

1. Convene the meeting.

Chairman William Campbell convened the Board in a regular session on the above date at 6:30PM. Also present: Lionel Ingram, Paul Binette, Joseph Pace, Robert Eastman and Town Manager George Olson.

2. Non-public session (Chapter 91-A) to discuss compensation of public employee.

It was moved and seconded to resume in a non-public session to discussion compensation of a public employee. Roll call: 5-0. It was moved and seconded to come out of the non-public session at 6:55PM by roll call vote: 5-0.

3. Convene regular Selectmen's meeting – 7:00PM

Chairman Campbell reconvened the regular session of the Board at 7:00PM and introduced the Board to the audience present and watching on cable.

5. Minutes of Selectmen's meeting of September 27, 2004.

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

6. Bid recommendations: Town Report.

Chairman Campbell noted the recommendation was not yet ready. He did, however, refer to bids for the Swimming Pool (Interior Painting), due this date but omitted from the agenda. The results were:

F.A. Gray, Inc., Portsmouth	\$ 3,300.00
M & L Maintenance, Litchfield	\$14,130.00
Target NE, Wolfeboro	\$ 8,775.00

Mr. Binette moved for the Town Manager and Recreation Director to review the bids and return with their recommendation; second by Mr. Pace. VOTE: Unanimous.

7. Bid award: Captains Meadow paving.

Mr. Olson reported the single paving bid received at the last meeting (Bell & Flynn for \$53,975) has been reviewed and awarded to them. The project has begun and completion is anticipated by November 1st.

8. Train Station Committee update – Robert Hall.

Mr. Hall reported that since the DownEaster began service on December 15, 2001, they are anticipating the 125,000th passenger very soon. Through August, 118,942 have made trips between Portland and Boston, which is fantastic considering the area has been without public transportation for over 20 years (see attachments). Mr. Hall thanked the Town of Exeter (for their generous support through warrant articles and rider ship), the Town Manager and Board of Selectmen, the Exeter

Station Committee as well as the many citizens who visit the station area, whether to use the train or not.

Mr. Hall expressed concern over the parking issue at the Station, noting the parking for 73 vehicles has only 1-2 spaces available Monday through Friday, with even less availability during snowy periods. He noted a federal grant for \$475,000 is available, with a Town match of 20%, in order to purchase land to extend the lot westerly toward Front Street. The property is currently being leased (3rd year of 5 year lease) and he recommends the Town supports a warrant article in March, 2006 to purchase the property (\$95,000).

Mr. Hall also thanked the Maintenance Department of Public Works for maintaining the area, Highway for their plowing and clean-up, Parks and Recreation for beautification.

Mr. Hall went on to note that New Hampshire accounts for 30% of the rider ship on the DownEaster but the State contributes nothing to the program. There is a proposal before the Governor's Council for \$1.2 million toward a CMAQ Grant (Federal dollars with a 20% match by Maine – still no contribution by NH) for a passing side in Dover, allowing a 5th trip to Boston (earlier morning into Boston and late afternoon trip out). He urged the Board contact the Rockingham Planning Commission for information on a support letter to the Council. A new timetable will be available November 1st.

Mr. Binette agreed with all Mr. Hall stated and suggested the parking issue was due to high school students parking there all day, though this would subside in the fall of '06 with the opening of the new high school. Mr. Hall stated some of the vehicles are, but the students have been urged not to park there.

Mr. Ingram asked why the State doesn't support the program, particularly if federal money is involved. Mr. Hall noted the State never supported the project – it became a Maine project, though there has been more interest of late. There has been more pressure with 30% participation from NH.

Mr. Campbell asked if the State would support funding insurance on the lot, currently covered by the Town, particularly where they contribute to many "Park and Ride" lots. Mr. Hall noted it is voting season and suggests residents find out from the candidates what they support and how they feel on the issues. Mr. Eastman asked if the insurance could be worked out with other towns to pool resources. Mr. Hall stated there has been some effort in NH and Maine to seek buying from one entity. Currently all policies are individual.

Mr. Eastman asked if the grant prohibits use of parking meters to recoup revenues. Mr. Hall noted no restrictions (who can park at the lot, i.e. Exeter residents, only train riders, etc., no recouping funds) can be placed when using federal funds.

