

Select Board Meeting  
Monday January 4, 2021  
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 7:08 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.

Public notice of this meeting was posted on the town website and on the bulletin board of the town offices at 10 Front Street on December 31. 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

- a. There were no Board interviews at this meeting.

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: 12/21/2020

**Ms. Gilman moved to accept the minutes of December 21, 2020 as submitted. Ms. Oliff seconded. By a roll call vote, all were in favor.**

6. Appointments

- a. There were no appointments at this meeting.

7. Discussion/Action Items

- a. Darren Winham re: Economic Aid Updates (CARES Act)

    Darren Winham discussed the details of the new round of the CARES Act, which will provide \$325 billion to support businesses by awarding grants and reimbursing eligible expenses. He will be fielding questions from local businesses and funnelling them to the NHSBA. He's hoping there will be a third stimulus

package through the State. There are several pending business developments in town: an office company with 85 employees in their proposed Exeter location; Comfort Baking Company is opening at 75 Portsmouth Ave; and Primrose Schools plans to open a daycare at 80 Epping Road. The Ioka project is coming along. He's working with a developer in California on three different properties. There's a group exploring a mixed use development on Portsmouth Ave. He's meeting with a company seeking to locate at the former Jaguar dealership on Epping Road. Mr. Monahan's project on Epping Road is in litigation so he can't discuss it.

b. Deliberative Session

Attorney Walter Mitchell and Supervisor of the Checklist Vicky Nawoichyk were present to discuss the Deliberative Session and the alternative. Mr. Dean said he talked with Dr. Ryan, and heard that there's an SAU 16 meeting tomorrow night where they will deliberate on the Coop's plan. The schools are considering holding the Deliberative Session outside during the day, possibly on a Saturday. At the last meeting, the Select Board suggested using both the gymnasium and auditorium at the HS, but Attorney Mitchell said the town shouldn't use multiple venues; the RSA is silent on this, but given the importance of the warrant he would hate to put them at risk by being "too creative." Ms. Gilman said the alternative process has big disadvantages in that there's less public interaction and the budget is at risk of not passing.

Ms. Nawoichyk said they shouldn't use past town engagement as a marker of potential attendance, which is likely to be low. She added that the State Covid positive rate is at 11%, and given the age of Exeter voters she's concerned about the community if a traditional Deliberative Session were to go forward.

Ms. Gilman said that NHMA is considering on Wednesday whether to allow a postponement of the Deliberative Session, but they would have to change the rule to vote before it goes to a committee for a recommendation. Other than that, she doesn't see anything that will change between now and March. Attorney Mitchell said that within the statutes, the Town Moderator has the ability to delay Deliberative Session for 72 hours because of an emergency, which could be extended in 72 hour increments. Mr. Dean said that the proposed legislation would allow the Governing Body to postpone the official ballot voting day to the 2nd Tuesday in April, May, June, or July, and postpone Deliberative Session to a later date in 2021. Mr. Scofidi said they could move Deliberative Session to March and voting to April, which would give them some time to see what the State will do and think about how to make it easier. Ms. Nawoichyk said the Covid allowance for absentee voting was retracted after the November Election, so she would like to postpone until that is reconsidered. Ms. Gilman asked how delaying affects the other items in the calendar, and Mr. Dean and Attorney Mitchell said it doesn't impact the other deadlines, they would stick to the regular schedule other than that. Mr. Papakonstantis said they should hold a

brief Select Board meeting on Jan 11 for updates. Mr. Dean added that the longer they delay the Deliberative Session, the more people may be vaccinated.

c. Flood Plan Development

Dave Sharples, the Town Planner, discussed an amendment to the subdivision and site plan review regulations, which he has already worked on with the Planning Board. The Select Board needs to adopt a resolution on the updated FIRM (Flood Insurance Regulation Management) panels in order to remain eligible for participation in the national flood insurance program. No further action will be required at Town Meeting.

**MOTION: Ms. Gilman moved pursuant to RSA 674:57 by resolution of the Exeter Select Board all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Rockingham, NH” dated May 17, 2005 and January 29, 2021 together with the associated Flood Insurance Rate Maps dated May 17, 2005 and January 29, 2021, are declared to be part of the Town of Exeter Zoning Ordinances and are hereby incorporated by reference. Mr. Browne seconded. By a roll call vote, all were in favor.**

d. Solar Array Proposal at Cross Roads Landfill.

Mr. Sharples discussed the Solar Array project; Lew Hitzrot and Kristin Osterwood were also present. There were two responses to the town’s RFP, from Revision Energy and New England Solar Garden Inc. Both were qualified, but Revision Energy had a more flexible proposal: the town could lease the land to a developer for 25 years with potential extensions, or maintain direct ownership of the solar array. He’s intrigued by potential for leasing, which shows positive cash flow paying back the bond starting in the first year. This project would require a town vote either way. The Sustainability Committee is in favor of this project and recommends moving forward.

Ned Raynolds and James Hasselback of Revision Energy discussed each option and gave an estimate.

Mr. Papakonstantis asked if they ever exceed their construction estimates, and Mr. Hasselbeck said no, once there is an executed contract that’s the fixed price. Right now there are still some questions about this site, such as the utility interconnection cost, and some timing questions. They can work with a letter of intent while the town approval is pending. Ms. Oliff asked for further details about the company and what guarantees they would have with a contract; she also asked which model PEA had gone with. Mr. Hasselbeck said they have been in business for 18 years, and are financially strong with 0% failure-to-complete history. Phillips Exeter fully owns their solar project, which was part of their field house construction project. The more common approach with municipalities is a lease or power purchase agreement. Mr. Browne asked if there would be any surprises with putting an array on a landfill, and Mr. Hasselbeck said there can always be surprises in construction, but they benefit

from the post-closure landfill use and inspection reports, which their engineering team has reviewed.

Lew Hitzrot of the Energy Committee said he supports this project, since it allows for the production of renewable energy, which is a goal for the town. It will also produce revenue. The turnkey [lease] arrangement makes more financial sense, although there's some risk involved. Kristen Osterwood said it seems like a win-win for the town. Mr. Sharples said any energy from the solar array can be an offset towards the town's greenhouse emissions goals, but only if the town owns the array.

Mr. Dean said there would be a bond hearing and warrant article, likely a "no tax impact" warrant article. Ms. Cowan said they should have public input on the project prior to Deliberative Session. Mr. Browne said he would be in favor of the lease option. Ms. Gilman said she would support the turnkey [lease] model because of the profit margin, but she'd like to hear what the public thinks; perhaps the Communications Committee should put the different options out there. Ms. Oliff said she favors the lease side. Mr. Papakonstantis said it sounds like the consensus of the Board is to go with the lease option, but they should not schedule a bond hearing until the Sustainability Committee and the public weigh in. They will discuss it further at the next meeting.

e. TAP Grant Sidewalks Bid Award & Additional Funding

Mr. Sharples said they received funding from the Transportation Alternatives Program for sidewalks on Spring Street/Winter Street/Epping Road and to reconfigure the Brentwood/Epping Road intersection. The program requires a 20% match for the grant. The total cost of the project is now \$753,338.61, and requires a 20% match of \$150,667.72. The town authorized \$108,252 in the 2017 warrant article, so they need additional \$42,415 to move forward. He's requesting up to \$45,000 in the event that something comes up during construction. Northeast Earth Mechanics was the lowest bidder and is qualified. He recommends the money come out of the SB38 Highway Block Grant, which was provided to the town by a Senate bill, and has \$94,000 remaining.

**MOTION: Ms. Gilman moved to authorize the Town Manager to expend up to \$45,000 from the SP38 Highway Block Grant Aid account to provide the local match to complete the Epping Road Winter Street Spring Street TAP sidewalk project, Federal Project XA004611, NH project number 41372. Ms. Oliff seconded. By a roll call vote, all were in favor.**

**MOTION: Ms. Gilman moved to allow the Town Manager to execute a contract with Northeast Earth Mechanics Inc, not to exceed \$542,880, 80% of which will be paid by federal funding. Ms. Oliff seconded. By a roll call vote, all were in favor.**

f. FY21 Operating Budget and Bonds

Mr. Papakonstantis said that the Public Budget Hearing will be held on Tuesday, Jan 19. He asked if the Board members had comments or questions on the budget, but they did not. Mr. Papakonstantis said that due to the dire situation of the IT infrastructure, as evidenced by a recent crash, and the remote work associated with the pandemic, they should consider adding to IT resources, specifically an additional IT member. Mr. Glowacky has been working with Zoom meetings and Exeter TV, so Mr. Swanson needs additional help. Mr. Dean said he put this position at a Grade 11, which is reasonable given the market, with a salary of \$62,000-86,000. There's an 8 month budget impact of \$54,740 to the General Fund, and an additional \$9,123 to each of the Water and Sewer Funds, or 12.5% of the position to each fund.

Mr. Browne said they should look carefully at how they're spending. For example, putting the servers in the cloud where they can't crash might be a better use of funds. They should wait a year on this to evaluate the best use of money and attention. Mr. Papakonstantis said there was an idea of doing an IT audit. Early in the budget process, this IT position was included, but it was taken out because of Covid. This wasn't just one IT crisis, it's an ongoing issue. They don't have the staff to keep the town going. Ms. Gilman said it's more than just a hardware problem, there's a physical need for a second person in that department.

Mr. Dean presented a draft of the position. Remote work and technology has changed due to Covid, and the Department is having trouble keeping up. Many of those changes are likely to stay.

Andy Swanson, the IT Director, said the equipment is not old. It's replaced every five years. The crash was a software failure from the vendor. This isn't about the crash, it's about how many IT services they've added, which has at least tripled since he joined 15 years ago. In 2020, the PD went to an outside service for their IT support, but it wasn't enough of a lift off of the department. His ability to do new projects is essentially nil. Mr. Dean said they also use a contractor in IT, but it's not enough. There are security issues as well, they're fighting that daily. This position represents a 0.28% increase to the budget.

g. COVID 19 Updates

- i. James Murray said he contacted the Attorney General's office regarding the mask mandate, and heard that the Governor's mask mandate precedes the town's in all cases unless the town's is more strict. Accordingly, he adjusted the minimum age in the town ordinance to 5 years instead of 10.
- ii. Chief Wilking said that 9,900 NH residents have tested positive, and the numbers are still going up. There have been 2,300 cases in Rockingham County. 124 NH residents have died, 17 in Rockingham County. 101 additional Exeter residents have tested positive, for a cumulative total of 386. Exeter is still lower than other communities its size. A second Fire Department employee has tested positive, and will be out until January 11

at the earliest. In response to complaints from residents, the AG's Office has sent down orders to investigate mask compliance at local businesses. 24 of 27 Fire/EMS employees have been vaccinated with the Moderna Vaccine at the regional vaccination site at EHS. They will receive a second dose in 28 days, Jan 26 - 30. About 35,000 doses of the vaccine are on site. NH was promised 65,000 doses, and 49,000 have been delivered. They're currently in phase 1A, wherein the vaccine is given to healthcare workers, high risk persons, and first responders. Regarding the timing of the Deliberative Session, according to the estimated distribution timeline for the vaccine, the general population is not slated for vaccination until after April.

- iii. Mr. Dean said they had a positive Covid case at the Library, and it is closed this week as employees are tested. Library Director Hope Godino said they're getting reports from the rest of the staff that no one has symptoms but they are all getting tested. The library expects to re-open next Monday.
- iv. Mr. Bisson said that Parks and Rec has cancelled the basketball program. They're working on summer camp. They will be using a lottery system to accommodate a safe number according to DHHS guidelines.

#### 8. Regular Business

##### a. Tax Abatements, Veterans Credits and Exemptions

- i. There were no abatements or exemptions at this meeting.

##### b. Permits & Approvals

- i. Mr. Dean said that the Swasey Park Road Closure order expired 12/31/20. They received one communication from a resident who would like it reopened. Ms. Gilman asked if the Parkway is being plowed while it is closed. Jennifer Perry, the Public Works Director, said yes, in a major snow event they would plow.

**MOTION: Mr. Browne moved to extend the closure of Swasey Parkway through March 22nd, 2021. Ms. Oliff seconded. By a roll call vote, all were in favor.**

- ii. Jennifer Perry, the Public Works Director, spoke about the current water restrictions. There have been several major precipitation events, and surface waters have recovered and are slightly above normal for this time of year. Groundwater levels are still low to below average, since they do not recover as quickly. There's still a 10" deficit in rainfall in 2020. She recommends reducing the current outdoor water ban from a level 4 to a level 2, which allows outdoor watering but keeps to an alternate day schedule.

**MOTION: Ms. Gilman moved to reduce the level 4 restrictions, which ban outdoor watering, to level 2 restrictions, which allow landscape watering every other day and do not restrict other outdoor water uses. Ms. Oliff seconded. By a roll call vote, all were in favor.**

- c. Town Manager's Report
  - i. A few town employees have tested positive for Covid 19. So far they are on the mend, and all are being vigilant. A couple of employees are in quarantine due to direct exposures outside the workplace.
  - ii. The CDC eviction moratorium has been extended to the end of January. NH is getting \$200M in rental assistance, which residents can apply for. Ms. Oliff asked for an idea of how many people are on the verge of eviction. Mr. Dean said they have monthly counts of human services cases, but they don't have a broader concept of how many people might be facing eviction. Ms. Oliff said she's concerned about those who have never needed assistance before and don't know how to reach out, so she would like to see better communication on this issue.
  - iii. He's working on the 2020 Town Report. Committee reports are due Jan 15.
- d. Select Board Committee Reports
  - i. Mr. Browne had no report
  - ii. Ms. Gilman had no report.
  - iii. Ms. Oliff had no report
  - iv. Ms. Cowan had no report
  - v. Mr. Papakonstantis has a Sustainability meeting tomorrow.
- e. Correspondence
  - i. A letter from the Richie McFarland Children's Center regarding a donation.
  - ii. A letter from a resident commending Jay Perkins, who responded immediately to a request
  - iii. A transmittal of the 2019-2020 New Hampshire Coastal Flood Risk Summary

9. Review Board Calendar

- a. The next meeting is Monday January 11th. There is a budget hearing January 19th.

10. Non-Public Session

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

11. Adjournment

**MOTION: Ms. Gilman moved to adjourn. Mr. Browne seconded. By a roll call vote, all were in favor, and the meeting adjourned at 10:10 PM.**

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary