

Select Board Meeting
Monday May 4th, 2020
6:50 PM
Held Remotely via Zoom
Final Minutes

1. Call Meeting to Order

Members present: Julie Gilman, Molly Cowan, Lovey Roundtree Oliff, Niko Papakonstantis, and Russ Dean were present at this meeting. Daryl Browne was absent. The meeting was called to order by Mr. Papakonstantis at 6:52 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. Dawn Jelley of 4 Nelson Drive, read a letter written by her and Eric Downer [also in Correspondence] asking the Board to amend Town Ordinance 910c on Gilman Park in order to allow dogs in certain areas. Mr. Papakonstantis said they will put the issue on a future agenda.
- b. Joanna Pellerin, Exeter resident and one of the former Trustees of Gilman Park, said that the issue came up in 1996 and they went to the Select Board at that time. It was her understanding that dogs could be there on a leash.

3. Board Interviews - Conservation Commission and Communications Advisory Board

- a. There were two scheduled interviews, but they did not take place.

4. Proclamations/Recognitions

- a. Public Works Week

Ms. Gilman read the Public Works Week proclamation:

Whereas, Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the Town of Exeter, New Hampshire; and,

Whereas, these infrastructure, facilities and services could not be provided without the dedicated efforts of Public Works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

Whereas, it is in the public interest for the citizens, civic leaders and children in Exeter New Hampshire, to gain knowledge of and to maintain a progressive interest and understanding of the importance of Public Works and Public Works programs in their respective communities; and,

Whereas, the year 2020 marks the 60th Annual National Public Works Week sponsored by the American Public Works Association,

Be It Now Resolved, we, the Select Board of Exeter, New Hampshire do hereby designate the week of May 17 through 23, 2020 as National Public Works Week; we urge all citizens to join with representatives of the American Public Works Association and government agencies in acknowledging our Public Works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

In Witness Whereof, we have hereunto set our hand and caused the Seal of the Town to be affixed, done at the Town of Exeter, New Hampshire this fourth day of May, 2020.

- b. Bob Hall was recognized as a “Downeaster Ambassador” for his efforts with the Amtrak passenger train program.

5. Approval of Minutes

- a. Regular Meeting: April 27, 2020

MOTION: Ms. Gilman moved to approve the minutes of April 27, 2020 as presented. Ms. Cowan seconded. By a roll call vote, all were in favor (4-0).

6. Appointments

- a. As a follow-up to the last meeting, it was determined that Conservation Commission alternate Don Clement’s term expires next year, not this year.

7. Discussion/Action Items

- a. Bid Award - Lagoon Sewer Sludge Removal Project

Jennifer Perry, the Public Works Director, recommended the award of the bid to Synagro Northeast LLC of Baltimore MD. They were the lowest bidder at \$630,053 and can mobilize quickly to do this work. Ms. Oliff asked what will happen if they are unable to complete the work due to Covid-19, and Ms. Perry said there is a clause in the contract that allows the town to move on if they can’t meet a certain timeline.

MOTION: Ms. Gilman moved to approve the Wastewater Treatment Facility contract for lagoon #1 sludge removal to Synagro Northeast LLC of Baltimore Maryland at a low bid price of \$630,053 and to designate Town Manager Russ Dean to sign any and all required documents. Ms. Oliff seconded. By a roll call vote, all were in favor (4-0).

- b. Public Hearing: RSA 79E Application – Pairpoint Group LLC, 23 Water Street

MOTION: Ms. Oliff moved to open the public hearing. Ms. Gilman seconded. By a roll call vote, all were in favor (4-0).

Darren Winham described the process related to RSA 79E tax relief. The Select Board holds a public hearing and decides if one or more public benefits are met by the project. The Board decides the period of relief and creates a covenant that must run as long as the tax relief. The covenant is then vetted by legal counsel at the applicant's expense. Mr. Dean added that the Board has 45 days from the date of the hearing to determine the specifics of the covenant.

Ms. Cowan asked for a description of the project. Elliott Berkowitz, the project's developer, said this would be a four story building at 23 Water Street with six residential and two retail units. It's a challenging site, being close to the river and to the surrounding buildings. The next building over, 11 Water Street (which he happens to own), is 6.8 feet from the property line, so a new building would also have been 6.8 feet away from the property line, but he got a variance to build 23 Water Street right up to the property line. Mr. Papakonstantis asked what portion of this project would be affordable, but the answer was none.

Ms. Gilman said this project has gone through the Historic District Commission and they found it appropriate for this area. She added that it will be good for the community.

Mr. Papakonstantis said the project meets at least one, if not more, of the criteria for tax relief. The Board was in agreement. Ms. Gilman said that it would encourage economic vitality in the downtown and increase residential housing in an urban center.

Ms. Cowan asked how long the covenants usually are. Mr. Winham said that with the Sea Dog project, the initial plan included residential units, and that project got a covenant for nine years. The Wine Bar got one for seven years. Those are the only projects that have come under this relief.

MOTION: Ms. Gilman moved to open the hearing on RSA 79 E Tax Relief for 23 Water Street. to the public. Ms. Cowan seconded. By a roll call vote, all were in favor (4-0).

Eileen Flockhart of 7 Jacks Court asked about the expected cost for residential spaces in this building, and Mr. Berkowitz said a minimum of \$250,000. Three units will be one bedroom and three will be two bedroom.

MOTION: Ms. Gilman moved to close the public hearing on RSA 79 E Tax Relief for 23 Water Street. Ms. Oliff seconded. By a roll call vote, all were in favor.

Ms. Cowan asked about the timeline for the completion of the project. Mr. Berkowitz said that from start to finish it would be about 12 months.

MOTION: Ms. Gilman moved to approve the Community of Exeter Tax Relief Incentive aka RSA 79E for 23 Water Street Ownership Pairpoint Group LLC, with the public benefit #1, it enhances the economic vitality of the downtown; #3, it promotes the development of municipal centers,

providing for the efficiency, safety and a greater sense of community consistent with RSA 9B; and #4, it increases residential housing in an urban or town center. [The numbering refers back to the ordinance.] Ms. Oliff seconded. By a roll call vote, all were in favor (4-0).

Mr. Papakonstantis said the application was for an 11 year covenant, but he suggested nine years instead. Mr. Winham said they could apply the four additional years given to a historic structure, as there was previously a historic building on the site. Ms. Gilman said this only applies to a structure that exists. If the application is for a vacant lot, she can't consider it as a historic structure. She suggested seven years, five years for the project itself plus two years for promoting residential space.

MOTION: Ms. Gilman moved to approve a Community Revitalization Tax Relief Incentive, RSA 79E, for 23 Water Street and Pairpoint Group LLC for a term of seven years, five years for qualifying property and two years for adding residential units. Ms. Oliff seconded. By a roll call vote, all were in favor (4-0).

MOTION: Ms. Gilman moved to close the public hearing. Ms. Oliff seconded. By a roll call vote, all were in favor (4-0).

c. MUND Presentation (Mixed Use Neighborhood District)

Dave Sharples, the Town Planner, discussed a new zoning amendment adopted at the 2020 Town Meeting. In 2018, the Housing Advisory Committee did a study, and the Master Plan was updated; both identified the need to create affordable housing in Exeter. In response, he pursued a municipal assistance grant for \$25,000 to allow him to create an ordinance that would incentivize affordable housing. This is an optional amendment; property owners wishing to develop their property can either go under conventional zoning or choose to go under the MUND. It is only applicable in the C1 and WC [Waterfront Commercial] zoning districts. The project has to be mixed use, not just residential or just commercial.

In normal zoning, there are three limiting factors to density: straight density requirements (units per acre); parking space requirements; and the height of the building. Under the MUND, the Density requirement is removed; there are reduced parking requirements, to 50% of commercial use and only one space per unit regardless of number of bedrooms. The ordinance gives the Planning Board the ability to reduce the parking requirement further. It also increases the height from 35 feet and three stories to 45 feet and four stories, although based on public input on the Lincoln Street area this will remain at a maximum of 35 feet. The MUND requires that a minimum of 10% of the units are affordable in perpetuity; they are deed-restricted and monitored. "Affordable" is according to the State definition, which is based on area median incomes. They will enforce high quality urban design standards, in such areas as site circulation, building design, stormwater management, etc. Mr. Papakonstantis asked if the 10% affordable housing requirement persisted through a change in ownership, and Mr. Sharples said yes.

Eileen Flockhart of 7 Jacks Court said she is excited about the MUND's potential, especially the potential for landscaping and trees. She asked how the regulations will be enforced. Mr. Sharples said town staff, not the Planning Board, do site inspections and make sure that the project meets the requirements of the plan before the building gets a certificate of occupancy. On monitoring the affordable housing, the Planning Board designates the NH Housing Finance authority as the monitor. Ms. Flockhart suggested that if a project didn't comply, they should have to pay into a fund that would pay for more trees. Mr. Sharples said non-compliance in his experience is quite rare.

d. COVID 19 Updates

Darren Winham said he's striving to get the most accurate information out to local businesses. He's creating an email update each week along with Tim Roach of RPC, which is sent out by Bob Glowacky. There was also a survey that went out to businesses to track Covid 19 effects and concerns on a town and regional level, which had 100 responses. He's keeping up with ongoing local business projects.

Fire Chief Eric Wilking said the state of NH has been ramping up testing, and it's up to around 1500 tests per day. Increased testing means increased positive test results. 580 people tested positive last week; there were two new positive tests in Exeter, for a total of 13 cases. Fire Department was at full staff for one week, but then one member was called into the MA National Guard for a month.

Governor Sununu unveiled "Stay at Home 2.0," which continues to ask people to practice social distancing through the end of May. James Murray is talking with campgrounds; members who have permanent structures at the campground can return. Mr. Wilking spoke with hospital officials; starting May 4, the hospital will be allowed to have certain non-emergency procedures. Businesses will reopen with a 50% allowed occupant load, so the FD will work with businesses on an appropriate occupant load. On May 11, salons and barbershops can open, but they can only have 10 occupants at one time, including the staff. Golf courses are opening May 11. Restaurants are reopening for outdoor seating May 18th, and they're going to work with restaurants on setting that up correctly. It won't be appropriate for all restaurants but will work with them.

Mr. Papakonstantis raised the issue of extending the closure of Swasey Parkway for another 30 days. He would also like Parks and Rec to give the Board recommendations regarding summer camp. He would like to discuss Farmer's Market and its possible temporary relocation.

Greg Bisson said that Parks and Rec has been working with state and local organizations, including the CDC, on guidelines for summer camps. Opening camp will be very difficult. He met with Primex and discussed the extensive restrictions, if they will be able to have camp at all. There must be a maximum of eight kids with two staff members, with the same group all summer. Games must support social distancing. They must increase handwashing stations. Parks and Rec put out a survey last week, and have had 190 responses so far. People want summer camp, but there's so much that's unknown. The camp can't access the schools this summer, which makes things difficult. They'll offer the best and safest solution they can. Most of their programs only break even, so any fluctuation in revenue will be a challenge. Already a handful of refunds

have been issued. Some communities are closing their pools. If they don't have swim lessons or day passes to the pool, it may be a huge cost to the town. Playgrounds may need to be closed, which would also be a challenge.

Ms. Oliff asked about camp staffing levels, and Mr. Bisson said they're working on hiring the appropriate number for an 8/2 ratio, but it's challenging to find enough people.

Mr. Papakonstantis asked if shortening the camp was an option. Mr. Bisson said they could push it back to after July 4th, or condense the days to a shorter session. They will likely not offer aftercare either way.

Maine will allow 40 or more kids per group in summer camp, which would make it more manageable. They're expecting a NH task force recommendation this week. Mr. Papakonstantis asked about inclement weather, and Mr. Bisson said they'd have to cancel the camp for the day.

Mr. Dean said the Farmer's Market has been designated an essential business. They're trying to determine how to have the market but be conscious of the executive order and limiting crowds to 10 people. They're trying to find a location that would help them with social distancing, such as the SST site. Health Officer James Murray said he believes that they can put on a safe Farmer's Market, but the venue is key.

The Board agreed to allow the representative from the Farmer's Market, a non-resident, to speak.

Dorianne Barr said they're still looking to have the Farmer's Market in Swasey Park for consistency. If they have vendors on one side, there is a six foot alley for people to walk or wait their turn. They can have one-way movement path. All food will be packaged. No reusable bags will be allowed. All prepared food is take-out style and must be consumed off-site. No samples are allowed. There will only be 17 vendors, comprised of food vendors, plant vendors, and a soap vendor; no crafts, music, etc. Only one shopper is allowed in a tent. They're encouraging cash-free payment options.

Mr. Papakonstantis said the Parkway is currently closed to allow people to walk and exercise, and said that SST flows better as a venue. Ms. Barr said they would have to completely redesign the market for a change of venue. Ms. Roy said they won't be able to have the SST site through the end of the Farmer's Market, as school is starting. Mr. Dean said he would have to discuss the timeline of the venue with the Superintendent.

Ms. Cowan said she's very concerned about the safety of bringing more people downtown. Ms. Barr listed the many safety precautions they will be taking, including limiting the number of vendors, obtaining a supply of masks, allowing only one person into a tent at a time, and having a designated time to shop for high-risk people. Ms. Oliff asked about having people pre-order for pickup. She would like to find a balance between safety and serving residents. Mr. Papakonstantis asked how they will enforce having only one customer in a tent at a time. Ms. Barr said there will be a person at the entrance to explain the rules and volunteers will be walking through the market to ensure guidelines are being followed. The packages of produce and food are already bundled, so people are not taking time to hunt for and choose produce.

The Board was in agreement that they wanted to extend the thirty day closure of Swasey Parkway to vehicle traffic.

Mr. Papakonstantis said he's concerned about walkers and exercisers along with the shoppers at the market. Ms. Oliff said they should designate Thursday as Farmer's Market day and make it closed off to the public. Ms. Cowan said these regulations add another layer of people required to set up and enforce them. She wants to encourage shopping from local farmers, but it needs to be transactional, not social. She's not comfortable with these things happening in the same spot. If the numbers in NH change, she can see the market moving back to Swasey Parkway. Mr. Papakonstantis asked about the timeline, and Ms. Barr said they'd like to start this Thursday.

MOTION: Ms. Oliff moved to extend the closure of Swasey Parkway to vehicular traffic for an additional 30 days. Ms. Gilman seconded. By a roll call vote, all were in favor (4-0).

MOTION: Ms. Oliff moved to relocate the Farmer's Market to SST. Ms. Cowan seconded. By a roll call vote, all were in favor (4-0).

8. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve a Jeopardy Tax for 55/34 in the amount of \$326. Ms. Oliff seconded. By a roll call vote, all were in favor (4-0).

b. Permits & Approvals

- i. There were no permits or approvals at this meeting.

c. Town Manager's Report

- i. The Board and Committees are getting back online and up to speed on Zoom protocols.
- ii. They're working on the Bond Bank application for the Library and Groundwater Assessment projects.
- iii. The Planning Office received an application for a new solar farm on Powder Mill Road.
- iv. The EPA permit comments are taking a lot of time. He's coordinating with member towns.
- v. The paving program is continuing, Powder Mill Road and the Park Street area have been paved.

d. Select Board Committee Reports

- i. Ms. Cowan met with the Parks and Rec Advisory Board, where they brainstormed best practices for summer camp.
- ii. Ms. Oliff had no meetings.
- iii. Ms. Gilman said there's an HDC meeting on May 21st where they'll be talking about the loka.
- iv. Mr. Papakonstantis has a Sustainability Committee meeting tomorrow night.

e. Correspondence

- i. A letter from Robin Tyner resigning from the Sustainability Committee. Mr. Papakonstantis said that Robyn Tyner was named as an alternate to the Planning Board, and there's a rule about only serving on two committees at once. She will stay with the Energy Committee and Planning Board.

MOTION: Ms. Cowan moved to accept Robin Tyner's resignation. Ms. Oliff seconded. By a roll call vote, all were in favor (4-0).

9. Review Board Calendar

- a. The next meetings are May 18 and June 1.

10. Non-Public Session

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

11. Adjournment

MOTION: Ms. Gilman moved to adjourn. Ms. Oliff seconded. All were in favor (4-0) and the meeting adjourned at 10:03 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary