

Select Board Meeting
Monday October 19, 2020
6:50 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 6:50 PM.

Mr. Papakonstantis read a statement:

As Chair of the Select Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 this public body is authorized to meet electronically.

On Friday, October 16, 2020, public notice of this meeting was posted on the town website and on the bulletin board of the town offices at 10 Front Street. As provided in that public notice, the public may access the meeting online and via phone.

Please note that all votes taken during this meeting shall be done by roll call vote. Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting and who that person is (son, daughter, spouse, etc...), which is required under the Right-to-Know law.

2. Board Interviews – Exeter Police Stakeholders Committee

- a. Tanisha Johnson was interviewed for the EPSC.

3. Public Comment

- a. There was no public comment at this meeting.

4. Proclamations/Recognitions

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

5. Approval of Minutes

- a. Regular Meeting: September 28, 2020

MOTION: Ms. Gilman moved to approve the minutes of September 28, 2020 as presented. Mr. Browne seconded. By a roll call vote, all were in favor.

- b. Regular Meeting: October 5, 2020

MOTION: Ms. Oliff moved to approve the minutes of October 5, 2020 as presented. Mr. Browne seconded. By a roll call vote, all were in favor.

6. Appointments

MOTION: Mr. Browne moved to accept Lindsay White's resignation as an alternate on the Conservation Committee, effective Nov 30, 2020. Ms. Gilman seconded. By a roll call vote, all were in favor.

7. Election Update

Paul Scafidi and Vicky Nawoichyk discussed the upcoming election. Mr. Scafidi said that over 4,500 absentee ballots were sent out, and 3,600 have been returned already. On Friday October 30, they will be pre-processing the absentee ballots in the Nowak Room in the Town Offices. People can come observe, and a registered challenger can make a challenge if they have good reason. For the next election, they will not be changing anything from the primary, as they felt that everything worked well. They're looking at 80% of the 14,000 registered voters voting, whether in person or absentee. Ms. Nawoichyk discussed registration and the ability to register on election day. Mr. Scafidi said he doesn't expect any disruption at the polls. Ms. Cowan asked what date you can no longer register prior to November 3, and Ms. Nawoichyk said Tuesday October 27th, when the supervisors of the checklist finish approving the applications. Mr. Scafidi said the absentee ballot can be filled out on the day of the election. Mailed ballots have to be in by 5 PM on Tuesday, November 3rd; voters can also hand-deliver absentee ballots at the election.

Mr. Scafidi said they've had issues with about 15 absentee ballots, but they have reached out to the voters to correct the issue. Ms. Cowan asked if they still need volunteers, and Mr. Scafidi said quite a few people have already come forward, but people can leave their names with the Town Clerk.

8. Discussion/Action Items

a. Black Lives Matter

Tanisha Johnson and Clifton West Jr. of Black Lives Matter Seacoast gave a presentation. Ms. Johnson said they want to create change and encourage accountability. The justice system is not treating black people fairly. They want to see change not just at the higher levels but down to the Select Boards. She brought up recent events in Hampton where a Select Board member said unethical things, but the rest of the Hampton Select Board said she can't be voted out. She wants to make sure that the Exeter Select Board is held accountable for their actions as well. Exeter has two people of color on the Board and they're treated unfairly at times. Black Lives Matter wants the Board to update the code of conduct to prohibit town employees from irresponsible or biased conduct in person or on social media. Mr. West said that they are seeing change in all areas of life, and law enforcement and how they approach policing need that same type of innovation. They want to bring trust back into the community for Police officers and engage with social services. He suggested they implement a citizen's review board for law enforcement, as people don't trust police to investigate other police officers. This group would bridge the gap between civilians and law enforcement.

Mr. Browne asked if they've presented this to other towns already. Ms. Johnson said about a month ago they had a rally. Several government officials signed the pledge to work on these demands. Policies and procedures made long ago may no longer apply. The current rules were built on systemic racism.

It's time for a change. Their pledge was sent to Hampton, as they're talking to the Chief of Police there and in surrounding towns. Mr. West said that House Reps and City Counselors from Rochester have signed. Ms. Gilman asked for clarification on who this was addressed to, as she is a State rep and didn't see it, and Ms. Johnson said they addressed it to Chiefs of Police but others reached out to them. Ms. Cowan said she would like to hear more about how they are not treating the members of the Board fairly as she wants to address that issue.

Mr. Papakonstantis asked about the current code of conduct for town representatives on social media. Mr. Dean said the town has a comprehensive policy against harassment, which includes race, color, sex, pregnancy, national origin, sexual orientation, or veteran's status. There's a social media policy for the town, and one for employees which prohibits employees from any postings on their personal pages that violate any laws or policies of the town, including harassment. Ms. Johnson said that policy doesn't capture a lot of things that are happening right now, and should be updated. Mr. Dean said they are very open to that.

Mr. Papakonstantis said he would like to speak with the representatives again via Zoom to go over their points and discuss their concerns about the Select Board's actions.

b. Annual Agreements Riverwoods

i. Mr. Dean discussed the yearly taxation agreement statements.

MOTION [withdrawn]: Ms. Gilman moved that the Board enter an agreement with Riverwoods for the tax commitment for The Woods. Mr. Browne asked if they are a for-profit entity and if their rates have gone up. Mr. Dean said he believes they're a non-profit. He doesn't know of any rate increases. Mr. Browne asked what would happen if they didn't sign, and Mr. Dean said he's not sure, but he can bring back more information. Riverwoods is one of the top two taxpayers in town so they wouldn't want them not to pay.

Ms. Gilman withdrew her motion.

c. Blue Bag Discussion

Ms. Oliff asked Jennifer Perry, Director of Public Works, about the town trash bags. She's heard there are issues getting access to them because they are sold out in some stores, as well as concerns about the integrity of the bags and their cost. Ms. Perry said she and Jay Perkins met with the blue bag vendor recently because of complaints about the bags breaking. If this happens, residents should return them to the store where they can be swapped for new ones, or bring them to Public Works. Regarding the cost, the bags were intended to partly subsidize the cost of the waste program; they cover about 60% of the \$1M waste program. Ms. Oliff said she'd like to see the town implement a composting program and address the cost of disposing waste. Mr. Dean said that solid waste budget 2021 was \$1.135M. The last blue bag rate increase was in 2018, and before that in 2009, while solid waste costs had increased exponentially. They can keep working to see if there are other alternatives.

d. Kingston Road Project

Ms. Perry discussed the Kingston Road project. This was funded 80% through NHDOT with a transportation alternatives (TAP) grant, and the town is paying 20%. These are not quick turnaround projects; they've been working on this since 2015. After neighborhood meetings, it was determined there should be a sidewalk component. They went back to voters in 2017 to extend the timeline and increase the cost. The preliminary design was complete in January 2018, and they received a notice to proceed by NHDOT in March 2018. The final design was submitted in April 2019 and approved in August 2019, but they were still awaiting wetlands permits. They started the easement procurement process in late 2019, when letters were sent to property owners. They were pushing up against the DOT deadlines in early September. Their next time in the queue is the state's fiscal year 2023, i.e. October 2022. They will extend the timeline via the town warrant article to go beyond 2023.

Laura Knott of 15 Tamarind Lane asked what happened between March of 2018 when the preliminary design was approved and April 2019 when the final design was submitted. Ms. Perry said that's a longer timeline than you might expect for a project of this scale, but a TAP grant must go through all approvals and permitting before submittal. Ms. Knott asked about where the tax money went. Ms. Perry said the moneys appropriated through a warrant article are dedicated to this project. Ms. Knott said the costs increased between 2015 and 2017, so who will pay the increased costs for 2023? Ms. Perry said inflation was rolled into this project. She confirmed earlier with the engineering team that the costs were still relevant. Ms. Knott said she would like to see them move forward with this as quickly as possible. Mr. Papakonstantis asked Mr. Dean to provide regular updates on this project. Ms. Knott asked if the town does not vote to extend the deadline, what happens to the money already appropriated? Ms. Perry said the warrant article is only to extend the authorization of the project, nothing else will be changed. Mr. Dean said if the appropriation did lapse, since they've already raised the money, they can transfer it from fund balance for this purpose.

e. Water Restrictions - Town Ordinance Updates

Ms. Gilman read the changes for the final time:

Chapter 16:10 Water Use Restrictions. Amend 16:10.1 to update the "Board of Selectmen" to read "Select Board." In 16:10.3, residential is crossed out, and the restriction now applies to all well users in town. In 16:10.8, we are changing c and adding d, "The grass playing turf of a recreational field, the grass playing surfaces of a golf course, and grass agricultural fields including sod production, may be excluded from the requirements of 16:10.2.

MOTION: Ms. Gilman moved to approve the water restrictions amendment as read by Ms. Gilman. Ms. Gilman seconded. By a roll call vote, all were in favor.

f. COVID 19 Updates

- i. Eric Wilking, the Fire Chief, said they continue to monitor the State numbers. The latest numbers are concerning; there's still less than a 1%

positive rate, but almost a thousand people tested positive over a 2 week span, including 10 Exeter residents; the town total is now at 76. The Governor took action last Thursday to suspend all youth hockey, and Mr. Murray continues to watch for town "hot spots." The FD has seen an uptick in Covid related calls. They've been using PPE over the last month more quickly than all summer. They believe the state will still be able to fulfill PPE orders. They're looking forward to assisting with the election. Fire, Police, and Parks and Rec are collaborating on the Halloween parade on October 31st.

- ii. Greg Bisson, the Parks and Rec Director, said they had to pause sports programs due to possible exposure last week, but they're up and running again now. They had to cancel the drive-in movie last Saturday due to high winds. Ms. Roy has been working with Police, Fire, and the High School Student Council on the parade. She's working on the route now. They sent a mass email with restrictions and guidelines for trick or treating, as well as posting about it on social media sites and in the newspaper, and will issue reminders in the coming weeks.
- iii. Mr. Dean said the effort to address Covid transmission at the Rinks was long and involved, and Mr. Murray did his best to get information out of the State. We know how important sports are for the kids, and the intention is not to shut things down but to prevent a significant situation.

9. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

There were no abatements or exemptions at this meeting.

b. Permits & Approvals

- i. Mr. Bisson said they've been finding golf balls on Rec fields, which is dangerous for the mowers. He reached out to other Parks and Rec departments, and found they do not allow golf in public parks. He suggested the Board consider making an ordinance or policy to not have golfing at the parks. Ms. Cowan asked whether they could ban leaving golf balls and allow golfing. Mr. Dean said there's also a safety issue with driving golf balls when people are around. Ms. Cowan wondered if there's a way to allow putting only. Mr. Bisson said the grass is kept at 2 ½ to 3 inches, so it's easy to lose a golf ball. They collect 4 - 6 balls a week. Ms. Oliff said that doesn't sound like that many. She doesn't want to increase the restrictions on the parks. Mr. Dean said this is also a liability issue; the insurance carrier would have a real issue with allowing this. Ms. Gilman said if there were an underused public space they could encourage people to go there and golf instead. The Board discussed private alternatives to using the parks. Ms. Oliff said she would like to see them offer something affordable for those who can't afford to play golf at private clubs. Mr. Papakonstantis said they should consider restricting it from the parks while they look for an alternate location. Mr. Browne said he would like to restrict it for liability reasons.

MOTION: Ms. Gilman moved to prohibit golfing in Exeter recreational parks for 30 days from today. Mr. Browne seconded. Ms. Oliff and Ms. Cowan voted nay and the motion passed 3-2.

- ii. Mr. Bisson said there's a potential dog problem at Kids' Park. People are using the green space as a space to bring their dogs off-leash. They're asking that the park be added to the town dog ordinance, which currently does not include Kids' Park and Townhouse Common.

MOTION: Ms. Cowan moved to include the Kids' Park and Townhouse Common in the current dog ordinance. Mr. Browne seconded. Ms. Gilman asked if the gasworks area on Green Street is a park. Mr. Bisson said no, it's not a town park. By a roll call vote, all were in favor.

- iii. Jennifer Perry described a successful pilot program to take septage from commercial waste haulers to the new wastewater treatment plant. They have been charging 8 cents per gallon, which is based on current rates charged by other wastewater facilities in the region. This allows them to treat the waste and net around 4 cents per gallon. They took this practice into account when planning the new plant. It will not increase nitrogen loads. They recommend including 8 cents per gallon in the fee structure of the town. Ms. Gilman asked if this would improve their non-point source discharge, and Ms. Perry said no, that depends on the frequency of those with septic systems pumping, which should be done every three years.

MOTION: Ms. Cowan moved to approve the fee proposed by Public Works at 8 cents per gallon, which is a new fee in the town fee schedule. Mr. Browne seconded. By a roll call vote, all were in favor.

c. Town Manager's Report

- i. Mr. Dean said they're having an issue with allowing dogs in the Town Offices. The staff is interested in not having dogs in the building. This would not include service animals. He's planning to bring it back to the Board another night.
- ii. He's mostly working on budget and finances. The town got a clean audit, and will have a rep from the auditors on the next meeting.
- iii. He's working on the MS1 assessing document for the State, which relates to the tax rate setting. The Board needs to discuss the fund balance policy to lower the tax rate at an upcoming meeting.

d. Select Board Committee Reports

- i. Mr. Browne said the Communications Committee, discussed publishing the survey. In Facilities, they're wrapping up the budget recommendations.
- ii. Ms. Oliff had a Housing Committee meeting, where they heard an update from Maggie Randolph on the project in Durham for small houses.
- iii. Ms. Gilman said the Conservation Commission organized a special all boards meeting to talk about climate change and sea level rise. They

heard from the Academy, which is planning to repair a bridge over the river on their property. At the HDC meeting, Sea Dog came in looking to expand their awnings, which went over well. The first residential solar installation on High Street was approved.

- iv. Ms. Cowan had a Planning Board meeting. The Academy is looking to make changes to one of the barns on campus. At the Water/Sewer Advisory meeting, they heard a request from a family to be charged Water/Sewer at tier 1 despite increased usage due to extra people staying in the house because of the pandemic that put them in tier 2. Water/Sewer didn't feel comfortable approving that, so they decided to bring it to the Select Board. The ask is to charge people for their full usage but under the rate they were paying pre-pandemic. Ms. Gilman said they should look at it more in depth and hear from Ms. Perry. Ms. Perry questioned how something like that would be administered, as they are only reading meters and charging based on volume. Mr. Dean said they'd have to have an application and approval process. Ms. Oliff said they should give people the opportunity to express their need for extenuating circumstances. Ms. Cowan said she didn't think they should apply it globally, but people should have the ability to come to the Water/Sewer Advisory committee as with an abatement. Mr. Dean said they should limit it to those situations caused by Covid-19. He suggested they pass these incidents along to the State as examples of the issues they're working with because of Covid-19. Ms. Perry will work with the Water/Sewer Committee on moving forward with this proposal.
 - v. Mr. Papakonstantis did not have any meetings, but participated in the climate forum, which was well done. In BRC meetings, the Police and Fire subcommittee presentation is this Wednesday.
- e. Correspondence
- i. An update from Primex and Health Trust re property, casualty, worker's comp, and health insurance policies.
 - ii. An update on the Wastewater State Aid Grant. Mr. Dean said the Exeter project grant is currently on hold until the revenue shortfalls are known. The town is #60 on the list.
 - iii. Update from the estate of Mr. Donohue. This is notice required under RSA 554:18-a; they are noticed any time an estate is in probate.
 - iv. A quarterly report on water quality from Mr. Berube to the EPA. This is going well.
 - v. A memo from Parks and Rec with pictures of the pavilion at Gilman park, which is ready to use.

10. Review Board Calendar

- a. The next meetings are October 26, November 9, and November 23.

11. Non-Public Session

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

12. Other business

Ms. Oliff said when they have conversations about residents, Board members must show respect for those in diverse situations. If a member of the Board says it concerns the equity of those who live in town and want to access things such as golf, other members shouldn't say just "use private clubs." The Select Board has a role to uphold standards for the town. Not everyone in the town can afford this. They should show respect and appreciation to the residents of the town and the members of the Board.

13. Adjournment

MOTION: Ms. Gilman moved to adjourn. Mr. Browne seconded. By a roll call vote, all were in favor, and the meeting adjourned at 9:40 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary