

Select Board Meeting
Monday August 31, 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 6:30 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. Interviews

- a. The Board interviewed Bill Campbell for the Heritage Commission.
- b. The Board interviewed Bevin Kennedy for the Communications Advisory Committee.
- c. The Board interviewed Tim Graham for the Exeter Police Stakeholders Committee.
- d. The Board interviewed David Carr for the Exeter Police Stakeholders Committee.

3. State Primary Election Updates

Mr. Scafidi, the Town Moderator, gave updates on the voting process. The Police Department will have a presence, inside and outside.

Dana Trahan of 28 Wayland Circle asked about accessible voting options. Mr. Scafidi said they have accommodations for hearing and visual impairments. There is a booth that allows those who have disabilities to interact with a computer to vote. Disabled people can also bring someone to read the ballot to them. Those with mobility issues can do the accessible absentee voting by pulling up outside and staying in their car. Ms. Trahan said there is also a new accessible absentee ballot application on the Secretary of State's website; it's a fillable PDF, which can be turned in like an absentee ballot.

Vicky Nawoicyk, Supervisor of the Checklist, said the checklist group had the last session and closed their checklist until election day. Residents can still register on election day.

4. Public Comment

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

5. Proclamations/Recognitions

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

6. Approval of Minutes

- a. Regular Meeting: August 24, 2020

MOTION: Ms. Oliff moved to accept the minutes of August 24, 2020 as presented. Mr. Browne seconded. By a roll call vote, all were in favor.

7. Appointments

- a. There were no appointments at this meeting.

8. Discussion/Action Items

- a. Principal Bill Rawson - PEA Opening Update

Principal Rawson gave an overview of the PEA reopening plan. The first students, a group of 147 boarders, will arrive back on September 7. On September 9, the rest of the 11th and 12th graders will return, for 400 students total. There will also be 80 day students returning at the same time. 9th and 10th graders will return on October 3rd. All students must quarantine for 14 days before coming back, as well as getting pre-travel testing. Some students from high-risk areas will get immediate tests before going into the dorm and two additional tests. There will be periodic screenings of students over the first few weeks. Instruction for the first term will be mostly online; the first 5 - 6 weeks will be entirely online. They have given a "family option" of students staying home and learning remotely. Of the total enrollment of 1,080, 115 have chosen to stay home, so there will be under 1,000 students returning. There will be very tight restrictions on activity. Most extracurricular activity will be outdoors. There will be rigorous protocol around hygiene, distancing, and masks. They will close campus for a period of time. All students will stay on campus for the first five weeks. PEA will support what the town chooses to do with masks, but they will require students to wear masks in town. If they have positive tests, students will go to the modular quarantine unit. The public will be able to see the testing numbers and number of positive cases on their website for full transparency.

Karen Lassey, the Assistant Principal, said students will be picking up their food, not dining together. The school will look for ways to bring businesses and food onto campus while it is closed.

Ms. Gilman asked about rapid testing. Mr. Rawson said there is an antigen test which takes 30 minutes for results. They have two of these "Sofia" testing machines.

Mr. Browne asked how they would enforce the wearing of masks. Mr. Rawson said they will start with education, but if students are deliberately not complying they will be sent home. This would not mean an expulsion, and they will still be learning remotely.

- b. Chamber of Commerce Lease Renewal

Mr. Dean said Chamber pays an annual lease of \$6,000 to the town for their space on the lower level of Town Hall. In the lease renewal, Chamber is looking for a 30 day termination notification to be available to Chamber as well as to the town. They would like a 3 year term, through 2023, and up to 60 months after that by mutual consent. This is about 700 square feet of space. Electrical, heat, water and sewer are provided by the town. The Judge's Bench is to stay in the space [as Ms. Gilman requested at the previous meeting]. There is a process for amending the lease.

Mr. Browne asked about the fair market value of the space. Mr. Dean said that Darren Winham suggested \$23 per sq foot for a for-profit entity, which is \$1,402 per month for this space. This means that the town is supporting Chamber, which is a non-

profit, at the rate of \$10,000 a year. Chamber and the town have had a relationship for some time and the town benefits from having them downtown. Mr. Browne said he [at Soleil's Salt Cave] is their closest neighbor and he hasn't seen the foot traffic to justify their location. Mr. Dean said Finance, which is next door, mentioned to him how busy Chamber is. Mr. Browne asked if Chamber tracks metrics of visits, but Mr. Dean said not that he was aware of.

Mr. Winham said that Chamber has stepped up with local marketing during Covid, letting the public know what businesses are open and when. This organization is valuable to the town, and has excellent Board members and staff. Other towns donate to Chambers, and the \$10,000 can be considered a donation to Chamber. Mr. Browne said they charge \$400 for membership per business per month, so could easily pay more. Mr. Dean said businesses in the community have written letters of support, which can be found in the packet. Mr. Dean mentioned that Chamber works with Human Services to help those in need.

Jennifer Wheeler, the President of Exeter Area Chamber, said they look forward to the continued collaboration. The needs of businesses will continue to evolve, and they will make sure they are meeting those needs as best they can. Mr. Browne asked about occupying that location in particular. Ms. Wheeler said people come in all the time to say they are a great value in town. They do get some foot traffic, but it's decreased in the last couple months due to Covid. The value of them being in town is in providing visitor services and recommendations. Residents come in looking for maps and to purchase gift certificates for local businesses. Mr. Browne asked about the makeup of the membership. Ms. Wheeler said their members are in Exeter and the nine surrounding communities, making for a diverse membership. Exeter businesses are the majority. Membership begins at \$200 per year for nonprofits, or \$300 per year for businesses.

MOTION: Ms. Gilman moved to enter into the lease agreement with Exeter Area Chamber for September 1 2020 through 2023 at \$6,000 per 12 month period as presented Aug 31 2020. Ms. Cowan seconded. In a roll call vote, Mr. Brown voted nay, and the motion passed 4-1.

c. Proposed Mask Ordinance

Mr. Papakonstantis said that per RSA 147:1, the Health Officer can make recommendations regarding public health, such as a mask ordinance, that can be voted on by the Select Board. They've received extensive emails and correspondence from the public since discussing this at the last meeting. The Board members sent individual suggestions to Mr. Murray, not as a group, keeping 91A in mind. Mr. Murray put together a revised draft with this feedback. Mr. Winham conducted a survey, which was sent to businesses in Exeter.

Mr. Murray walked through the new draft of the ordinance, which he thinks is a better fit for Exeter. 1. Definition of a face covering. 2. Employees of all businesses shall wear a face covering; kitchen staff are not required to wear one in the kitchen, which is in line with the Safer at Home guidance. There's no evidence of transmission through food. Exceptions can be made for individual businesses on a case by case basis. 3. The public must wear masks inside businesses, including any outdoor area of a business. 4. The public must wear masks inside of restaurants except when sitting and eating. 5.

Posting signage about requiring masks. 6. Masks should be worn when walking outside when social distancing is impossible. There is a map of applicable areas. 7. Masks are not required outside when social distancing or when passing momentarily. 8. Those using recreational lands are encouraged, but not required, to wear masks. 9. Masks are not required during cardiovascular activity. 10) Masks should be worn in the common areas of buildings. 11. A face covering is not required for anyone with a medical or developmental condition. 12. Children under 10 are not required to wear a mask. Mr. Murray said he checked with Dr. Ryan, the Superintendent of the schools, to ensure this is in line with school recommendations. 13. The public may be required to temporarily remove face covering for verification of identity of age. 14. The penalties are explained a bit further. The intent is to educate. The Health Department shall respond to instances of noncompliance, not the Police. Penalties are a last resort, used only when noncompliance is repeated, intentional, and a detriment to the health of others. First time is a verbal or written request, the second offence is a \$25 fine, the third offence is a \$50 fine. This will be a 61 day ordinance, and must be reenacted at that time. It also ends if the Governor terminates the emergency order.

This order applies to Front Street, Water Street to Tan Lane, the bridge from downtown to High Street, String Bridge, and Court Street to Bow Lane, and the business section of Lincoln Street.

Mr. Browne asked Mr. Murray whether he had spoken with members of the public. Mr. Murray said a few members of the public had reached out to him and had conversations.

Ms. Gilman said the new draft responded appropriately to feedback from the last meeting.

Mr. Browne asked about the phrase "clear and present danger," which he said is a legal term that is inappropriate here. Mr. Dean said he thinks it came from Hanover's ordinance. It comes from a legality/constitutionality place. Covid does present a danger to the community.

Ms. Oliff asked if indoor mask wearing is just downtown. Mr. Murray said no, it applies to all Exeter businesses. The outdoor mask wearing is for downtown when social distancing is impossible. Mr. Browne asked about smokers. Mr. Murray said they would be asked to social distance as much as possible. Mr. Dean suggested they could address the case of smokers with another ordinance.

Mr. Browne asked about plans to put out kiosks and education material. Mr. Murray said he asked Mr. Winham to ask if businesses would host a sanitation station. The Chamber of Commerce is on board. They're looking for more businesses to have a small table inside or outside, with supplies and a trash can to dispose of them after use. The town will provide sanitizer and masks. Mr. Browne said the penalties will alienate rather than create allies.

Ms. Gilman said there should be a social media campaign or use of the town website to educate.

Ms. Cowan asked if they're tracking changing information/Covid numbers. Chief Wilking said the State and County has been steady, but Exeter has had 5 more positive cases. The County Jail had an outbreak, but those were logged in the place of

residence. He finds it troubling that at the last three Select Board meetings he's reported an increase.

Ms. Cowan said she'd like to work with Mr. Browne on education on the mask ordinance.

Ms. Oliff asked if the lower numbers previously could be because they had fewer tests at that time. Chief Wilking said there had been consistent testing for the last 5 weeks. Ms. Gilman said statewide the trend is good, but the percentage in Exeter is steady. Without a change in Exeter's numbers, last week Exeter had 2.2% of the active cases in the state, but this week has 3.2%.

Mr. Winham said that the survey was sent to 900 businesses and they'd had 52 responses. 30% had not heard about the proposed mask ordinance. 68% require members of the public to wear masks. 57% said employees are wearing masks at all times; 25% are wearing them only when dealing with the public; 18% are not wearing them at all. 28% said they would request a variance for special conditions. 12 respondents had no issue with the ordinance or wanted to go further. 8 respondents said the Select Board shouldn't pass it. There were some concerns about enforcement. There were issues with bullying from those both pro and anti masks.

Enna Grazier, a Warren Avenue business owner, said she needs customers to know they're not only welcome in her business but also safe. She needs the community to join her in supporting this. She's concerned about staff in the service industry, whose risk factor is higher and tend to be underinsured or uninsured. They owe these members of the workforce a commitment to protect their safety.

Florence Ruffner of 5 Pine Street said she took photos of 48 downtown businesses that already have some type of mandate posted on their doors. People are already doing everything that's in this mandate.

Scott Bly of 1 Captain's Way said he is concerned about the enforcement aspect of this ordinance, and he suggested removing it. They should focus only on education. He questioned the expertise of the Board members and the Town Manager to provide input on such an ordinance. They need to look at physical, mental, and financial health.

Rev Heidi Heath, 10 Chestnut Street, said she is a survivor of Covid-19. She contracted it in March and her life was forever changed by Covid-19. She still has pain and a lack of endurance. Thousands of those who get Covid may never fully recover; the picture is not just death and recovery. She's in favor of a mask ordinance, as masks are the single most effective way to prevent the spread.

Meridith Murray of Oak Street said she is in favor of the mask ordinance and thankful that they are working towards public health, which will benefit the community.

Rev. Tara Olsen Allen of 14 Chesnut Street said she supports the ordinance. If employees in a kitchen are not required to wear masks, are there other safety measures restaurants would be required to put into place? Mr. Murray said State guidance does not require back-of-house employees to wear masks. There are no other Covid safety measures that he knows of. There's no evidence of foodborne transmission or a risk to customers.

Nancy Belanger of 1 Mill Street said she supports this ordinance. Whatever the numbers are, we as a community want to do what's best. It's not a political issue, it's about community.

Carl Wikstrom of 7 Charron Circle said that regarding the map of the ordinance area, streets like Pleasant Street have very little pedestrian traffic and they're usually able to have social distancing. He asked for confirmation that they must wear masks only if the area is so crowded that social distancing is not possible. Ms. Cowan said yes, that's always been the case. Mr. Wikstrom suggested this should be a resolution, not an ordinance. People are already doing this, they don't need fines to keep people safe.

Katherine Tapley of 26 Ashbrook Road said she supports the mask mandate. She wished they didn't need it or that there was no pandemic going on. She knows several people who have contracted Covid. If her immunocompromised husband gets this, he might not survive. Downtown is good, but in other places people are gathering without masks.

Robin Tyner of 9 Mill Stream Drive said this draft is a vast improvement. They don't have to be afraid of passing someone on the street. She said the Select Board meeting is not the forum to debate the science. It's not useful for non-scientists to debate the science. Education efforts need to align with authoritative sources. More testing is likely providing more positive results. There's no reason for citizens to approach or report other citizens. Information about the ordinance needs to be better disseminated.

Ami Faria of 16 High Street said she lives within the map of the ordinance and she thinks that's a good thing, since there's no way to socially distance from the public when she's on her front lawn. Science is evolving, and that's why they should err on the side of caution.

Lindsay Sonnett of 3 Hampton Road said she's in favor of the ordinance. She doesn't understand the opposition. If everyone is already wearing masks, it doesn't hurt to go a little further to protect everyone.

Hilary Justice of 38 Cross Road said her mother is very high risk and is scared just to leave her apartment and get the mail, so she's appreciative that this applies to common areas in residential buildings.

June Fabre of 10 Chestnut Street said she's in favor of the mask mandate. She lives in an apartment building and would like to see masks in common areas. Masks are the safest way to go. It's not forever.

Robin Tyner said her sons wanted to speak but didn't want to be labeled. They both spent the summer working for a moving company. This was a cardiovascular activity in the 90 degree heat. People said negative things to them for not wearing masks. Everyone should focus on themselves.

Kathleen Wikstrom of 7 Sharon Circle said the ordinance has been improved. Item 7, not having to wear masks as long as you can social distance, takes care of a lot of her concerns. However, she still questioned the point of the mandate. What behavior that is happening now will be stopped? It just shows that the Select Board doesn't trust the public. They shouldn't pass this ordinance.

Scott Bly of 1 Captain's Way said that in areas on the map where it may not be easy to social distance, what can the Board or Town Manager do to create additional space to allow proper social distancing? Is the parking in front of Stillwell's necessary?

Mr. Papakonstantis closed the public discussion.

Mr. Browne said regarding Heidi Heath contracting Covid, he'd be interested to know if she were tested in town and counted toward the town numbers, if she could share that privately/offline. Ms. Cowan asked him to be cautious about asking about private medical history. Ms. Heath said she will not share private information, but she believes the testing numbers they're receiving are low. Those who test negative may not have been able to get to testing in a reasonable time frame. She is one of a number of cases in the area with the same clinical profile; that number has gone up significantly since March.

Ms. Gilman said ordinance has progressed a long way. Aerosolization of the disease is still unclear. Regarding widening the sidewalks by blocking off parking spaces, if you give people more space more people will come. There will still be some people who don't wear masks. She wants to err on the side of protecting the community. They have the duty by RSA to protect it. This ordinance will help them bring cases down. It's their responsibility as a Board, since the Federal and State government have not provided the leadership. Mr. Browne asked if they could write in that higher level ordinances could preempt their ordinance, but Ms. Gilman said that's a given.

Mr. Papakonstantis said this is about public health and safety, and that's the Board's responsibility. They've done many things since March which are out of the norm. They're in the middle of a pandemic. All of this is temporary, not permanent, and will be revisited in 60 days.

Mr. Browne asked if this revision required another public hearing. Mr. Dean said the statute doesn't mention a public hearing at all, so no. Ms. Cowan said they could look at tonight as a public hearing. It was posted on Friday, and crafted with significant input from the public and Select Board.

MOTION: Ms. Cowan moved to adopt the emergency ordinance 2020-01 requiring the wearing of face coverings within certain conditions within the town of Exeter, per the amended version discussed 8/31/2020. Ms. Gilman seconded. In a roll call vote, Ms. Cowan, Ms. Oliff, Ms. Gilman, and Mr. Papakonstantis voted yes; Mr. Browne voted nay. The motion passed 4-1. Mr. Dean said this was adopted tonight, but the effective date is based on the requirements of the posting.

9. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to accept the Intent to Cut for 13/8. Mr. Browne seconded. By a roll call vote, all were in favor.

b. Permits & Approvals

i. Farmer's Market

Mr. Papakonstantis said at the last meeting they discussed pushing the Farmer's Market further back from the entrance to the Parkway.

Dorianne Barr, a non-resident, indicated she wished to speak. The Board had no objections.

Ms. Barr said the Farmer's Market is following all of the requirements. They would like to get closer to Water Street so that people who are elderly and disabled can more easily access the market. Mr. Murray said at the last meeting, the recommendation was to push the Market behind the crosswalk at Swasey Parkway to prevent a bottleneck in the front of the Parkway. He recommends keeping the suggestion and reviewing it further, and the Board agreed.

ii. Gilman Park Pavilion Painting

Melissa Roy of Parks and Rec said that the Gilman Park Pavilion has been completed, and the last step is to paint it. They put out a request for bids; five companies considered it, but only one put in a bid.

MOTION: Ms. Gilman moved to allow Parks and Rec to expend \$3,335 out of Rec Impact fees for Five Star Painting to paint the Gilman Park Pavilion. Mr. Browne seconded. By a roll call vote, all were in favor.

- iii. Ms. Roy presented the Parks and Rec Fall 2020 activities proposal. They're trying to provide programming for the community while being safe. There's an afterschool programming option. There's also a Fall scarecrow contest with Exeter Lumber. She and Mr. Tovey will serve as instructors to save money.

MOTION: Ms. Oliff moved to approve the Fall 2020 activities proposal as drafted by the Parks and Rec Department. Ms. Cowan seconded. By a roll call vote, all were in favor.

- iv. IT is looking to purchase \$2,963 of cubicle dividers for the EXTV office at Town Hall to promote social distancing. This would come from Cable Fund. Ms. Gilman asked if Mr. Dean is confident that this fits the purpose of the fund. Mr. Dean said yes.

MOTION: Ms. Gilman moved to allow IT to expend \$2,963 from the Cable Fund to purchase cubicle dividers for the EXTV office at Town Hall, Ms. Cowan seconded. By a roll call vote, all were in favor.

c. Town Manager's Report

- i. FY21 budget meetings have begun, and he's reviewing operating budgets.
- ii. He was on a call with Ms. Perry regarding EPA permit issues. They've been involved with all Great Bay communities on the new permit proposal. Rochester has proposed a different schematic. They're continuing talks tomorrow.
- iii. Election prep continues. They've been swamped with absentee ballot applications, which is a good thing.
- iv. The Planning Board moved the CIP public hearing back to September 10.

- v. They're working with BLM on a rally on Swasey Parkway September 5th at 2PM.
- vi. Limerick Steeple Jacks have begun work at the Town Hall.
- vii. The TAP grant is ready to move forward with sidewalk construction.
- viii. They got 1.5" of rain over the weekend, which helped the drought situation.
- ix. The State Aid Grant for the Wastewater Facility has not gone before the Governor and Executive Council but was held as discretionary spending in the state budget. The town was counting on those funds, which would provide an \$860,000 offset for the facility. They're hoping to get that money turned around.

d. Select Board Committee Reports

- i. Ms. Oliff said there was a Swasey Parkway Trustees meeting but she was unable to attend. She asked how much notice she was supposed to have prior to a meeting, as they only let her know 24 hours ahead of time. Mr. Papakonstantis said they would discuss it offline.
- ii. Mr. Browne had a Communications Committee meeting, and they asked for guidance from the Select Board. Ms. Cowan offered to help.
- iii. Ms. Cowan said she attended a Planning Board meeting, where they approved the Gateway project and started work on the Grizet project.
- iv. Ms. Gilman went on a sitewalk with the Natural Resources Planner Kristin Murphy to look at a field in conservation. It hasn't been mowed because it was too wet, which they confirmed.
- v. Mr. Papakonstantis has a Sustainability Advisory Committee meeting tomorrow.

e. Correspondence

- i. A Dept of Revenue Administration report on their appraisal review. The town complies with all requirements. Mr. Dean said this is the State's method of auditing the local property valuation process. The town passed.
- ii. Correspondence on the proposed mask ordinance.
- iii. A memo from the Health Trust Fund; the town is receiving \$131,366.96 back.
- iv. A note from Xfinity about reclassifying channels
- v. Information about the State Aid Grant, including the principal and interest and amount due on the project. They're looking at \$861,000 this year.

10. Review Board Calendar

- a. The Primaries are September 8th. The next meetings are September 14th and 28th.

11. Non-Public Session

MOTION: Ms. Oliff moved to enter into a non-public session to discuss personnel issues per RSA 91-A:3:II(a) and (c) . Ms. Gilman seconded. By a roll call vote, all were in favor.

12. Adjournment

The Board emerged from non public session. Selectman Browne moved to seal the minutes for thirty days as not doing so would render the action ineffective. Selectwoman Roundtree Oliff seconded. By a roll call vote, the motion was approved.

Selectwoman Roundtree Oliff moved to adjourn. Selectwoman Gilman seconded. By a roll call vote the Board adjourned at 11:25 pm.

Respectfully Submitted,
Joanna Bartell
Recording Secretary