Mr. Campbell noted the train was promoted as an 'excursion' train when first proposed but it seems to be fast becoming a commuter train. Mr. Hall does not feel it is strictly commuter but an intercity trail system. It brings people to Wells, Maine, SeaDogs' games, as well as going south to Boston. The Board thanked Mr. Hall for his attendance and update.

9. Request to address the Board – Brian Griset.

Brian Griset, Cullen Way, was present to address the continuing flooding issues both along the river and at the dams in Exeter. This has caused problems with flooding properties, rising water expanding the mosquito habitat, eco-system of the river, as well as health and safety issues near the dams. He provided a history of his action.

In March, he corresponded with the Town Manager and DPW recommending a draw down of the river as it was then 1 foot over crest and, due to continued wet weather, he felt the situation needed pre-emptive action. He was told it was not the policy of the Town. Documents were found at the State noting re-modification to the dams (Great Dam and Colcord Pond) that could change the flow situation. In April, 2001, a severe flood caused the Great Dam to be at the 4' stage. Restrictions at Great Dam then caused greater flooding upstream (+5'). Complaints were made to the Town by those residents affected by the flooding but they were told "only one or two have complained". They filed a complaint with the DES.

During his search of documents at the State, a 'letter of deficiency' was found noting DES ordered the Town to reconstruct the dam but it was never responded to. There are 6 months left before the work is to be complete and he notes no changes have been made and nothing is budgeted under the CIP for this coming budget year. Following some DES action this year, the Town had some response and Selectmen Ingram, Eastman and the Town Manager suggested a Committee be established. At their meeting, a new procedure was mentioned to keep the river at 1' below crest at critical events. One month later, the procedure seemed to stop and when Mr. Griset asked three different selectmen, he got three different answers on why the Town Manager changed it.

Mr. Griset noted due to the constrictive attitude of his 91-A requests, he brought in DES. They can now assign a representative to view the legal rights of the Town and public hearings are being scheduled for February, 2005 for the public's input. He stated he has sent letters to the Town Manager in April complaining of the situation, as well as in September. He stated citizens along the River and its tributaries, as well as others in the Town, are now affected by the changes to the river.

Mr. Griset discussed the gate at the Dam and noted, according to former Selectmen Sherman Chester, the statements being made by the officials are false regarding maintenance of the gate. Mr. Griset stated a Town's reason to keep the river up was due to the Fish Ladder, though Fish & Game has stated there is no problem with it being lowered, in fact they wish the dam was down. Mr. Griset also alluded to the need for fire suppression at the Mill and Phillips Exeter Academy affecting the level of the River. The Mill agreement actually calls for air conditioning in only one building.

Mr. Griset stated residents all over are having property damaged by alterations to the dam. His repeated requests to the Town Manager, as representative of the Board, are all placed in writing due to his refusal to provide paperwork and misrepresentation of the requests. Mr. Griset has submitted 7 91-A requests since April and, one filed today now requests all documents. In his request of October 7th, a response on October 12th provides only three pages of one report. When he requested the full report, he received it later that day and it also included another report which he has been requesting for some time.

Why is he here? He reported some information is known, some misled. The issue is that all are affected by the multiple uses of the River. Quality and supply are different issues – with raising the

level, more land is flooded which, in turn, includes more organic material requiring additional treating. Also, raising the river may cause it to now be in too close proximity with the old dump area on Powder Mill Road – another area of concern.

The report he had been seeking for 6 months, which he received this past week, “Safe Yield Analysis” of April, 03 reports that if the new Plant is required, more capacity is needed. It also includes information on the sale of water to Hampton.

His request to the Board is to direct the Town Manager to release all information concerning these related issues and to cooperate with the State during their investigation.

Mr. Eastman asked about the flashboards at the dam and the added 1’ when this was complete. Mr. Griset stated it was added in 1968. Mr. Campbell noted this was before the Town received the rights to the dam. Mr. Griset noted the ladder changed with flooding events. He reiterated the Town has 6 months to go till the deadline for reconstruction per DES/EPA deficiency report.

Mr. Pace noted many accusations have been made this evening and asked Mr. Olson if they were grounded. Mr. Olson reported the efforts of the staff to respond to Mr. Griset’s requests have all been done expeditiously. Mr. Griset stated the Town has attempted to comply with what requested. He has asked for documents from all departments, including any reference from the State, FEMA, etc. He stated he was told Mr. Olson checked with his office, the Town Clerk and with Mr. Noyes (DPW). After being told some information is missing or misplaced, he has now received a report he requested 3 months ago. One piece of information refers to “...in response to your letter of...”, but there is “no letter of” in the papers he has reviewed.

Mr. Olson responded he has released correspondence unless it was between the Board and legal, which is privileged information. Mr. Griset has had access to all what the Town has.

Mr. Campbell offered a correction to Mr. Griset’s *Exeter News-Letter* article: there are currently 3 citizens on the River Committee in reference to Mr. Griset’s statement of only one citizen. Also, on his comment ‘reconstructed dam’, the Town has not done this. Mr. Griset noted that copies of information from the Town’s files concerning reconstruction at Colcord Pond could be provided.

Mr. Ingram took offense to the statement of only three citizens on the River Committee, noting he, too, is a citizen. In fact, most are. Mr. Griset stated he was referencing the way the Board set up the Committee and meant no disservice to the other members. Mr. Griset noted he disagrees with the charge of the Committee. The Committee needs to be brought up to speed on all factors and review policies. If it looks like rain, he feels the dam should be opened pre-emptively and he would be comfortable leaving in the Town’s hands. Till then, the residents continue to be damaged daily and weekly and there have been no answers to date. Hence why he has gone to the State.

10. Request to address the Board – Joe Kenick, Sportsmen’s Club

Mr. Kenick was not present.

11. Warrant Article to create a Recreation Revolving Fund – Mike Favreau

Mike Favreau, Parks & Recreation Director, proposed the establishment of a revolving fund to hold revenue from recreational activities and, in turn, expenses for similar activities would be paid from the fund (proposal attached). The law recently allowed the Board of Selectmen to manage the fund (previously it required Trustees or such to be appointed to do this, and then come to the Board for expenditures). The Fund would be similar to that of the ambulance fund.

Mr. Favreau gave an example: Revenues from a bus trip now go to the general fund and appropriations are listed in the CIP to build up a fund to purchase a newer bus in a few years. Under the Fund, the money would remain with the department and the funds would off-set the CIP amount required. Mr. Eastman noted the Budget Recommendations Committee spoke of this type of set up several years ago. Mr. Olson stated it was but the requirements of the Trustees precluded the Town doing this.

Mr. Campbell inquired on whether this is a private account. Mr. Favreau noted all funds are deposited and go through the Town's books, under the Board of Selectmen. The recording is done separately showing individual balances.

Mr. Ingram moved to endorse the concept of the Recreation Revolving Fund and direct the preparation of a warrant article for Town Meeting action; second by Mr. Pace. VOTE: Unanimous. Mr. Pace requested additional figures and comparisons before his final vote to support. Mr. Favreau should have those shortly.

12. Water Treatment Plant update – Victoria DelGreco.

Robert Kelly, Columbus Avenue, Chairman of the Water/Sewer Advisory Committee briefed the Board on the process. The design has been reviewed and sent to pre-selected contractors with ten pre-qualified packages received. The documents will be out November 1st and, hopefully, bids will be opened on December 6th. The pricing will be summarized and, over the next few months, grants will be reviewed and figures will be finalized in time for the deliberative session. This will include a revised rate impact. There was a good estimate for last year's meeting; this year's figure will be close to what is needed and how budget and fees will be impacted.

13. Request to purchase new salt/sand spreader.

Jay Perkins, Highway Superintendent, was present to review his request with the Board (attached). The estimated cost of a new spreader & installation is \$9,640. Currently, \$7,000 is budgeted for 2004 to replace an existing plow and 1-yard spreader. Mr. Perkins feels they can get by with the exiting plow and spreader till next year in order to shift use of the \$7,000 to subsidize the cost of the new spreader. The balance of \$2,640 would come from over-expending line item #2548 Highway Equipment Replacement" and under-expend line item #2811 "Vehicle/Equipment Repair" for the transaction.

Mr. Binette asked if the remaining balance in #2811 will be sufficient to carry to the end of the year? Mr. Perkins felt it was more than adequate.

Mr. Pace moved to approve the over-expenditure of #2548 and under-expenditure of #2811 by \$2,640 to subsidize the figure budgeted (\$7,000) to purchase a new spreader; second by Mr. Eastman. VOTE: Unanimous.

