire of NHDES how best to proceed with sampling and risk characterization for any future activities in these areas."

Mr. Campbell expressed concern that the cost of a risk analysis could be \$5-10,000 and once sent to the State for their opinions, have them still insist on placing a fence around the area at an additional estimated \$40,000. Mr. Ingram stated \$10,000 could be spent for a good answer and if no problem, the Club could then use the area. Mr. Campbell stated yes unless they want to build and disturb the ground. Mr. Eastman agreed that spending \$10-20,000 for an assessment of the property on whether the Club could stay there was better than spending \$40,000 for the fence. Mr. Campbell did not wish to spend more tax dollars than necessary and then up with problems.

Mr. Ingram stated it would not be bad money spent to find if the land we own is contaminated. If it is not, there is no worry. He wants a definitive answer for safety reasons. Mr. Pace stated the \$10,000 could be spent to say it is not necessary to spend money on the fence, or the \$10,000 could also say the \$40,000 for the fence will be well spent. Mr. Olson reminded the Board that Town correspondence with NHDES states our intentions to place the fence. DES first said that may not be enough, though he has not received a definitive answer. The Town may have to continue testing even with the fence in place.

Mr. Noyes expressed concerns that DES be involved in any conversations between the plant process and the Club situation, and run any plans by them to see if consistent with their rules. They may not want something and they have the final decision. They are even more strict than EPA.

Joseph Kenick, Hobart Street, discussed his review of the CDM response. He noted DES may have the final decision but they must also publish why. CDM has a duty to protect their client and he understands why they conducted the full test – in order to share information with the contractors. In an effort to keep discussion to a minimum, Mr. Pace asked Mr. Kenick what direction he felt the Town should go, beyond what we are planning. Mr. Kenick suggested extending beyond the 2.2 acre box. He suggested the Town’s homework be done for Town Meeting or the plant may again not pass. He noted he feels things have been overblown and he suggested re-opening discussion with CDM and involve Dr. Peddicord’s expertise.

Robert Hantnan, Squamscott Circle, expressed concern over the safety of the water and the community and asked the Board to please protect the water supply. There has been much discussion over the diffusion rate of lead in the soil but he has heard nothing of public safety. Mr. Campbell noted the Club has been there since the 50’s and the soil has constantly been tested. Even the intermittent stream on the property shows nothing. Mr. Hantnan stated if changes to the ground deflect this, i.e. post holes dug for construction, there may be effect on the water. Who will pay for the treatment of soil? Mr. Campbell noted this is part of the whole funding package for the Plant. Mr. Hantnan asked why the taxpayers have to pay for something they did not put there. Why is the Town liable when the Club has been using the land. Mr. Olson noted it is Town land – the Club leases the property. Mr. Campbell noted they were allowed to use that land when we swapped land with them – we took that risk.

After further discussion, Mr. Olson noted the issue of the berm was brought up and shared with CDM on whether it could remain. Their recommendations were presented to the Board and the consensus was to remove the berm. If we change plans now, it would stop the project. Mr. Noyes noted the pre-bid conference has already been held.

12. Third & final reading of amendment to Town Ordinance Section 101.3 “Winter Parking”

Chairman Campbell read the amendment (attached). Mr. Eastman asked if publications are being made on advertising the designated areas. Mr. Noyes noted nothing yet – awaiting passage – but letters will be created and placed on cars in the lots, as well as signage being placed in the lot areas.

Mrs. Blenk asked if anyone not in the designated areas of the lots parking overnight would be ticketed as part of the winter parking ban? Mr. Olson replied yes, during December 1 through March 15th.

Mr. Eastman moved to adopt the amendment to 101.3 ‘Winter Parking’ as read; second by Mr. Ingram. VOTE: Unanimous.

13. Amendment to Personnel Plan – regular part-time employees

Chairman Campbell read the proposed changes (amended copy attached) to Sections 3.21, 13.3.7 and 13.11.8. Mr. Pace suggested changing the word “only” (2nd line from bottom) to follow “qualify” and continue with the sentence. ***Mr. Ingram moved to adopt the changes as amended; second by Mr. Pace. VOTE: Unanimous.***

14. Second & final reading of request for stop sign at intersection of Park & Park Streets.

Mr. Ingram moved to replace the yield sign at the intersection of Park & Park Streets with a stop sign; second by Mr. Pace. VOTE: Unanimous. Mr. Pace asked the procedure to re-name roads. Mr. Olson noted it must be explained to current residents and proceed from there.

15. Authorization to expend funds for Exeter River Study

It was explained with the River Committee preparing an RFP to look at a number of issues associated with flooding and River use, there is an issue of funding for the work. It is recommended funding for culvert repair (#5658) be expended for the study. The culvert repair has been completed and \$33,000 remains in the account. It was further explained the preliminary culvert study has been completed and it was apparent major work to rebuild the culverts on Water Street and the Parkway could be delayed and safety maintained by placing steel pipes under the roadway, which has been done).

Mr. Eastman expressed concern the Board could not authorize this expenditure as the account is an encumbered one from 2003, legally enforced by a contract, etc. We have spent what the encumbrance was for and, according to RSA 32:8, money can't be spent for anything else. Mr. Olson stated he would take this to counsel for review.

Mr. Noyes stated this is important for the RFP and recommended over-expending the dam maintenance account, as there is a connection between the River Study RFP and the dam. Mr. Ingram urged the RFP needs to be out soon in order to get an estimate back for planning a warrant article. Mr. Pace asked what account would be under-expended to match the dollar amount of the over-expended account. Mr. Olson will have this information at the next meeting.

16. Trading loam for gravel – EHS construction & Simpson's pit.

Mr. Noyes presented a memo to the Board (attached) concerning the school getting the gravel they need and the Town getting the loam we need, with the school's contractor providing the hauling. It was explained the gravel may not be needed for 10-15 years but the loam is needed to cover the perimeter slopes at the pit in order for vegetative cover to grow. We currently have only 1" of loam there now, insufficient to hold growth. Mr. Noyes has \$15,000 in the 2005 budget for this project and noted this swap would save the taxpayer \$20,000.

Mr. Binette questioned why the school was getting rid of the loam. Mr. Noyes noted it was part of the contract, he believes, that the contractor could retain anything they remove from the lot. Mr. Binette was irate that the contract would read like that and insists the school will, later in the project, need additional loam for all their landscaping. He also stated only Town Meeting can provide authorization to sell something like this. Mr. Olson explained this situation involves two pieces of public land and it is swapping one for another. There is no sale involved. Mr. Pace stated the contract with the school and contract is not our problem.

Mr. Ingram confirmed that we are doing nothing with the gravel so there is no lost cost. We need the loam and are saving \$20,000. **Mr. Ingram moved to approve the swap; second by Mr. Pace. VOTE: 2-3, with Chairman Campbell providing the tie-breaker.**

17. Request to accept Farmington Road as public way.

Darin DiNucci, representing J.B.D Associates, requested the Town take over ownership of Farmington Road. They have provided the required as-built road plans, road need and maintenance bond. He noted, however, that they also have a checklist as the earlier group did. The list is 99% complete and the minor items include cutting some branches, placing mailboxes and some wetlands signs. He will also return in two weeks, following final review, for approval.

18. Report of the Town Manager Search Committee.

Mr. Pace, Chairman of the Committee, noted they have completed their duty as charged and have three finalists to present. He thanked the Committee consisting of Chief Richard Kane and Barbara Blenk as town employees, Gwen English, Christopher Moutis and Don Briselden as residents, and Durham Town Administrator Todd Selig, providing great input with his professional expertise.

The Committee prepared advertising for many trade publications and on-line websites targeting qualified candidates, received 65 resumes for review with the initial cut made to 10. Six were invited to meet with the Committee in an interview setting. The finalists, in no particular order, include: Jonathan Sistare from Dublin, NH; Russell Dean from Portsmouth, NH; Russell McAllister from Rochester, NH. From here, based on Selectmen's discussions prior to the process, there will be afternoon sessions to meet each person individually with department heads, employees and an evening session at the Art Gallery (Town Hall) to meet with residents. The selectmen will follow up each visit with a formal interview. The Board will then prepare a final offer for their choice for the position. The sessions will be December 6, 7 and 9, with more information to come when individuals are lined up.

Mr. Pace thanked Phillips Exeter Academy for their generous offer to host the interview sessions with the candidates, providing space at Phelps Science Center. He also thanked all applicants who applied. The finalists have had the opportunity this past week to inform their employers of their position as a finalist, as we were making names known this evening. The process has remained confidential till now.

19. Permits:

- Exeter Rotary Club requested permission to have the street lights on Front Street off from December 23 through 27 in order for the luminaries to be displayed;
- Exeter United Methodist Church requested use of the parking spaces above the crosswalk by the Bandstand on December 2 from 4-5PM to park their truck for caroling.

Mr. Ingram moved to approve the permits as presented; second by Mr. Eastman. VOTE: Unanimous.

20. Town Manager's Items:

- Leaf pick-up is this week, curbside, on the day of rubbish pick-up;
- The Christmas Parade is December 4th at 4PM;
- The Town's offices will be closed November 25 and 26 for the Thanksgiving holiday;
- Rubbish & recycling will be delayed on day for Thanksgiving, with Thursday's on Friday and Friday's on Saturday.

- Tax bills have been sent out but were delayed by the vendor by 2 days. Bills are due close of business on Friday, December 10th, though it states the 8th on the bills.
- The Bandstand Medallions are now available in two sizes, 4" and 2", and are available at the Reception desk. They will also be on sale at a variety of upcoming events.

21. Selectmen's Committee reports:

Mr. Pace: Arts Committee met last week and has been doing exemplary work on the Art Gallery. They are very excited to have the Gallery as the venue to meet the prospective Town Manager. He thanked the Budget Committee members for their hard work and time put into the process, and thanked all those who attended the Veteran's Day ceremony at Gale Park on November 11th.

Mr. Ingram: Exeter River Study Committee meets this Thursday at 9AM.

Mr. Eastman: None.

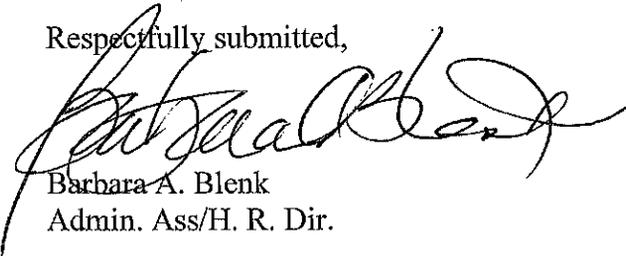
Mr. Binette: None.

Mr. Campbell: None.

22. Public Comments: None.

Mr. Eastman moved to adjourn; second by Mr. Pace. VOTE: Unanimous. Time: 9:20PM.

Respectfully submitted,



Barbara A. Blenk
Admin. Ass/H. R. Dir.

attach.