

# FINAL MINUTES

BOARD OF SELECTMEN MEETING

MINUTES

October 4, 2010

## 1. Call Meeting to Order

The Board met in the Wheelwright Room for a non-public session at 6:30 pm to discuss 91-a: 3III(c)-Fee Waiver. Ms. Gilman then reconvened the Board in the Nowak Room of the Town Office Building at 7:00 pm. Other members of the Board present were: Mr. Bobby Aldrich, Mr. Matt Quandt, Mr. Bill Campbell, Mr. Don Clement along with Town Manager, Russ Dean.

## 2. Public Comment –

Bob Eastman attended the Household Hazardous Waste Day and was upset to see political signs in the ground on town property. He reported that he brought his concerns to Selectman Quandt, who referred Mr. Eastman to Selectman Clement because he perceived a conflict of interest. Mr. Eastman reported that Mr. Clement was unaware of the statute for political signs. Mr. Eastman asked if the Town had a policy regarding political advertising. Mr. Aldrich said that he was not aware of a town ordinance, but believed that the state statute was the guideline that the Town used. Mr. Eastman said that the Town addresses this issue in Selectmen's Policy 04-01 Use of Town Property, which does refer the reader to the State statute. He also reports that he is concerned with the placement of some political signs that are in the DPW area today and would like the issue addressed. Mr. Eastman also submitted a list of signatures that he collected from people who are displeased with the selectmen's decision to hire a Staff Accountant.

Mr. Clement asked to respond to Mr. Eastman's concerns about his response to the political sign issue at the Household Hazardous Waste event. Mr. Clement was at the event as a volunteer and said that he was made aware of the issue but did not have the statute immediately available to him, so when Mr. Dean arrived they looked up the actual statute on Mr. Dean's Blackberry. Mr. Clement was able to accurately explain the statute with all of the interested parties with all of the relevant facts that were needed to remedy the situation.

Frank Ferraro asked the Board to explain the rule for political signs and who would be in charge of removing them if they were to be located on town or State land. Ms. Gilman said that these items are reported to the Code Enforcement Officer and he is generally the one who would remove the signs. Mr. Ferraro said that he had some signs on property that may not appear to be private at first, but that the land is privately owned. The Board responded that the Code Enforcement Officer can determine boundaries.

Brian Griset wanted to clarify that the funding for the Staff Accountant position would be from vacancies in the Police Department, which the Board affirmed and stated that the position would be added to the budget for next year. Mr. Griset asked how many Budget Committee members are there currently. Mr. Aldrich said there were 9 on the ballot, two resigned and one was appointed, for a total of 8 right now.

Renee O'Barton said that she agrees with other residents who have disagreed with the Board's decision to add the Staff Accountant position outside of the budget committee process. She feels that the Board either did not hear the voters or the Board is thumbing their nose at them. She further said that she feels that Board is driving families out of Exeter through the way they vote and what they do.

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Anne Surman directed her comments to Ms. Gilman, Mr. Aldrich and Mr. Clement as well as the employee at the end of the table, saying that they are behaving as if they are a council form of government and saying that they have won the battle but lost the war for voter confidence.

Frank Ferraro returned to say that he thinks words are important, and that Ms. Gilman saying that she tried to accommodate the voters is inartful and antagonizing. He hoped that she saw the error of her ways. He takes issue with the notion that a small number of people voting at the deliberative session was unfair and wondered what the 'magic percentage' would be. He said that none of the selectmen were elected by more than 10% and that if we are not happy with that then we should rethink our form of government to a town meeting form. He does not understand why the new position is being put in now when the budget process is underway. He thinks the town has been able to get the work done with temps and consultants, so they should keep doing that and let the voters decide next year.

Gerry Hamel agrees with Mr. Ferraro and said that he helped to collect signatures with Mr. Eastman and most of the people he spoke to were against it.

Jay Childs said that he had a structural issue with this new position. He thinks that unless there is an emergency, the town must stick with the process. He also said that if we are relying on judgment instead of what is put into the budget, the budget committee process is a bit of a charade.

Anthony Zwaan said that he is concerned that the public comment portion of the agenda is lengthy and that the selectmen are engaging in a question and answer session off the tops of their heads. He said that because he was recently quoted in the newspaper, he has also spoken to a number of people that are in agreement with the selectmen's positions even though he did not collect their signatures. He has found that a lot of people are supportive of the selectmen and think that they are watching the business of the Town. He is also grateful that the tone of tonight's meeting is better than it was 2 weeks ago. He does not think the Selectmen are interested in raising their own taxes either. He feels that accounting and financing are essential to the running of a town.

Mr. Griset returned to say that it is in the Constitution that we the people have a duty to oversee our public officials. He also said that public comment is the right of every resident to have access to the selectmen and that nobody's voice can be shut down and that nobody should choose to limit the free speech of the oversight of our government. He also asked about the Water and Sewer issues in town and that it is almost impossible to oversee the projects since the demise of the Water Sewer Advisory Committee. He believes that the Jady Hill issue is not an I/I issue, it is a combined sewer overflow at a bottleneck location and that DPW Director Jennifer Perry should have brought that up. He cited to upcoming meeting with Stratham on water issues and said that the issues have to be addressed thinking about if Exeter ever go with Stratham, it would still be an issue. He requests that if the Board is not going to fully staff the Budget Advisory Committee, then they should establish a Water Sewer Advisory Committee to oversee these items.

Mr. Quandt agrees with Mr. Griset that the Water Sewer Advisory Committee should be reestablished.

**Mr. Quandt moved to create a new Water Sewer Advisory Committee. No second. Motion failed.**

Mr. Zwaan returned and said that he is not opposed to public comment or the right of resident to speak, but he is concerned with the negative tone at recent meetings and how that affects the Board's ability to

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have an effective meeting afterward. He further reiterated that he is not against public comment but he is against negativism and micromanagement.

Deb Johnson asked the board if the warrant article funds are intermingled with the general fund money that can be moved around. Mr. Dean said that warrant articles are separate and can only be used for those specific purposes. She wondered how there was extra money in the budget in the end of the year? Mr. Aldrich said that there were extra funds in the budget due to vacancies in the Police Department. Ms. Johnson then resigned from the Budget Recommendations Committee

Mr. Knight asked about the motion made by Mr. Aldrich to reconsider the Staff Accountant position that was proposed two weeks ago. Mr. Aldrich said that he may make the motion but he wants to digest tonight's public comment before he does that.

### **3. Minutes and Proclamations**

- a. Regular minutes of September 20, 2010
- b. Non Public minutes of

**Mr. Campbell moved to approve the regular minutes of September 20, 2010 as presented. Mr. Aldrich seconded. Vote: Unanimous.**

- b. Non-Public Session: September 13, 2010 and September 20, 2010

**Mr. Campbell moved to approve the nonpublic minutes of September 20, 2010 as presented. Mr. Aldrich seconded. Vote: Unanimous.**

**Mr. Campbell moved to approve the nonpublic minutes of September 13, 2010 as presented. Mr. Clement seconded. Vote: Unanimous. Mr. Aldrich abstained.**

### **4. Appointments – none.**

### **5. Department Reports – Human Services and Planning**

Sue Benoit was in attendance to give the Human Services Department report. She said that the Exeter Human Service office provides temporary assistance to qualified individuals for basic living needs in compliance with RSA 165. This law requires that municipalities must relieve and maintain assistance for the poor who cannot support themselves. Everyone is assessed for eligibility based on a financial review so that they can be assisted to obtain short and long term financial security through all available resources. She also said that assistance is not granted as a handout, but as a safety net that is funded by taxpayer dollars. State law requires that clients of the Human Services office must cooperate with the Welfare Official and take responsibility for their own personal behavior and actions. Ms. Benoit said that she is on the NHLWA Executive Council, attends statewide seminars and meetings for ongoing education and to receive updates on available resources. Ms. Gilman asked how this year's assistance compares to last year and Ms. Benoit said that she believes assistance is up from last year.

Town Planner Sylvia von Aulock was in attendance to give the Planning Department report. Ms. von Aulock said that this time of year her department deals with a lot of regulation reviews. She said that this year has seen a number of small subdivisions which are requiring smaller roads so her department has worked with emergency services and DPW to ensure that there is adequate access to these small

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subdivision areas. She also referenced Exeter's Raynes Farm as a beautiful resource for the residents, noting that this past Sunday, 26 volunteers including Kristen Murphy and members of the Conservation Commission, volunteered their time to work on trails at Raynes Farm as well as some graveyard maintenance. Ms. Von Aulock also recently worked with the Police Department on interviews for a new sergeant.

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

### **a. New Business**

#### **i. Train Station Plan NH Update**

Teresa Walker from Rockingham Planning Commission was in attendance to talk about the upcoming Plan NH Design Charrette. She said that this is a 2-day brainstorming session for the community that asks residents 'What do you want the neighborhood to look like?' She brought examples of similar Plan NH events in the towns of Lee and Bristol over the past couple of years that will be kept on file in the Town Manager's office for public review. Bob Hall, delegate from the Train Committee, invited the Town's residents to take part in this process and said that it will be a great addition to the success of the Downeaster.

#### **ii. Election site Update**

Mr. Clement reported that there was a collaborative meeting last week between representatives of the SAU 16, SST, DPW, Police, Fire, and other Town personnel regarding the future of elections in the Town. The school officials are willing to have elections take place at the Talbot Gym and there were a number of issues that were discussed. Town Clerk Linda Hartson said that the town would have to work within the Gym schedule and that because school would remain in session, there would be busses running throughout the voting day as well. Mr. Clement said that the group is working together to accommodate the handicapped residents also. When asked if the Talbot Gym is large enough to be used for all elections, Ms. Hartson reports that in a Federal election there needs to be 1 voting booth for every 100 voters but that in a Town election there only needs to be 1 booth for every 150 voters and there is enough room at the Talbot Gym for both election types. Ms. Hartson also said that the school has offered a storage location for the election equipment. She said there are pros and cons to both voting locations.

#### **iii. CIP Subcommittee Presentation**

Cathy Corson and Sylvia von Aulock appeared to share the Capital Improvement subcommittee's report on the ratings of the proposed projects and the order of priority of each. Ms. Von Aulock reviewed the layout of the list (attached). Ms. Corson explained that the subcommittee has put about 20 hours of work into this report and she is very happy to be making this presentation to the Board and the public. Ms. Corson said there are some items that are placed in the budget and the reason for that is that they are projects with liability issues. She noted that two of the top 10 items have changed somewhat so their ranking would receive a different ranking now since the ground water project appears to be able to wait another year and the Town Office HVAC project is in question because of the proposed change in the office configuration in the building and the Town Hall basement renovation project should become a CIP item. Ms. Gilman said it was good to see a CIP presentation and hear of changes through the budget process. Mr. Clement asked if the rating system was renewed each year or if it remains the same. Ms. Corson said that the rating system is primarily the same but that the system was enhanced this year by adding a section for 'other considerations'. Mr. Alan Bailey asked how the Fleet Study fit into the CIP process. Ms. Corson said that the Fleet Study was left up to the Town Manager. Mr. Aldrich said that the vehicle requests were made outside of the project request by departments and the decisions on vehicles would be made based on the rating system developed by the Fleet Study and with their schedule. There will be one number for vehicle replacements town wide. Ms. Von Aulock stated that

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many of the projects are listed on the CIP list at full cost but there are grants associated with them. The CIP book has all of the details for each project with a grant associated. Mr. Aldrich thanked Ms. Corson, Ms. Von Aulock and Ms. Amy Bailey for their years of service on this subcommittee.

## iv. Review of HB1138 (transportation Fund)

Ms. Gilman said that the State legislature has changed the wording of the bill so that the legislative body does not have to approve expenditure from the fund. The funding for this fund is from a \$2.50 fee added to vehicle registrations and is used for transportation issues primarily for the elderly. Local services have increased their services greatly in the time since the fund was created. Mr. Quandt asked if these items would be placed on the budget every 3 years like other Human Service items. Mr. Dean said this is a capital reserve fund and it can be used for anything related to transportation issues. Mr. Don Woodward of the Transportation Committee said that these funds can only be used for transportation items. Mr. Bailey asked if the selectmen are still agents of the fund as opposed to the legislative body, which he thinks are the voters. The Board said they are still the agents.

## v. Preliminary Warrant Article Listing 2011

The Board reviewed the preliminary warrant article list:

1. Town Election
2. Zoning Articles
3. Slate of Candidates (Budget Committee, etc.)
4. Bond Issues- Jady Hill, Portsmouth Ave, etc.
5. Operating Budget of Town- Financial
6. Train Station Baggage Building article
7. Customary Human Services articles
8. Lease/Purchases (CIP)
9. Other CIP
10. Election of Cemetery Trustees
11. Adopt RSA 41-14a, b, regarding property conveyance and town ordinances.
12. Carmody Property transfer
13. Petition Articles

## vi. Fire Department Generator

Chief Brian Comeau appeared to tell the Board of a grant that was received for a new Public Safety Building generator. The cost of the project is \$63,900; the grant is \$49,800 leaving a balance of \$14,100. Chief Comeau asks the Board to expend \$26,000 from the Ambulance Fund to cover the remaining cost of the generator, installation, including \$10,000 in contingency for added costs and to move the old generator to the Town Office, which is using a generator that is not sufficient to cover emergency operations in that building. The Ambulance currently has \$72,400 in it and it has been idle for a few years. The fund purpose is to buy emergency equipment, ambulances and supplies for the Fire Department. In 2002 the Town authorized the Board to be agents of this fund. Chief Comeau further requests the Board authorize expending \$24,000 for the purpose of buying a rescue tool for the new fire engine that is currently ordered. Mr. Aldrich said that he questioned using these funds to move and install the old generator at the Town Office. After reading the Ambulance Fund charge, the Board was not convinced that the Town Office generator installation should be covered by these funds and asked that a legal opinion be sure.

**Mr. Campbell moved to accept \$49,800 from the Emergency Services Grant and authorize \$26,000 be expended from the Ambulance Fund in order to purchase and install the new generator at the Public Safety Complex. Mr. Aldrich seconded. Vote: Unanimous.**

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Mr. Aldrich moved to authorize \$24,000 be expended from the Ambulance Fund in order to fund a 'Jaws of Life' for the new engine. Mr. Quandt seconded. Vote: Unanimous.

## b. Old Business

- i. Municipal Offices Security Policy
- ii. Lower Level Town Hall Update (tentative)

Mr. Aldrich moved to table the Old Business items until a later meeting in the interest of time. Mr. Clement seconded. Vote: Unanimous.

## 7. Regular Business

### a. Bid Openings- Public Works Generator Rebid, Surplus Mowers

**Public Works Generator Rebid-** There are 2 bids for this item:

Gemini Electric- \$54,000

Richardson electric- \$54,600

Mr. Dean noted that these are the same bidders as the original generator bid but the bids were updated to reflect the updated bid spec from Public Works.

Mr. Campbell moved to turn the bids over to the Town Manager who would obtain a recommendation from Public Works. Mr. Aldrich seconded. Vote: Unanimous

**Surplus Mowers-** there is only one item for this bid.

Mr. Dean noted that after the mower bid was published the first time, there were no bidders, so the bid was published in the newspaper a second time and this is the only bid that was received.

Jay Perkins- \$200 for the John Deere tractor mower

\$100 for the Bob Cat walk behind mower

Mr. Aldrich moved to sell both items to the sole bidder, Jay Perkins. Mr. Clement seconded. Vote: Unanimous.

## b. Accounts Payable and Payroll Manifests

Mr. Aldrich moved to approve the regular weekly payroll warrant for the week ending 9/22/10 in the amount of \$159,074.04. Mr. Campbell seconded. Vote: Unanimous

Mr. Clement moved to approve the accounts payable warrant for the week ending 9/24/10 in the amount of \$451,395.17. Mr. Aldrich seconded. Vote: Unanimous. Mr. Clement abstained from this vote.

Big ticket items are: Cupola repairs, \$26,500;  
Water Tank payment \$270,476;  
Keugel Trucking \$18,884.

Mr. Clement moved to approve the regular weekly payroll warrant for the week ending 9/29/10 in the amount of \$246,221.76. Mr. Aldrich seconded. Vote: Unanimous

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**Mr. Clement moved to approve the accounts payable warrant for the week ending 10/1/10 in the amount of \$2,075,533.66. Mr. Aldrich seconded. Vote: Unanimous.**

Big ticket items are: Exeter Coop Schools \$1,096,000  
Exeter Schools \$908,000  
Fuel \$14,000  
Masonry \$10,000

**c. Budget Updates - none**

**d. Tax Abatements and Exemptions –  
Intent to Cut:  
Map 38 / Lot 7**

**Mr. Campbell moved to approve the intent to cut for Map 47 / Lot 7. Mr. Quandt seconded. Vote: Unanimous.**

**e. Water/Sewer Abatements – none**

**f. Permits –**

1. A request for Murray Academy to use the Town Hall on November 14, 2010 from 1:30pm – 5:00pm.
2. A request for Seacoast Mother’s Association to use the Town Hall on November 13, 2010 from 8:00am – 1:00pm.
3. A request for Plan NH to use the Town Hall on October 22, 2010 from 9:00am – 5:00pm.

**Mr. Aldrich moved to approve the permits as presented. Mr. Quandt seconded. Vote: Unanimous.**

**g. Town Manager’s Report –** Mr. Dean reported that Monday, October 11 is a holiday for the Town of Exeter, so town departments will be closed on that day, but that trash pickup would be on schedule all week.

**h. Legislative Updates –** Mr. Quandt reported that October 13 is Veto Day.

**i. Selectmen’s Committee Reports**

**Mr. Quandt –** Nothing to report

**Mr. Campbell –** Mr. Campbell attended a Library Trustee meeting last week as well as a site walk for the Planning Board.

**Ms. Gilman –** Ms. Gilman attended a Plan NH meeting.

**Mr. Aldrich –** nothing to report.

**Mr. Clement –** Mr. Clement attended an election meeting.

**j. Correspondence –**

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1. NHDES letter and notice of decision regarding the Phillips Exeter appeal of the Main Street School parking lot.
2. Memo and schedule of the FY11 Budget Recommendation Committee.
3. Financial Monitoring report from the Dept of Health and Human Services.
4. Flyer for the October 19, 2010 Community Broadband Forum at the Exeter Public Library.
5. News release from Public Works regarding normal schedule for trash and recycling pickup on the Columbus Day holiday.

**8. Review Board Calendar** – The next Board of Selectmen meeting will take place on Tuesday, October 12 at 8:30am.

**9. Non Public Session**

**Mr. Aldrich moved to go into nonpublic session to discuss compensation. Mr. Clement called the roll: Mr. Quandt: No; Mr. Campbell: No; Ms. Gilman: No; Mr. Aldrich: Aye; Mr. Clement: Aye. Motion failed.**

**10. Adjournment**

**Mr. Aldrich moved to adjourn the meeting at 9:38 pm. Mr. Quandt seconded. Vote: Unanimous.**

Respectfully submitted,

Kelly Geis  
Recording Secretary