14. Amendments to Town Ordinances – “Section 101.3 Winter Parking”

Mr. Olson explained Jay Perkins and Scott LeBeau (Public Works General Forman) recommended we eliminate the Town’s practice of blowing the whistle as a means of informing folks parked in Town lots to move their cars for snow removal operations. Instead, they proposed spaces in Town lots be designated as overnight parking spaces during the winter parking ban (12/1-3/15). This would allow the rest of the lots to be easily cleared without having the residents go out prior to midnight and find another parking spot. It would also reduce the number of phone calls made by Dispatch in an effort to contact the vehicle owners prior to having cars towed.

Section 101.2 – deleted “On nights of snow removal, vehicle owners should listen for fire alarms at 7. 8. 9PM and be prepared to move their vehicles at 1AM”.

Mr. Ingram suggested some amendments: a) Inclusion of Train Station lot in all night parking list under 101.3; b) adding “as marked” after “All night parking is permitted in Town Lots..” This is the first of three readings.

15. Discussion of use of 2003 Fund Balance.

Mr. Olson noted the Town will soon be going for its tax rate but tax bills will probably not be out November 1st (some confusion over the State education). He reviewed three issues for the Board to decide: a) Does the Board wish to maintain the current policy of maintaining the Town’s portion of the tax rate unchanged from 2003’s \$5.66; b) Does the Board wish to continue the policy of not applying fund balance to 2005 warrant articles; c) Does the Board wish to keep the fund balance at least \$500,000. It was noted the actual fund balance figure is not yet available as the audit has not yet been received.

Mr. Eastman asked why the audit was not in? Mr. Olson replied two items of correspondence is required. He received a copy of one today and assumes the other has been received by the auditor. He expects the report shortly and plans to call for the fund balance figure next week. The delay was the Town’s error.

Discussion followed, noting Mr. Pace will not be at next week’s Public Hearing but if the Board wished to meet following that, he would support their actions. Mr. Eastman suggested maintaining the same policy of applying no fund balance amount to warrant articles and let the voters decide.

A notice will be posted for discussion of the Fund Balance and to open some police bids for Monday, October 25th at 7PM, following the public hearing of the Community Block Grant.

Mr. Eastman asked if the information on the bond for open space was available, as mentioned at the last meeting. Mr. Olson replied the Treasurer has been away for two weeks and just returned today. Mr. Eastman noted there are no funds for those expenses in the proposed budget.

16. Renaming the Exeter River Advisory Committee.

There has been some confusion over the name of the new committee "Exeter River Advisory Committee" to that of the Exeter River Local Advisory Committee, formed several years ago and includes representatives of towns along Exeter River.

Mr. Ingram moved to change the Town's Committee name to "Exeter River Study Committee" second by Mr. Eastman. VOTE: Unanimous. Mr. Ingram noted, however, the Committee does not just study but will advise.

17. Permits:

- Exeter Players requested the Town Hall on October 17th for a Halloween play;
- NH Connections requested the Nowak Room on October 20th from 9-11AM for a meeting;
- PEA requested permission to close Marston Street on October 29th from 7AM to 10PM for a dinner/reception at the Complex. The street will be used for arriving service vehicles. Neighbors have been contacted.
- PEA requested permission to close Gilman Street on October 29th & 30th in preparation of a Bar-B-Q at Thompson Gage;
- Exeter Area Chamber of Commerce requested permission to decorate the Town Hall for the Holiday season from November 19th through January 15th;
- Exeter Women's Club requested permission for a banner across Water Street the week of November 15th;
- Exeter Chamber of Commerce requested use of the Bandstand for the Christmas Tree from November 19th through January 15th;
- Exeter Chamber of Commerce requested permission to place Christmas trees at the entrance to the Train Station in the Town's rights-of-way from November 19th through January 15th;
- PEA requested permission to park buses along Front and Elliot Streets to load students and luggage on November 20th in preparation for the Thanksgiving recess. Mr. Binette noted the last time they parked on Elm Street, the buses were double parked and no traffic could move. Mr. Olson will relay this information to Mr. Gilmore of Security;
- Exeter Chamber of Commerce requested permission to decorate Water Street for the holiday season from November 26th through January 15th;
- The Chamber requested use of the Bandstand on Thursday, December 2nd from 5-8PM for children to meet with Santa during the downtown Open House and holiday lighting ceremonies;
- The Chamber requested permission to block Front Street from Water by the Bandstand on December 2nd during their annual Holiday Open House;
- Project Prom/Project Graduation requested permission to place a banner across Water Street from October 30th through November 7th;
- PEA requested to park busses on Elliot and Front Streets to load students and luggage on Wednesday, December 15th;
- Exeter Players requested use of the Town Hall and stage from February 7 through 13th (they will be charged for the stage use);
- Exeter Players requested use of the Town Hall from December 22 through 28th;
- PEA requested to park buses on Elliot and Front Streets on Saturday, March 12 from 12-2 for spring break pick-up of students and luggage.

Mr. Pace moved to approve all permits noted; second by Mr. Ingram. VOTE: Unanimous.

18. Town Manager's Items:

- The Town's 33rd annual Halloween Parade is scheduled for Friday, October 29th beginning at Swasey Parkway. Costume judging will start at 4PM; parade begins at 4:30PM. The parade will begin and start at Swasey Parkway. In the case of rain, the meeting place is Lincoln Street School;
- Trick or Treat will be Saturday, October 30th with the whistle blowing at 4PM and sounding again at 7PM to end the event;
- Bulky trash pickup is the week of November 1st. Stickers @ \$2.50 are available at the Town Office and Public Works Complex;
- Leaf collection is the week of November 15th, with leaf bags curbside by 7AM. Bags are also available at the Town Office and Public Works Complex;
- A clothes collection box will be available at the Transfer Station beginning October 26th, provided by Planet Aid, Inc.
- The Christmas Parade Committee is seeking more volunteers. The parade is on December 4th (rain date December 5th) and the Committee meets on Monday evenings at 6:30PM at Synergy. Contact Darrius Thomason at 868-4004 or 494-8006.
- Thank you to residents for their attentiveness to political signs in the Town's rights-of-way. This placement is not allowable and signs are being removed as they are found.

19. Selectmen's Committee Reports:

Mr. Eastman: Planning Board met last Thursday and reviewed a 12-lot subdivision on Epping Road. He also noted Perkins Lawnmower has moved off Washington Street and that property has returned to residential. The Chairman of the Planning Board is setting up a viewing of the new high school construction area for Board members. Let Mr. Eastman know if interested and he will forward names to Mr. Plumer. January 10th, Mr. Eastman will be out of town.

Mr. Binette: The Board viewed the new Recreation/Parks bus this evening and it was well worth it. He encouraged residents to sign up for trips to experience it.

Mr. Pace: Arts Committee met on the 14th and they hope to acquire large tents for outdoor shows, hopefully with sponsors for \$100 each. The Library Planning Committee meets Wednesday and Historic District meets Thursday. The Town Manager Search Committee is wrapping up interviews of semi-finalists. Within 2-weeks they should have recommendations to the Board. He noted the Committee has done a great job and felt the Board made good picks for the Committee.

Mr. Ingram: River Committee will meet Thursday, October 21st at 9AM in the Nowak Room to discuss draft RFP for a hydrologist. A Tour of the river from Gilman Park was conducted Saturday by members of the Local River Advisory Committee. The Exeter committee learned a great deal.

Mr. Campbell: Exeter Conservation Commission met and acted on a wetlands permit for Captains Meadow and for Stewart Park. The Water & Sewer Advisory Committee will meet Wednesday.

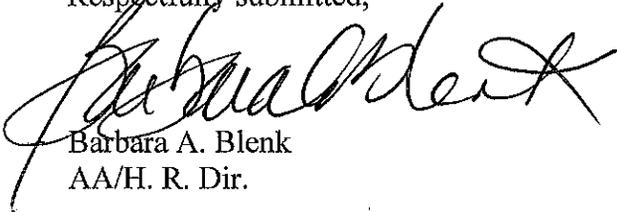
Mr. Ingram asked Mr. Olson to contact Rockingham Planning Commission concerning a draft letter to the State concerning the train station. Mr. Pace also suggested a letter to the Governor's Council Representative for our district.

20. Public Comments:

Mr. Eastman suggested the "Ghost of Elections Past" named Chad, at the Town Hall be removed. He feels people will find it offensive.

Mr. Ingram moved to adjourn; second by Mr. Pace. VOTE: Unanimous. Time: 9:02PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara A. Blenk". The signature is fluid and cursive, with a large initial "B" and "A".

Barbara A. Blenk
AA/H. R. Dir.

attach.