

DRAFT MINUTES

BOARD OF SELECTMAN MINUTES

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February 13, 2012

1. Call Meeting to Order

Vice Chairman Matt Quandt convened The Board at 7:00 p.m. in The Nowak Room of the Town Office Building. Other members of The Board present were Selectman Frank Ferraro, Selectwoman Julie Gilman, Selectman Don Clement and Town Manager, Russ Dean.

2. Board Interviews: HDC, River Study Committee

The Board convened at 6:45 p.m. in the Wheelwright Room of the Town Office Building and interviewed the following residents for spots on various boards and committees. Conservation Commission, Robert and Cynthia Field. River Study Committee, Richard Huber and Heritage Commission, Jamie Lopez.

3. Public Comment - None

4. Minutes & Proclamations

a. Regular Session: February 6, 2012

Ms. Gilman moves to approve the Minutes for regular session February 6, 2012. Mr. Clement Seconds. Vote: Unanimous.

5. Appointments - None

6. Department Reports - None

7. Discussion / Action Items

a. New Business

i. ER Zone Epping Road

Town Planner Sylvia von Aulock comes forward. Mr. Dean summarizes the concept behind adopting the Economic Redevelopment Zone. He explains that The Board recommends the designation of the zone and the State of New Hampshire adopts the zone. The purpose of adopting the zone is to create the incentive of a tax credit for businesses creating jobs in the corridor. Ms. von Aulock, Town Planner presents a detailed power point presentation to explaining the corridor. Her presentation explains how the zone is identified, how it will be designated and then adopted. The presentation also highlights all of the benefits of adopting this zone. The NH Department of Resources and Economic Development (DREAD) manages the program. Her presentation explains the requirements of the local businesses to improve the area in order to see those benefits. She feels this type of program would help to foster economic growth. She is confident the Town of Exeter can meet the criteria for this zone and hopes it can help expand the commercial and industrial base, creating jobs. Mr. Clement asks for clarification of the process. The process seems to be that The Board recommends the zone and files the application after the area is defined. The application goes to DREAD who makes the final decision. He inquires if DREAD has the option to change the defined area? Ms. von Aulock indicates that DREAD can change the defined area if they choose to do so. She has had several conversations with Robert Berry. Mr. Berry is in charge of the program. She has provided Mr. Berry with a draft and does not feel as though any problems will arise from the designation of the are. Ms. Gilman reminds The Board that the EDC has reviewed the program and has been advocating for it. The EDC recommends the project. Mr. Ferraro reminds The Board that the Planning Board has also supported this project. Exeter resident, Renee O'Barton comes forward. She wonders if the application can be approved with conditions. Specifically she is concerned DREAD may approve the application with the stipulation that the water and sewer problem be resolved prior to the designation. Ms. von Aulock advises The Board that this program is strictly for businesses. The Town is not obligated in any way.

Ms. Gilman moves to support the application and forward it to DREAD. Mr. Clement seconds. Vote: Unanimous.

ii. End of Year 2011 Budget Report

Mr. Dean presents the Budget report for 2011 including revenues and expenses. He reminds The Board that the figures are subject to final audit. He reviews the revenue in detail, indicating the revenue at the close of the year was at 105% of the projected amount. Mr. Ferraro seeks clarification regarding the revenue totals. He wonders if it does or does not include the property tax or the water and sewer includes monies associated with accounts that were over billed. Mr. Dean indicates it does not. Mr. Dean reviews the expenses in detail, indicating the total expenses for 2011 were in line with what was projected. Not including the warrant articles 97% of the designated general fund was exhausted. A short discussion ensues relating to the Town of Exeter employees who participate in the insurance buyout program. A short discussion ensues relating to the expense category relating to Legal Expenses. Mr. Dean offers an explanation of the expense in comparison to the budget. Several factors contributed to the expense exceeding the planned budget including a lawsuit, a deeding project, deliberative sessions and elections. A short discussion ensues in regard to the deficit in water, and surplus in sewer funds. Mr. Dean explains that the water fund had a few, large unexpected expenses including a new boiler. There were also some Magnesium issues that required the purchase of more chemicals. Mr. Dean explains that the over billing of accounts is included in this report. As the accounts are credited, these funds will be subtracted from the expenses making the surplus smaller. This will appear as a decrease in revenue for the 2012 year-end totals. Mr. Ferraro inquires about the total accounting base for previous years. If several of the previous years fund balances for water and sewers were combined, how much would that amount to? Mr. Dean advises he does not have the current figures on hand, but can provide them at a future meeting.

iii. Public Access Agreement

Vice Chairman Quandt reports to The Board that the Cable Advisory Committee met last Thursday. The Agreement between JBC Communications and the Town of Exeter was discussed in detail. The Board sent the agreement, signed by Mr. Dean to the Legal representative for the Town of Exeter. He presents The Board with a letter from the Mitchell Group indicating Mr. Dean was within the scope of his authority when he entered into the agreement between JBC Communications and the Town of Exeter. Mr. Ferraro also sought the advice of council at the Local Government Center (LGC). He provides The Board with a memo from the LGC indicating that in this circumstance, the Town Manager does not have the authority to enter into the contract without a vote in advance from The Board of Selectman in favor of entering into that contract. Mr. Ferraro does not feel as though the response received from the Mitchell Group did not address the concern of Article 31, as this contract does not relate to supplies in the general course of business. Vice Chairman Quandt calls for a vote from The Board on the agreement between JBC and The Town of Exeter.

Mr. Clement moves that the Board of Selectman approve the operating agreement between the Town of Exeter and JBC Communications, dated January 17, 2012, and monies be paid of the revolving cable fund in the amount of \$24,000. Ms. Gilman seconds.

Mr. Ferraro reflects upon the Cable Committee Minutes from the recent meeting. He reminds The Board that there are no terms and conditions to this contract. He remembers the Cable Committee asking the Board of Selectman to send this issue back to them and he will not support the approval of this agreement. Mr. Quandt reminds The Board that the service agreement was entered into in good faith and The Board needs to do what it can to honor that. Mr. Ferraro feels the sentiment of the Cable Committee is that they will do nothing else until The Board determines, by a vote if this can be defined as a legal contract or not. The Cable Committee was unable to reach a decision to recommend or not recommend this contract to The Board. Mr. Clement reminds The Board that this contract has been discussed for the previous four or five months. He agrees with Mr. Quandt, The Board needs to honor the commitment that was already made. Mr. Ferraro feels as though the contract was not entered into properly so there is no agreement that Mr. Child's should be working toward. He does not feel the Town is obligated to this contract, as it was not signed with authority. Vice Chairman Quandt calls for the vote.

In Favor; Mr. Clement, Vice Chairman Quandt and Ms. Gilman. Opposed; Mr. Ferraro. Motion Carries.

iv. Retirement Pre-Tax Agreement

Mr. Dean summarizes the agreement reached between the Exeter Police Department and Exeter Fire Department and the Town of Exeter in regard to the retirement contributions. Traditionally, the retirement contributions have been taken from the employee's of the Police and Fire Departments after taxes. The two departments have come to the consensus that they would like to have the contributions taken before taxes going forward. They have asked that The Board vote on and this decision and forward to the Retirement System for this change to become effective.

Mr. Clement moves that the Vice-Chairman of the Board of Selectman sign the tax shelter form certificate of election as presented by the New Hampshire Retirement System. Ms. Gilman seconds. Vote: Unanimous.

v. Fire Grants

Assistant Fire Chief Berkenbush presents a summary of the two grants available to the Fire Department. The National Association of County and City Health Officials offer a grant of \$5,000. This money would be designated for coordination and recruitment of the core group. This group is made up of volunteers within the all health hazards region. The second grant is the Assistance to Firefighters grant for \$100,000. The money from this grant would be used to install a sprinkler system throughout the Safety Complex. The grant is for \$95,000 with \$5,000 in matching funds coming from either in kind work or cash. Mr. Dean advises The Board that the grants have now been advertised and can be voted on at the February 27th meeting.

b. Old Business

i. TBD

Mr. Ferraro inquires about the purchase and sales agreement he has previously moved be brought before The Board by Mr. Dean. Mr. Quandt advises him that this issue will go on the agenda in two weeks.

8. Regular Business

a. Bid Openings - None

b. A/P and Payroll Manifests

Mr. Ferraro moves to approve a payroll warrant for checks dated 2/1/2012 in the amount of \$154,780.11. Ms. Gilman seconds. Vote: Unanimous

Mr. Ferraro moves to approve an accounts payable warrant for checks dated 2/10/2012 in the amount of \$200,299.88. Ms. Gilman seconds. Vote: Unanimous

c. Budget Updates - None

d. Tax Abatements & Exemptions - None

e. Water/Sewer Abatements - None

f. Permits

Boy Scout troop 323 applied for a permit to use the Town Hall on March 11, 2012 at 1pm for an Eagle Scout Court of Honor.

Mr. Clement moves to approve the permit. Ms. Gilman Seconds. Vote: Unanimous

g. Legislative Update

NH House Representative Donna Schlackman presents a short description of several bills coming before the House of Representatives over the next several weeks. She brings up a dog licensing bill, a Bond bill and a Senate Bill that essentially would create a study committee to look at business conduction. A short discussion ensues relating to the taxation of Utility poles. She brings up the point that New Hampshire is the only State that does not tax Utility Poles, and she feels that Utility companies should have to pay a tax on these poles, as they are just as much a representation of a business as any other local business. Mr. Quandt has also been following this Bill and he feels that the leadership is committed to approving this bill to reestablish the tax exemption, though he does plan to vote against it.

h. Town Manger's Report

Mr. Dean reports and eviction notice for 29 Hampton Road for The Board to vote upon. Mr. Clement reads the notice of eviction for the record.

Mr. Clement moves to approve and sign the eviction notice. Ms. Gilman seconds. Vote: Unanimous

i. Mr. Dean reads a letter from a resident from 25 High Street. The letter acknowledged the precision, swiftness and professionalism of the Water and Sewer Department. The road in front of their residence was in need of excavation and repair and the Water and Sewer Department was able to rise to the challenge efficiently and quickly. The resident would like to thank the persons who played a role in the project.

j. Selectmen's Committee Reports

Mr. Ferraro reports a Planning Board meeting from last Thursday.

Ms. Gilman reports that the EDC and HDC meetings were both cancelled. She also reports that the job fair held last week by the Department of Employment Security was a great success. There were more than 40 employers on hand and the foot traffic was generous throughout the day. Ms. Gilman reports a Lunch and Learn at Button Up New Hampshire on February 21st. This is presented by the Coalition for Workforce and will be in regards to How to reduce heating costs. It will be held at Boulders Riverwoods from 11am to 1pm and is open to the public.

Mr. Quandt reports a Cable Advisory Committee meeting last Thursday

Mr. Clement reports a Conservation Committee meeting tomorrow and a Council of Aging meeting on Thursday. Mr. Clement further reports he attended a Study on Nitrogen at the Seacoast Water Center of Newington where Scotts Company made a presentation. He would like to remind the public that Thursday, February 16, the Department of Public Works will hold a Neighborhood meeting at 6:30 pm regarding the Jady Hill Phases.

k. Correspondence

A letter from the DOT regarding the sale of a State Owned property in Exeter. Ms. Gilman advises The Board that the property has been previously considered by the HDC and the historic farmhouse on the property is in deplorable condition. Other members of The Board agree that this purchase is not of interest and will not benefit the Town of Exeter in any way. Mr. Dean will notify the DOT that the Town of Exeter is not interested in purchasing the property.

An invitation to bid on the replacement of the Swasey Parkway and Water Street culvert over Norris Brook in Exeter.

A chain of email correspondence between Resident Brian Geist and Town Manager, Russ Dean regarding the telephone system currently in use at the Town Office.

A letter from the Board of Directors of the IOKA Theater thanking the EDC for becoming a premiere member.

A letter from Keith Noyes proposing he be allowed to utilize the Town of Exeter Dock to start up a small part time business. The Business would include water tours of the Squamscott River and Great Bay Estuary. Ms. Gilman would like to see this letter got to the EDC for review. Mr. Clement advises The Board that the dock is small and the current ordinance indicates no commercial craft can utilize the Town Dock. The ordinance was put in place to exclude the commercial crafts for a reason. Mr. Clement proposes a study be done to determine what, if any changes should be made to the ordinance. The Board agrees to have Mr. Dean contact Mr. Noyes. The Board requests that Mr. Noyes prepare a presentation and come before The Board.

A letter from the Department of Revenue regarding the equalization study results.

A letter from the NH Highway Safety Agency regarding the Federal funds available to aid in the purchase of equipment and funding of programs relating to highway safety.

9. Review Board Calendar

The Board will meet again on Monday, February 27, 2012 at 7 pm.

10. Non Public Session - None

11. Adjournment

Ms. Gilman moves to Adjourn. Ferraro Seconds. Vote: Unanimous

The Board stood adjourned at 8:52pm

Respectfully Submitted,
Jennifer Pond
Recording Secretary