

Select Board Meeting
Monday June 15, 2020
7 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 7 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. Public Comment

- a. Terrie Harmon of 6 Oak Street asked that the Select Board approve the job description for the Sustainability Coordinator as submitted by the Sustainability Advisory Committee.

3. Proclamations/Recognitions

- a. There were no proclamations/recognitions at this meeting.

4. Approval of Minutes

- a. Regular Meeting: June 1, 2020

MOTION: Mr. Browne moved to approve the minutes of June 1, 2020 as submitted. Ms. Cowan seconded. By a roll call vote, all were in favor.

5. Appointments

MOTION: Ms. Gilman moved to accept with regrets the resignation of Debbie Kane from the Communication Advisory Committee. Mr. Browne seconded. By a roll call vote, all were in favor.

MOTION: Ms. Gilman moved to appoint Nina Braun to the Communications Advisory Committee, term to expire 4/30/2022. Ms. Oliff seconded. By a roll call vote, all were in favor.

6. Discussion/Action Items

- a. Public Works Department Updates

Jennifer Perry, the Director of Public Works, gave an update on various Department projects. Regarding the proposed Great Bay total nitrogen permit, the town submitted substantive comment. They want to make sure Great Bay is adequately protected, but not with these onerous limits. DES had made some

determinations about water quality in Great Bay that were not public, and the town submitted a letter of concern about that as well.

\$800,000 was approved in the paving budget this year, but they're looking for a 10% reduction in their overall budget, and looked at road surface management as an area of reduction. They are planning to reduce the expenditure to \$600,000. Bell & Flynn have finished many paving projects, but there are still a couple to do, including crack sealing on Portsmouth Avenue in July.

The Wastewater Treatment project plan is winding down, and the first three contracts are nearly complete. Lagoon 1 cleaning is starting this week. In the Salem Street Area Utilities project, Hoyle Tanner is completing their design this week.

Pickpocket Dam was one project they potentially wanted to postpone, but they found that FEMA has a high hazard dam program, so they put in a pre-application for that program which was accepted. This is not an indication that they will receive the grant, but the application can go forward. If they don't get that money, they would likely be shelving this project for this year.

They're pursuing the Drinking Water Supply project with Underwood Engineers/GZA. The town still has some capacity in the Groundwater Treatment Plant for one additional well, which would be the least expensive way to develop the water supply. It's easier to treat groundwater, and it's of higher quality. There are three potential well sites. The Surfacewater Treatment Plant will likely need to be replaced in the long-term, potentially in 20 years.

They're still working out the scope of the Westside Drive project, which is a combined utility, stormwater and wastewater, and road diet project.

Mr. Papakonstantis asked if the 10% reduction in the Department's budget will affect other projects. Ms. Perry said no. Folsom Pump Station has been a significant reduction from estimates, as they will be doing the work in-house, and not replacing pumps, just the above-grade facilities. They're still obtaining easements for the Kingston Road shoulder project, so can't move forward there. They may have missed the window of DOT funding for this year and may have to go back to Town Meeting for an extension.

b. SRF Certificate of Authorization: Westside Drive Design/Engineering and Squamscott Siphons Project

i. Westside Drive Design/Engineering

Ms. Gilman read the SRF certificate for the Westside Drive project loan: *Whereas, the Town of Exeter, NH (the Applicant) after thorough consideration of the nature of its water pollution problem hereby determines that the planning and design for future construction of certain works, generally described as: Westside Drive Reconstruction Engineering Project to reduce non-sanitary inflow and infiltration (I/I) into the municipal sewer system (the Project) is desirable and in the public interest, and to that end, it is desired to apply for assistance from the State Revolving Fund (SRF); and*

Whereas, the Applicant has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Wq500, which relate to loans from the Clean Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith;

Now, therefore, be it resolved by the Town of Exeter Select Board, the governing body of said Applicant, as follows:

That the person holding the position of Town Manager, currently held by Russell Dean, is hereby designated as the Authorized Representative of the Applicant for the purpose of filing the application for a loan in accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq500, furnishing such information, data, and documents pertaining to the applicant for a loan as may be required; and if such loan be made, is the designated Authorized Representative of the Applicant responsible for furnishing such information, data, and documents pertaining to disbursements for the loan.

That if such loan be made, the Applicant agrees to repay the loan as stipulated in the loan agreement.

That a certified copy of this resolution be included as part of the application to be submitted for a loan.

That persons holding the following position(s) at the time of the loan execution are authorized to sign the loan agreement binding the Applicant to the terms and conditions of the loan. Town Manager

That if such loan be made, the Applicant agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

MOTION: Ms. Gilman moved to enter into and approve a loan agreement with the NH Department of Environmental Services in the amount of \$75,000 to the Town of Exeter and to authorize the Town Manager, Russell Dean, to sign paperwork associated with such agreement on behalf of the Town. Ms. Cowan seconded. By a roll call vote, all were in favor.

ii. Squamscott River project

Ms. Gilman read the SRF certificate for the Squamscott River project loan:

Whereas, the Town of Exeter, NH (the Applicant) after thorough consideration of the nature of its water pollution problem hereby determines that the planning and design for future construction of certain works, generally described as:

Squamscott River Sewer Siphons and Webster Ave Pump Station Improvement Project (the Project) is desirable and in the public interest, and to that end, it is desired to apply for assistance from the State Revolving Fund (SRF); and

Whereas, the Applicant has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Wq500, which relate to loans from the Clean Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith;

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That if such loan be made, the Applicant agrees to repay the loan as stipulated in the loan agreement.

That a certified copy of this resolution be included as part of the application to be submitted for a loan.

That persons holding the following position(s) at the time of the loan execution are authorized to sign the loan agreement binding the Applicant to the terms and conditions of the loan. Town Manager

That if such loan be made, the Applicant agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

MOTION: Ms. Gilman moved to enter into and approve a loan agreement with NH Department of Environmental Services in the amount of \$1,600,000 to the Town of Exeter and to authorize the Town Manager, Russell Dean, to sign paperwork associated with such agreement on behalf of the Town. Mr. Browne seconded. By a roll call vote, all were in favor.

c. Energy Committee re: Community Power Aggregation Summary

Cliff Sinnott and Lew Hitzrot of the Energy Committee were present to discuss Community Power Aggregation. Mr. Sinnott said a CPA is a grouping of retail electric customers to create a market for contracting the purchase of electric energy supply. RSA 53-E allows municipal aggregation programs to be structured so that the retail customers in the service area are automatically enrolled. Communities that have shown interest want to have some control over the energy supply in their community, particularly because they want to support renewable energy sources. Towns can join together to create a larger market for a more competitive bid.

Mr. Hitzrot said in November, several Energy Committee members attended a conference on Clean Energy and heard about the advantages of community power aggregation. They want the committee to determine whether it would be advantageous to join a CPA and report back.

Mr. Papakonstantis asked if other communities are interested in or have implemented this. Mr. Hitzrot said he's heard from six or seven towns that may be interested, but doesn't think any are already deeply involved. Mr. Sinnott said Rye and Stratham are the towns most strongly interested in the area.

Ms. Gilman suggested forming a subcommittee of the Energy Committee to address the CPA issue.

d. Gilman Park Dog Ordinance Update

Mr. Dean said that as a follow-up on the Gilman Park dog ordinance issue, Jodie Pellerin, a former trustee of Gilman Park, provided additional information and commentary. He looked into the background of the ordinance prohibiting dogs at Gilman Park, which dates to 1982. He sent the information to legal counsel, and they made the determination that Gilman Park trustees were in control of the park at that time. The ordinance never was changed, but was intended to be changed. Ms. Gilman said she believes the intent was to make it a dog-friendly park and she would support that.

Anne Surman of 12 Hampton Falls Road said she also believes the Trustees wanted it to be a dog-friendly place.

Dawn Jelley of 4 Nelson Drive said she wrote a letter which is in the packet, and which supports the park being dog-friendly.

Mr. Papakonstantis said his main concern is the drinking water supply. Dogs would have to be on leashes and away from the river. Ms. Gilman said she believed that the concern was more regarding a “dog park” than a “dog-friendly park.” Ms. Cowan said as a new dog owner she’s interested in seeing it be a dog-friendly park, but she has serious concerns about peoples’ ability to follow the rules on leashing their dogs and dog waste.

Mr. Dean explained the process for amending the rule, and the Board decided to proceed at the next meeting.

e. COVID 19 Updates/Reopening Plan/Governor’s Executive Orders/Discussion of Cloth Face Coverings (Masks)

Eric Wilking, the Fire Chief, said there has been a 40% drop in positive tests. Exeter has gone a while without a positive result, with only one case in the last two weeks. Their run volume has been getting back to normal but with few Covid or Covid-suspected cases. The PPE level remains strong. They’re well-positioned to protect the town in case of a spike. FEMA has accepted the town’s application, and it’s now in the review process.

Darren Winham spoke regarding the NH GOFERR [Governor’s Office for Emergency Relief and Recovery] Program. The State Main Street program has been challenging; sole proprietors were taken out of the list of eligible businesses, but he’s hoping that other resources will be made available for them. It’s likely they would have lost an important business in this town without this program. People will start receiving their money today. There was a large change in PPP [Paycheck Protection Program] funding, from 75/25% to 60/40%. There’s also a new lending program, the Main Street Lending program, and he’s getting out information about it to everyone now.

Greg Bisson, the Parks and Rec Director, spoke about the CareKids program. They filled the minimum 18 spots within 48 hours, and have some on

the waitlist now. From different agencies, they're hearing that it's difficult to keep the kids 6 feet apart, and they can now allow the kids to interact with each other. Groups of kids will still stay separate.

Drive-in movies have been a big hit with registrations. They'll be showing family-friendly movies like Shrek, Jurassic Park, National Treasure, Raiders of the Lost Ark, Pirates of the Caribbean, and Harry and the Hendersons. For the Summer concert series, they worked with the School Facilities team to host the first concert this Thursday, featuring the Midnight Wrens of Exeter.

The pool will not be opening, as the restrictions laid out to run the pool are too restrictive. They had to cancel swim lessons, which created financial issues. They're looking at a plan to open just the spraypad in July.

Mr. Dean said they've been looking at reopening the Town Offices. They're concerned with keeping town employees safe. They're looking at capacity issues and would expect people to social distance and wear masks. This could happen as early as July 6th. Ms. Gilman said they can't require the public to wear a mask, they can only strongly suggest it.

Mr. Papakonstantis said that regarding face masks, Durham came out with some wording to suggest people wear masks. Nashua passed an ordinance about it, but it is now in litigation. Ms. Gilman said Portsmouth and Durham made a recommendation. She's been asked by many people if Exeter will have a town mandate on a face covering, but the town cannot mandate it by State law. Mr. Papakonstantis said an anonymous petition opposed to face coverings was submitted to the Board. Mr. Browne said he has also been approached by several citizens in town in support of not asking residents to wear masks. He knows of people who can't easily wear masks.

Ms. Cowan said she thinks it is extremely important that people wear masks, especially in the Town Offices. If an employee contracts Covid from the public, that's a taxpayer expense. Ms. Oliff said they should have masks available if they're asking people to use them.

MOTION: Ms. Cowan moved that the Exeter Select Board strongly recommends that residents wear masks in any situation where they would be dealing with the public in close proximity. Ms. Gilman seconded. By a roll call vote, Mr. Browne voted nay, and the motion passed 4-1.

Ms. Gilman asked whether they can distribute masks. Chief Wilking said they can reach out to their State partners regarding obtaining masks, but there may be a cost to them. They can also put out a call for donations on social media. Ms. Oliff asked that the public not try to enforce this recommendation on those not wearing masks in public.

Mr. Dean said with the Stay at Home order lifted, some organizations with permitted events have reached out to them about holding their events. He's contacted Primex about their liability in hosting these events.

Mr. Papakonstantis said at the last meeting they voted to close Swasey Parkway until the end of June. Should they keep the Parkway closed to vehicular traffic? Mr. Browne said yes. Ms. Oliff said she'd like to see it closed forever. The Board was generally in agreement to keep it closed for another 30 days.

Mr. Dean said that residents can apply for funds to manage past due rent and other issues associated with housing. This is managed through the town's Human Services. There's a \$2,500 cap per application. Ms. Gilman added that applications can be submitted starting June 30th.

The Board discussed continuing with remote meetings via Zoom. Mr. Dean said that one issue was the size of the Nowak Room was an issue. The State of Emergency is still in place, so the Governor's Executive Orders will stay in place. The Board agreed to continue meeting remotely.

7. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve a Jeopardy Tax for 95/64/103 in the amount of \$424. Mr. Browne seconded. By a roll call vote, all were in favor.

MOTION: Ms. Gilman moved to approve a Land Use Change Tax for 47/8/1 with no tax amount due. Ms. Oliff seconded. By a roll call vote, all were in favor.

MOTION: Ms. Gilman moved to approve a tax abatement for 111/5/1B for \$114.01. Ms. Oliff seconded. By a roll call vote, all were in favor.

MOTION: Ms. Gilman moved to deny an abatement for 88/5. Mr. Browne seconded. By a roll call vote, all were in favor.

MOTION: Ms. Gilman moved to approve a tax abatement for 110/2/71 for \$254.63. Mr. Browne seconded. By a roll call vote, all were in favor.

b. Permits & Approvals

- i. Greg Bisson said that Gilman Park Pavilion Construction is underway. They had some structural issues with the land, which was a dumping ground that had to be cleared and filled, at a \$6500 additional cost. He's asking the Board to allow the use of the Recreational Impact Fees, which are at \$21,926.07.

MOTION: Ms. Gilman moved to allow Parks & Rec to expend \$6,500 from the Recreational Impact Fees for additional excavation and materials for the Gilman Park Pavilion. Ms. Cowan seconded. By a roll call vote, all were in favor.

- ii. Mr. Bisson said that they're working with Scott Ruffner of TEAM on how to make a TEAM Event June 27 at Swasey Park possible. The Governor is lifting restrictions on gatherings of any size tonight. Ms. Gilman asked what the town's responsibility would be on this. Ms. Oliff said she sees this as being similar to the guidance they gave to businesses and restaurants, rather than something they'd be policing. Mr. Papakonstantis asked if they could have a team checking in on the event as they did with the restaurants. Ms. Cowan said she doesn't know if they can deny events if they've already been permitted, but she's concerned that they're asking town employees to be exposed to additional risk. Mr. Dean said it's worth putting together a team of people to review the issue further.
- iii. Mr. Dean said the dog warrant is ready to be signed by the Board.

MOTION: Ms. Gilman moved to approve the dog warrant. Mr. Browne seconded. By a roll call vote, all were in favor.

- c. Town Manager's Report
 - i. Mr. Dean did not have additional updates.

- d. Select Board Committee Reports
 - i. Mr. Browne said the Communications Committee is meeting next Tuesday, and they're working on the agenda. He has not heard from the Facilities Committee.
 - ii. Ms. Oliff said the Housing Committee met on June 12. They will likely be in touch with the Select Board to give an update on the RPC multiunit map and PowerPoint presentation.
 - iii. Ms. Gilman missed the Conservation Commission meeting. The county budget is coming up for a vote on June 24. Their portion of our tax impact was reduced by 0.17%. There's a Heritage Commission meeting Tuesday; they will be discussing 7 Park Street, where a building was torn down without review, and they're going to hear about the second part of the property. On Thursday, the HDC is hearing the proposal for the loka.
 - iv. Ms. Cowan said there was a Planning Board meeting, where they heard a continued case for a variance for a property in Exeter.
 - v. Mr. Papakonstantis had a Sustainability meeting June 2nd, where Mr. Sharples introduced an intern and gave an update on grants. They're working on how to best use Mr. Sharples in his Sustainability Coordinator role, and considering forming subcommittees to address particular issues.

- e. Correspondence
 - i. A proposal from Renay Allen for a pocket park along Swasey Parkway to commemorate the Black community in Exeter. She is offering to donate the profits from her mystery novels toward this effort. She will also reach out to the Swasey Trustees and other stakeholders.
 - ii. A letter on the issue of not allowing bigger size trucks. Mr. Dean said that when they discussed this previously, they were going to write a letter to Reps to alert them to this issue, and ask them to monitor and oppose large increases in truck sizes. Ms. Gilman said she'd be happy to author the letter for Board approval.
 - iii. A notice from the Health Trust, discussing possible credits on health insurance premiums. Mr. Dean said this is a notice from the Health Trust Board of Directors that due to Covid-19, they're looking at returning some surplus funds to the town in October.
 - iv. An April 6, 2020 memorandum on the recommendation to deny an abatement.
 - v. A list of upcoming Senate bills.

8. Review Board Calendar

- a. The next meetings are June 29 and July 13.

9. Non-Public Session

- a. There was no non-public session at this meeting.

10. Adjournment

MOTION: Ms. Gilman moved to adjourn. Ms. Cowan seconded. By a roll call vote, all were in favor, and the meeting adjourned at 9:59 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary