Select Board Meeting
Monday May 18, 2020
6:30 PM
Remotely via Zoom
Final Minutes

1. Call Meeting to Order

Members present: Julie Gilman, Molly Cowan, Lovey Roundtree Oliff, Daryl Browne, Niko Papakonstantis, and Russ Dean were present at this meeting. The meeting was called to order by Mr. Papakonstantis at 6:36 PM.

Mr. Papakonstantis said that gatherings of 10 or more people currently pose a risk to our community. The Select Board meeting is imperative to maintaining the Town of Exeter public services, so per RSA 91-A:2(3)b, this meeting will be conducted without a quorum of this body being physically present in one location. He welcomed the members of the public attending remotely, and said the usual rules of conduct and decorum will apply. All votes will require a roll call vote.

2. Board Interviews
    a. Zoning Board of Adjustment Alternate - Anne Surman
    b. Conservation Commission Alternate - Kristin Osterwood
    c. Communications Advisory Committee - Nina Braun [this interview was scheduled but did not take place.]
3. Public Comment
    a. There was no public comment at this meeting.
4. Proclamations/Recognitions
    a. Arbor Day May 21 2020

        Ms. Gilman read the Arbor Day proclamation:

        Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

        Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

        Whereas, Arbor Day is now observed throughout the nation and the world, and

        Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

        Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

        Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

        Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

        Now therefore, the Select Board of the Town of Exeter does hereby proclaim the 21st of May, 2020 as Arbor Day in the town of Exeter, and urge all citizens to celebrate Arbor Day by supporting efforts to protect our trees and woodlands, and

Further, we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

5. Approval of Minutes
    a. Regular Meeting: May 4, 2020

MOTION: Mr. Browne moved to approve the minutes as presented. Ms. Oliff seconded. By a roll call vote, all were in favor.

6. Appointments

MOTION: Ms. Cowan moved to appoint Trevor Matera a full member of the Conservation Commission, term to end April 30 2023. This appointment will vacate Mr. Matera's alternate position. Mr. Browne seconded. By a roll call vote, all were in favor.

7. Discussion/Action Items
    a. Involuntary Lot Merger - 65 High Street, Tax Map 71, Lot 106

MOTION: Ms. Gilman moved to open a public hearing on an Involuntary Lot Merger - 65 High Street, Tax Map 71, Lot 106. Mr. Browne seconded. By a roll call vote, all were in favor.

Mr. Papakonstantis said the applicant is looking to restore the property to a pre-merger status for tax purposes. Mr. Dean said the Building Inspector, the Town Planner, and the Assessor had no questions about the application. The law states the law has to be submitted prior to Dec 31st 2021, not 2016 as noted in the packet. Attorney Sharon Sommers is not a resident but offered to answer questions representing the owner Helen Crowe. The Board agreed to let her speak, but said the application was thorough and they had no questions.

MOTION: Mr. Browne moved to approve the Involuntary Lot Merger for 65 High Street, Tax Map 71, Lot 106. Ms. Oliff seconded. By a roll call vote, all were in favor.

MOTION: Ms. Oliff moved to close the public hearing. Mr. Browne seconded. By a roll call vote, all were in favor.

b. FY20 Budget Updates - Town Manager

Mr. Dean said due to COVID-19, there could be an imbalance in the budget over the course of the fiscal year, which ends on December 31st. Meals and Rooms tax is an unknown, as well as state revenue sharing, the latter of which represents $938,000 in revenue to the town. Motor Vehicles was down in April about $55,000 YOY. In recent weeks, the departments took a close look at their budgets, particularly money that was been budgeted but hasn't yet been spent in areas such as out of state travel, conferences, and training. Several part time positions have retired or cut back, and they're deferring hiring for other positions, which will be vacant until 2021. There will be some events and programming in Parks and Rec that will be reduced. They've asked the Library about a budget reduction, but haven't heard back. The warrant articles also have room for deferment, for a total of $331,000. They're waiting to see how the state

aid evolves to determine what they will need to do. The first half tax warrant is going out the door now, so they'll know more in 30 days.

Mr. Browne asked if there are any projects where spending the money might help the local economy. Mr. Dean said potentially the capital expenditures, especially if they buy local. However, he doesn't think any of the contracted vendors are from the town of Exeter.

Mr. Papakonstantis asked about any legal ramifications from deferring the Pickpocket Dam work. Mr. Dean said they have a letter of deficiency. He tasked Public Works with going to DES and getting some feedback in writing about pushing off this work to 2021.

c. Quarterly Financial Report Q1 through March 31st - Finance

Doreen Chester, the Town Finance Director, said the Finance Department is working on its first remote audit. They're doing the spring bonding of the Library renovations and the surfacewater review. COVID-19 and new legislation around payroll has required them to adapt.

General Fund revenues were flat YOY at $1.2M. There are concerns about the ability of homeowners to pay property taxes by July 1; the town will know more by the end of Q2. Motor Vehicle Revenue was down $13,000 through March over the prior year. The Feds lowered interest rates, from 2.35% investment interest rate to 0.20%. The town did well last year with investment income, but they don't expect that this year; it will likely be $100,000 less.

In General Fund expenses, they were 21% spent at $4.2M. Every department is around 20-25%. There's a net deficit at the end of the first quarter, which is typical of this quarter, as they have not yet billed property taxes.

Mr. Papakonstantis asked about a worst case scenario. Ms. Chester said that in April, 25% of US Homeowners did not make their mortgage payments. They could be missing as much as $3.7M. The CARES Act money could pick up some oft the difference. Typically by July 1, they collect 90-95% of taxes due.

The Water Fund had a slight dip in revenue from the prior year. Water Consumption was down by $13,000. They were just beginning stay at home orders at that point, so they do expect to see an increase in usage. Receivables was at $43,000, a little higher than average. They're not allowed to do shutoffs at this time, which usually pushes people to pay. The Water Fund is 23% spent. There was an increase of $92,000 due to the Surface Water Plant debt service coming online.

The Sewer Fund Budget has gone up by $7.8M due to expenditures and maintenance for the Waste Water Treatment Plant. Sewer Fund revenues are at $1.44M, which is $550,000 above last year at this time. Treatment expenses are up, which is directly related to the new Treatment Plant. They're at a positive $818,000 for the Water Fund.

In the Revolving Funds, CATV had a net deficit due to the timing of Comcast payments. The EMS revolving fund looks sturdy; however, Chief Wilking said a lot of this revenue was from Q4, and calls are down overall. This fund did receive $15,000 towards unpaid copays or transports.

d. Gilman Park Dogs Discussion

Mr. Papakonstantis said if the Board were to modify the ordinance, it would require three public hearings. They would publish a draft ordinance publicly and discuss and make amendments as necessary. In 2008, Gilman Park Trustees transferred the property to the town, under an easement through the Southeast Land Trust. The easement states that the grantor shall not designate the property or any portion of the property primarily for the benefit of, enjoyment by, and use of dogs.

Bill Campbell of 111 High Street said that the SELT easement prevented the town from having a community garden in Gilman Park, so do they permit a dog park? Mr. Dean said they've been looking at that dog park issue for a while in the town. The last time they looked into it in 2017, SELT answered that having a dog park at Gilman Park was not allowed, as it's incompatible with conservation. They're treating that as a prohibition against a dog park. Mr. Campbell asked why they're discussing it if it can't occur. Mr. Dean said if the Select Board wanted to amend the town ordinance that prohibits dogs from town parks and allow them in Gilman Park on leash, that would be allowed.

Anne Surman of 12 Hampton Falls Road said the memos from the Police Chief and ACO said they wanted this to be used as more of an access point to the PEA trails for dogs on leash.

Jody Pellerin, an Exeter resident, said she was one of the last group of Gilman Park Trustees. In 1996, they discovered that the town had added Gilman Park to the list of prohibited parks under the dog ordinance. They argued that it shouldn't come under the town ordinance as it was a private park. The Select Board at the time accepted that argument, but somehow Gilman Park was not removed from the ordinance. In 2008, they placed the park under conservation easement. They told SELT that dogs were fine but this was not a place for a dog park, and that's partly why that stipulation was written into the easement.

Ms. Oliff asked what happened with the agreement. Mr. Dean said they haven't been able to find an MOU. There was a proposed lease agreement but he doesn't know if it would speak to the dog issue. If they wanted to pursue allowing dogs, they would go to SELT and get their approval.

Mr. Browne asked if the Board could revise a lease agreement, rather than having citizens petition for the revision. Mr. Dean said it was a negotiation between SELT, the Trustees, and the town at that time. The dog ordinance predates this agreement.

Anne Surman said it's as though they talked about the dog part but didn't write it in. When they talk to SELT, the word "park" [as in "dog park"] needs to be set aside, it should be treated as an access point [for dogs] to the trails.

Martha Pennell of 5 Timber Lane said she served on the Trustees. She had assumed that dogs would be welcome in the park, even to sit, as long as they were on leash. She said that Ms. Pellerin wrote a letter to the Select Board at the time of the dog ordinance asking for the town ordinance to be changed, and they were under the impression that it had been.

Ms. Gilman said she'd like to hear from Jennifer Perry about the water quality issue in the case of dogs on leashes (not a dog park, which is off the table).

Ms. Perry said she has two concerns. There's a protective 400' radius around the well. Owners must be responsible about picking up after their dogs in this area. An active dog park would be contrary to a wellhead protection area. Her other concern is that there's a surface water intake in the river, where water is pumped to the surface water treatment plant. It's more susceptible to dog waste contamination. They have full treatment of the water, but it's not good practice to promote dogs in the vicinity. Any dog presence would need to be done responsibly and kept clean.

Ms. Cowan asked about enforcement with dog waste. Ms. Perry said there's a waste station, but they don't go out and clean up waste and maintain the park. Ms. Cowan asked about what a trigger point with water quality would be. Ms. Perry said it would be dilute on most occasions, but a heavy rainstorm could flush it in and they wouldn't catch that as part of routine testing. Waste would have to be visually observed.

Mr. Papakonstantis asked about the baseball diamond there. He's concerned about dogs that get off leash doing harm to kids playing or others. Mr. Bisson said currently, there's parking by the boat launch that offers direct access to the trails. Proper signage and education would help. Mr. Dean said anything structural would have to be run by SELT. Mr. Bisson said they plan to put a playground in eventually, but they will put a fence around the playground to keep dogs out.

Ms. Gilman asked if they allow dogs at Gilman Park, if people would come forward about other parks as well. Can they rely on the information for Gilman Park to limit the ordinance exception to this park only? Mr. Dean said they may be able to find further documents.

MOTION: Ms. Cowan moved to table the discussion on dogs in Gilman Park pending the town offices looking for further documentation. Mr. Browne seconded. All were in favor.

e. COVID 19 Updates - Rec Camp Discussion, AIM Festival Discussion, Brass Band, Downeaster Update, Reopening Task Force Activities, Stay at Home 2.0, Updates, Outdoor Dining Applications

i. Summer Camp

Mr. Bisson said they've been researching a summer option at the Rec Park, although he wouldn't call it a summer camp; it's more of a childcare resource. A lot of people need childcare to go back to work.

The ACA just released 100 pages of recommendations last night, although Parks and Rec have seen drafts previously. They should turn the bathrooms at the pool house into unisex bathrooms, and assign groups to specific stalls. They will keep campers in groups of 10. There will be temperature checks, and campers will start a temperature log two weeks prior to starting camp.

Mr. Papakonstantis said he appreciates that this is a childcare option, but he can't see how to ensure everyone's safety while still allowing the kids to have fun. Ms. Oliff said that they need something social for the kids. She's concerned about parents who don't have other options. She asked if there are families that have already rescinded their registrations, and Mr. Bisson said only a handful so far. They're all waiting for more guidance. Mr. Dean said they've talked about refunding everyone and starting over with registration, as they will likely only have 100 - 110 campers and currently have 340 registrants.

Ms. Roy said they've worked with the CDC regulations, and they're not able to do a 300 person summer camp safely. They would like to look more at 50 kids and do a care program they're referring to as CaresKids. They'd have to communicate the changes and determine how to limit the campers. They want to allow parents to go back to work and offer social opportunities for the campers. They do feel like they would be able to provide this service safely. It would start June 29 and run for seven weeks. They would keep the same 10 kids with the same counselor as much as possible. They've built back-up counselors into the budget for any absences. They need to keep groups as small and tight as possible. That way they wouldn't need to be completely shut down with one positive case of COVID-19.

Ms. Oliff asked about portapotties for more bathroom choices. Mr. Bisson said they're actually harder to keep clean; the vendor's cleaning company only comes in once a week. He would feel more comfortable with the park's facilities with their staff cleaning it daily.

Ms. Roy said that families would have to take on a certain amount of risk. 38 people in the survey said they definitely want their kids to be at camp; a lot more said maybe. She thinks they can get to 50. If it were a rain day, they could take 30 kids at the Parks and Rec Building and 20 kids at Town Hall, which they would need to reserve for the full seven weeks. The goal would be to get the kids to Town House Common or Swasey on those days in the periods when it wasn't raining. Staff and kids wouldn't need masks outdoors as long as they maintained a six foot distance, but on the indoor rain days they would need to be masked.

The guidelines for camp include no visitors, and a staggered drop-off. Currently the Rec Park is open to the public 8-4, although the tennis court and playground are closed. He would like the camp closed to visiting groups for the kids' safety. Mr. Papakonstantis asked about the legality of closing the park to the public, and Mr. Dean said they could make the case for a finite period of time.

Ms. Roy said they also worked on alternative ideas, such as turning the Rec van into a mobile arts and crafts van that would visit neighborhoods for events.

The Board was in general agreement to cancel the summer camp program and pursue the CaresKids approach as it develops. Ms. Cowan said she's worried about unemployment ending for people who stay at home with kids. Ms. Oliff said she believes Parks and Rec will pursue the safest option.

MOTION: Ms. Gilman moved to cancel the Exeter Parks and Rec summer camp for 2020 and refund the camp fees to those who signed up. Ms. Cowan seconded. By a roll call vote, all were in favor.

Mr. Bisson said refunds would be via check because of the exorbitant card fees. Mr. Papakonstantis said they should try to seamlessly register everyone currently registered for 2021. Parks and Rec will continue to develop the CaresKids program.

Mr. Bisson said fireworks won't happen this summer. Summer concert series could potentially be a drive-in series, and they're also looking at a drive-in movie event

Mr. Bisson said that CDC Guidelines for the pool would have been too stringent. Without lessons and summer camp, the pool would lose money. They will drain the pool and leave it empty for the summer.

Mr. Papakonstantis asked that they look at activities for seniors, even if virtual. Mr. Bisson said Ms. Roy is working on appropriately socially distanced options.

MOTION: Mr. Browne moved to recess for five minutes. Ms. Oliff seconded. By a roll call vote, all were in favor and the meeting recessed at 9:07. Mr. Papakonstantis called the meeting back to order at 9:13 with a roll call vote.

ii. Town Manager

Mr. Dean said he attended the Downeaster steering committee, and they are discussing reopening one train trip north and south a day. Guidelines for retail establishments have allowed them to be open since May 11 with conditions, but the opening of businesses is a work in progress. They're trying to stay on top of all the funding agreements. He believes they can tap into the GOFERR funds [discussed below].

iii. Fire Department

Eric Wilking, the Fire Chief, said Exeter went a week without a new case of COVID-19, although they had two over the weekend. Ms. Gilman said that businesses reopening are getting masks and gloves from the state, but if the state runs out, can the town provide them? Chief Wilking said they can facilitate that. He's not sure if GOFERR money could be used for the private sector. Mr. Papakonstantis asked about PPE for the Department. Chief Wilking said they're fine, although they've been used more than usual in the last couple of days. The state supply chain has been able to keep up with their needs so far.

iv. Economic Development

Darren Winham said his office came up with an application for restaurants that want to go forward with outdoor dining, provided that the Select Board approves outdoor dining. It's a shared Google document with access by multiple

departments. Five applications have been received, with four more in process. Restaurants with existing outdoor dining do not need to apply, unless they plan on using property not previously included in the outdoor dining area. The time frame is finite, possibly May through November. The sidewalks are wide enough on Water Street to allow tables and still allow distancing. He's asking the Select Board to delegate authority over alcohol applications to the Town Manager.

Mr. Papakonstantis asked if the applicant could be asked to reapply every 30 days, and Mr. Winham said that was a good idea. Mr. Papakonstantis asked that the departments look at the impact of the three downtown construction projects starting shortly when considering the applicants' proposed outdoor spaces.

MOTION: Ms. Oliff moved to empower the Town Manager to allow temporary outdoor dining on a case-by-case basis for Exeter residents on public spaces once each application is approved as safe and acceptable by the following town departments: Health, Economic Development, Planning, Zoning, Fire, Police, Highway, and DPW. Restaurants must abide by Governor Sununu's Stay at Home 2.0 order and adhere to all local laws. The motion also allows for the Town Manager to temporarily allow alcohol in public spaces to restaurants approved for temporary outdoor dining, provided the restaurant had a previous liquor license. Ms. Gilman seconded. By a roll call vote, all were in favor.

f. GOFERR Agreement

Mr. Dean said this is to submit to the state to get reimbursement for their share of $362,000. Board must approve the Town manager to sign the GOFERR agreement and allow him to act as the designated signing authority from here on out.

MOTION: Ms. Gilman moved to authorize the Town Manager to apply, manage, and have the authority to complete actions for any GOFERR [Governor's Office of Economic Recovery] we may receive. Ms. Oliff seconded. By a roll call vote, all were in favor.

8. Regular Business
   a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve a Yield Tax for 66/1 in the amount of $161.66. Ms. Cowan seconded. By a roll call vote, all were in favor.

MOTION: Ms. Gilman moved to approve a Yield Tax for 13/3 in the amount of $306.58. Ms. Cowan seconded. By a roll call vote, all were in favor.

   b. Permits & Approvals
   c. Town Manager's Report
      i. Farmer's Market, staff did a great job coordinating. There have been two so far, and the second week was better than the first.
      ii. He thanked Tim Tragea, the part time Electrical Inspector, retired last week.
   d. Select Board Committee Reports
      i. Mr. Papakonstantis had no meetings.

ii. Ms. Oliff had no meetings.
iii. Mr. Browne had no meetings.
iv. Ms. Gilman said the Heritage Commission is going to be talking about Heritage Neighborhoods, which is a way of neighborhoods celebrating preservation, rather than creating an official historic district. There will be an application for changes to the Ioka. The Conservation Commission talked about land that's part of a Conservation Easement for a project on Epping Road. They discussed the idea that they might save that area as an open, not-trailed area so that people can enjoy the woods. They also discussed whether they would allow hunting there.
v. Ms. Cowan had a Water/Sewer Advisory meeting, where they considered abatements. She had her first Planning Board meeting last week, which went smoothly. There was a continued case which was again not voted on.

e. Correspondence
i. A COVID-19 unemployment update from NH Employment.
ii. Mr. Browne said he was approached by several town residents about public and social media shaming about masks and social distancing related to COVID-19. Ms. Gilman said in other states, people are being fined for not wearing masks, but NH doesn't have a mask order. It's possible the state may have a mask order in the future.
iii. Ms. Gilman said the legislature is reconvening June 11 at Whittemore Arena at UNH. Hopefully they will have a quorum.

9. Review Board Calendar
a. The next meetings are June 1 and June 15.
10. Non-Public Session
a. There was no non-public session at this meeting.
11. Adjournment

MOTION: Ms. Gilman moved to adjourn. Ms. Cowan seconded. By a roll call vote, all were in favor and the meeting was adjourned at 9:58 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary