

Select Board Work Session

Final Minutes

8/20/18

Chairwoman Gilman convened the special meeting in the Nowak Room at 6:00 p.m. Present in addition to Chairwoman Gilman are Select Board members Anne Surman, Don Clement, Kathy Corson, and Molly Cowan. Also present Town Manager Russ Dean, Parks/Recreation Director Greg Bisson, Executive Assistant Sheri Riffle, and Recording Secretary Samantha Cave (at 6:28 p.m.).

Chairwoman Gilman requested a vote for entering a non-public session to discuss legal advice from town counsel. Motion made by Selectwoman Corson seconded by Selectwoman Cowan to go into nonpublic session under RSA 91-A 3 2 L consideration of legal advice. Discussion ensued.

Select Board member Clement asked about the origin of this correspondence. This correspondence was received starting in June. Select Board member Clement believes this is a violation of board policies specifically that no individual selectboard member should take action on their own that requires administrative direction or decision without board approval. He questioned the Chair getting this legal opinion without the rest of the board. Ms. Cowan asked if anything in the legal opinions were binding on the board. Has there been any decision made the board has not been part of? Selectwoman Surman asked about transparency on this issue. There is no authority for a board member to act alone. Other entities need to be involved, not just the Select Board Chair and Swasey Trustees Chair. She doesn't want to do a non-public on this item. Ms. Cowan asked again whether any of this was binding on the board. When research is needed it should be done. Select Board Clement believes individuals shouldn't act on any administrative action.

Roll call vote on the non-public session: Surman no, Corson no, Gilman no, Clement no, Cowan no. There is no non-public session.

The work session then continued on property use. Selectman Clement asked about Parks/Recreation's ability to permit space and could the board get a demo of the software that Parks/recreation uses. Mr. Bisson said he would be happy to do that.

Ms. Corson commented there is no arts committee as they have resigned except for one member. The Board will revisit this in September. Selectwoman Surman will talk to the one member remaining on the arts committee. The board continue discussion on the status of the arts committee and interim permitting of the space. The Select Board could do this until the issues are taken up again. Board member Clement commented on the Arts Committee being struck as the permitting authority from the new policy. The Board voted to reaffirm them as in charge of the second floor gallery.

Discussion continued on the proposed policy. Under scheduling Board member Clement raised the same issue about who schedules. Ms. Gilman gave the explanation about how this is a parent policy and all permitting authorities are supposed to function under this umbrella. Mr. Dean covered special events and that all special events, regardless of permitting authority would have the same form filled out.

6:28 – Scheduling section. The board was discussing the permitting process of other boards and committees. Mr. Clement suggested letting the Conservation Commission permit Raynes Barn and the board agreed to add that section under 8.3. Ms. Surman said that most of the commission’s applications come right before the commission, or they themselves are hosting the events. Mr. Dean recommended that the Con Com use the same form as everyone else.

Ms. Gilman asked how often people ask to permit the parks. Mr. Bisson said that usually Founder’s Park gets requested, and the other parks get requested occasionally. The athletic parks put in civil use forms. He said they’ve also had requests for Planet Playground, but that falls under land/water conservation, so they cannot close the park off to anybody. The pool is also popular for permitting and they often rent it out. Mr. Clement pointed out that there has never been a problem with people using the parks or conservation land and that he wants to be wary of overreach. Mr. Dean said that with the update, they are hoping to clean up the policies significantly and to address new things.

Mr. Clement asked when the Town Manager would have that right to execute applications, as stated in 4.5. Ms. Gilman said in the past it has happened where people have submitted permit applications in between Select Board meetings. Mr. Dean gave some examples where the town manager would issue temporary approval. He also said that sometimes they get drop-in requests from people a short time before the event. Mr. Clement suggested that setting some kind of deadline for permits to be in might be a good idea. Ms. Cowan was reluctant to discourage people from using the venues on a short notice in between meetings. It would also only happen if the venue was free.

Mr. Clement brought up an instance when this had happened, and he had someone ask him how that had been permitted without the board’s permission. He suggested that the application come to the board in the next packet. Mr. Dean said that administratively, they want to make the process as easy as possible for applicants. His only concern is that there won’t be an opportunity for people to get access quickly to town locations. Ms. Corson suggested changing the policy so that it says the event has to be before the next meeting, which the board agreed with. Mr. Clement also added that the application comes before the board at the next meeting to review.

Ms. Gilman wanted to separate out the town hall from other buildings and locations in town held by other bodies, like the parks and rec department, the library, and the con com. She also wants to move section 4.5 down into section 8.1. The board decided to also replace the phrase “may authorize” with “authorizes” in section 4.5.

Moving on, Mr. Dean said that he added that the town sponsored events require a letter from the sponsoring department to clear up any confusion. Ms. Gilman asked that the language be consistent regarding either “town” or “municipal”. Mr. Dean also said that the fees will be charged based on the fee schedule. He talked about the difference potentially between a use and an event fee and would like to separate those. There could be different event fees for nonprofits and for-profits. Ms. Surman worried that would be too complicated.

Mr. Clement asked that in section 13.5, they strike where it says “without written permission...” There was also some confusion about section 13.11. Mr. Dean said that its purpose is to allow people to

appeal to the Select Board if they are turned down through the town office. The town office handles permits like painting, poster boards, raffles, etc. However, fireworks, parades, and road races are approved by the Select Board directly, according to chapter 8 of the Town Ordinances. Ms. Surman suggested adding “when the town manager is absent”.

The board discussed section 13.1 about alcohol use. Mr. Clement said that he still does not want to allow alcohol use in town buildings. Mr. Dean said that for now, nonprofits can serve alcohol. They use the authority of the board to determine if town events can serve alcohol or not. Also, the town follows state law to allow tastings to be done on Swasey Parkway. Mr. Dean said they had decided to not distinguish between a nonprofit vs. a government use in the alcohol policy.

Ms. Corson pointed out that there is a separate application, and they would be required to have a license from the state as well. Ms. Gilman agreed that the board has taken the steps necessary to protect themselves. Mr. Dean said that they also require an insurance policy for alcohol service. Ms. Gilman did not want to license anything other than wine/beer. Ms. Surman agreed with Mr. Clement that alcohol should not be allowed in town buildings.

MOTION: Mr. Clement moved that section 13.1 state that alcohol use in town buildings is not allowed. Ms. Surman seconded the motion, and it failed 2-3-0, with Ms. Corson, Ms. Cowan, and Ms. Gilman voting nay.

The board talked about section 10, wanting to add that special circumstances for portable facilities can be determined by the permitting body. Ms. Corson suggested something cordoning off the access to the public bathrooms in the town hall. They can also go up to the bathroom with a monitor, because they are located on the 2nd floor.

The applications for facilities and events were reviewed. The second form needs to be changed to “Application for Use of Town Office Facility”. Mr. Dean talked about the new town event application, which was designed to cover a lot of different information even if it doesn’t apply in every case. He also suggested that applicants submit maps of what their event would look like, for example a map of where vendor tables would be located. Ms. Gilman asked if there are any different applications for just using the signboard or other such things. Sheri Riffle confirmed there was.

Mr. Clement asked if this is in addition to the application to use the town hall, and if users would have to submit both applications. Mr. Dean said that he thinks that would be on a case by case basis, since this is a special event form. For example, some events are just a simple meeting. And other events might include alcohol, food, tickets, vendors, and other types of additions.

Mr. Clement asked if the special events application had to be signed off by all of the town bodies listed on page 4. Mr. Dean confirmed that they would because it is important to have all departments aware of what’s going on in Exeter. It also ensures a thorough review of special events. They can just check “no comments” if no questions are raised and send the application on to the next department. He also said that although the form isn’t as simple, it will benefit the different groups so that they can get everything all in one place instead of having to get various different permits and applications for one event.

The board moved to a discussion about fees. Ms. Gilman brought up ticketed vs. non-ticketed events. Should some of the ticket price go towards the town? Ms. Cowan asked if that would be in place

of a fee. Mr. Dean said that there could be a minimum fee, plus a percentage of ticket sales. It would go towards the facility provided to the organization/business. He said he thinks people would be fine with it if it went back to the facility. Ms. Corson wanted to talk to the organizers of ticketed events in the past, and also find out what other towns are doing. Mr. Dean said that usually towns charge fees for their building use. Mr. Clement said he wants to think about fees more.

They went through the Swasey parkway fee schedule. Ms. Gilman said she wanted to change the word "pavilion" to "gazebo". She also asked why commercial vendors are allowed on the parkway, but ticketed events are not. Mr. Clement suggested that it's because you cannot prevent people from going into the parkway, because it is a public space. Ms. Corson wants to do different charges for the town hall based on resident vs. nonresident, as was voted on last year. However, do they want to include nearby towns? Ms. Corson asked if there was software to put all the application forms in one place. Mr. Bisson said that the current system allows for that, and they are going to be using Google forms. If they went through parks and rec. for the software, they could collect the fees, print the forms out, and send to the Select Board.

MOTION: Ms. Corson moved to close the work session. Ms. Surman seconded the motion, and it passed unanimously.

Respectfully submitted by recording secretary Samantha Cave.