

Select Board Meeting
Monday January 11, 2021
7 PM
Remotely via Zoom
Draft 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 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. As provided in that public notice, the public may access the meeting online and via phone. The usual rules of conduct and decorum will apply.

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.

Mr. Papakonstantis read a statement:

We are approaching this new year with confidence and optimism, it's clear that not all our challenges remain in the past. Last week we were shaken by the disturbing scenes from the US Capital. What occurred in Washington DC crossed a line. In the United States, we embrace the diversity of backgrounds and perspectives that they hold, as well as the freedoms to express them peacefully. We condemn the violence that took place, and recognize that one of the greatest aspects of American democracy is the peaceful transition of power, one that is now underway and must be completely supported. Violence is never the answer. Let us not forget that similar dissent occurred at the state level last year in Michigan and also at the local level in 2017 in Charlottesville VA. This behavior cannot be legitimized, nor can it become the norm. Here in Exeter, as individuals and as a community, we have risen to overcome so much before, and there is no doubt we will do so again as we support each other, work together, and learn from one another. The amazing citizens of Exeter are what make this town so tremendously strong. American democracy, here in Exeter and around the country, will remain resilient.

Ms. Cowan said she agreed, and thanked the election staff. Elections are one of the most precious undertakings as a local government, and she's proud of the work they do here in Exeter. Elections are safe and secure. The amount of participation in the elections is something to be proud of.

2. Public Comment
 - a. There was no public comment at this meeting.
3. Proclamations/Recognitions
 - a. There were no proclamations or recognitions at this meeting.
4. Approval of Minutes
 - a. Regular Meeting: January 4th, 2021

MOTION: Ms. Oliff moved to approve the Exeter Select Board regular meeting minutes of January 4, 2021 as submitted. Ms. Gilman seconded. By a roll call vote, all were in favor.

5. Appointments
 - a. There were no appointments at this meeting.
6. Discussion/Action Items
 - a. 2021 Deliberative Session and Voting Discussion

Mr. Dean said the current law says the Select Board has the week of Jan 30 - Feb 6 to hold Deliberative Session. The SB2 Bill that allows them to delay the session passed the Senate unanimously, but the House did not suspend their rules to vote more expeditiously, so it must wait until a hearing on it later in the month. This puts it up against the normal Deliberative Session date. Ms. Gilman said the next legislative meeting may happen January 27th or February 3rd, but she doesn't know if there will be movement on this bill.

Attorney Kate Miller spoke about the SAU plans. The six towns that comprise the Cooperative School District coordinate their balloting with the town's balloting. They need to keep an eye on the balloting date, which is scheduled for March 9th this year. There's a tight window between Deliberative Session and balloting. The other towns are doing no delay or are trending that way, which limits the options for the town to do a postponement. Mr. Scafidi said Jan 30 would be the day for the normal SAU Deliberative Session, Feb 6 for the town Deliberative Session, and March 9 for voting.

Mr. Scafidi discussed the seating capacity of the High School auditorium, which is 1,000 and should be more than adequate to do social distancing. Most Deliberative Sessions have around 200 attendees. His inclination is not to allow people without masks, but they potentially could put them in a separate room. Vicki Nawoichyk said the State Mandate was extended, so everyone has to be masked. Mr. Scafidi said in November, everyone had to be allowed to vote, mask or not. Ms. Nawoichyk asked what message they would be sending if they allow people to not wear masks. Mr. Scafidi said people must be allowed to participate.

Ms. Oliff said Parks and Rec had a movie night broadcast over the summer, so perhaps they could use that technology to broadcast the meeting. Ms. Miller said she talked to the town of Tilton about a similar outdoor option, but the logistics are challenging. Their meeting was in May and it snowed, with winds of 30 mph. Ms. Oliff said she was thinking of the Select Board meeting in the auditorium and that being broadcast to people in their cars. Even having people without masks in separate rooms is a problem. Attorney Mitchell said that at Deliberative Session, attendees could be voting on a dozen different motions, so he doesn't see how that work with people in their

cars. Ms. Gilman said there would be no interactivity unless they set up a remote voting system as at the State House, and that system was found to be not entirely accurate. At the State level, they had people without masks in a separate space before, and several members tested positive and some died. The Supervisors of the Checklist have to interact with everyone who comes in. A hybrid version, where the Select Board is in person and the public is just commenting in between sessions, interferes with the interactivity. Ms. Oliff said previous Deliberative Sessions had an older population, who aren't going to want to come out in person. James Murray said he reached out to the Attorney General's office about the mask consideration, but the question went up the chain and they haven't gotten back to him. The State mask mandate applies to all indoor gatherings. Ms. Gilman said it's not enforceable.

Ms. Cowan asked why they don't have the authority to move the election. The House hasn't taken up that bill, but what is preventing them from saying it's too dangerous and they will disenfranchise too many people either way? Attorney Mitchell said it's not a question of whether the Town Moderator has the authority to extend the voting, it's how do you do that when, perhaps by tradition and possibly legally, the town and school voting have always taken place on the same day. Attorney Miller said per Statute 669:1, all of the Coop towns must reach a consensus on the postponement. If consensus is not possible, the majority controls the decision. Ms. Cowan asked what the other five towns are thinking. Attorney Miller said all either have decided or are trending to not postpone. Attorney Mitchell said that's what ties the towns together, but what is tying the voting for the Coop with the voting for the town? Attorney Miller said there are precedents of delaying. One year when there was a snow day, they held the election on a different day and held back the results. Ms. Gilman said Exeter is a larger district, would lobbying the towns have an influence? Attorney Miller said she thinks it will be almost impossible to sway them. Mr. Scafidi said he hasn't started reaching out to other Town Moderators. Exeter's population is 4 - 5 times larger than the other towns. He'd love to postpone voting until May, but unless the State says they can, they have to make something work. He can do a 72 hour postponement up until the night before.

Mr. Papakonstantis opened the discussion to the public.

Heidi Carrington Heath of 10 Chestnut Street said she's concerned about the ventilation in the High School auditorium. She would like to see them pursue options that allow people to be outside. She values the back and forth interactivity of Deliberative Session, but it's not worth someone's life.

Mr. Papakonstantis said they'd also have to think of how to sanitize the microphones for the public. Mr. Dean said they'd be following up with Rusty Lyster of the schools on safety protocol. He knows there are microphone sleeves available. Ms. Nawoichyk said they must think about how people enter, take a seat, and exit the building. They'll need extra volunteers to manage this process.

Ms. Gilman said she doesn't know what the outdoor broadcast Deliberative Session as at the State level would cost. They had people driving on golf carts between cars with microphones on booms to capture peoples' comments. Perhaps they could put it down for CARES or HEROES Act money.

Ms. Oliff said she is concerned about a number of the issues that have been raised, and they don't have time to figure it out. They should be figuring out tactical things, not their hopes and dreams. Mr. Browne asked if they could do a March 9 date but then postpone it. Mr. Scafidi said only for 72 hours.

Bob Glowacky said there are various types of microphones; they could use "shotgun mikes" that are placed 6 to 12 feet away from the person speaking. The drive-in sound option could work in your car or out of your car. Doing the session indoors but in separate rooms may be possible, but he's not sure they'd be able to set up everything in time given the school's schedule. There are cleaning wipes they could use on the microphones between speakers, and microphone sleeves that could be changed. Any in-person filming they've done has been outdoors with a shotgun mike from 6 or 8 feet away.

Ms. Cowan said she'd like to bring back the potential for doing this over Zoom. Attorney Mitchell said the Legislature has given them their alternative, 1129, which doesn't make anyone happy, and seems to preclude other virtual approaches. He asked how they could verify that someone at the other end of the Zoom call is a registered voter. If they're not a registered voter, they're not supposed to be voting or making amendments. Ms. Cowan said she is furious with the Legislature and can't wrap her head around doing this safely. Ms. Gilman said the process of the Supervisors of the Checklist in a virtual meeting has not been addressed at the State level. They have a little time to do research and evaluate the costs of doing it outdoors. Ms. Oliff asked if they could take over multiple classrooms for better social distancing. She would like to see more of a factual presentation on their options.

Mr. Dean said a lot of communities are making this decision, they're not alone in this. It is complicated. A town of 1,000 with very limited attendance at Deliberative Session may be fine in a large gym, but Exeter is one of the largest SB2 towns. No real direction has been given by the State. Mr. Papakonstantis asked if they all have to be in the same room. Attorney Mitchell said it's not explicitly discussed, but the conservative point of view is that he'd rather not take the risk. However, they will need to push the envelope somewhere to make this work.

Mr. Browne said the Select Board is the public health body of the town, and they can't guarantee public health and safety at an in-person meeting. They can't assume there won't be a political statement that a group of people would try to make on top of the Covid concerns. Ms. Nawoichyk raised some concerns about movement if they do it with different rooms. Ms. Oliff said if they have different rooms, they could minimize the touchpoints through technology, like Zoom with a town volunteer serving as a monitor in the room. Mr. Glowacky said Stratham last year held their Town Meeting both indoors and outdoors in tents. Exeter would probably have to hire some people to do that, especially since it's not their building. Mr. Scafidi said the HS must have a PA system that goes into every room. Mr. Glowacky said he doesn't think it should be done in the classrooms. Mr. Scafidi said the auditorium, gym, and cafeteria are close together and could all be used.

Ms. Cowan said her preference is a Zoom meeting with registered voters coming in person to check in and get the meeting link. Otherwise she could see using the

cafeteria, gym, and auditorium, plus an area for people outside. The Supervisors of the Checklist should be outside in an area that can be covered in case of weather.

Mr. Scafidi said he just got off the phone with Rusty Lyster, the SAU Director of Facilities, and the ventilation system in the building is new and state of the art.

Attorney Miller said they're trying not to have a legal challenge that will invalidate the whole process. In the virtual option, voters are not able to participate in amending or discussing, but it's what the Legislature has offered. Doing it another way with Zoom is much more risky. It's likely the Coop School Board will do an in-person session, so they should work together to figure out the logistics. Mr. Scafidi said Mr. Lyster told him they've set up a system where the auditorium can feed into the gymnasium. To communicate, you'd have to go to the auditorium. Ms. Oliff asked if Mr. Lyster could call into the meeting to discuss further. She asked for a real plan and a sense of the costs. Mr. Papakonstantis said he also wants to hear whether the costs would be reimbursable. Mr. Scafidi said Mr. Lyster is not available for another 15 minutes. Mr. Papakonstantis moved to the FY21 budget discussion and this subject was taken back up following other agenda items.

Rusty Lyster joined the meeting to discuss the SAU facilities. Ms. Oliff asked what using the gym, auditorium, and cafeteria would look like. Mr. Lyster said they haven't run the full gamut of tests, but they did take a wireless microphone into the gym without any dropouts. There were some questions on the school side about whether they were allowed to do separate rooms, but that may not affect the town. Ms. Oliff asked about the microphones. Mr. Lyster said in the Morrissette Room, there are 12 - 14 channels with individual microphones. Mr. Glowacky said the limited place would be the gym. The Auditorium has over 10 channels. They're similar to the town's microphones, but on different frequencies. Mr. Lyster said they recently upgraded the air filtering and added ionization units inside the ductwork. The air exchange rate is very good. Ms. Cowan asked if they could incorporate an outdoor space. Mr. Lyster said that to accommodate the vaccination, they set up an extended wifi area in the Sophomore Lot, which might be helpful. Mr. Glowacky said the meeting could be streamed to this area, but it would be delayed.

Mr. Papakonstantis said they'll discuss this again next Tuesday.

b. Landfill Solar Array Discussion

Mr. Papakonstantis said they've brought the solar array proposal up again to get input from the Sustainability Advisory Committee and Energy Committee. Ned Reynolds of Revision Energy was also present to answer questions.

Chetana Parmar, the Chair of the Sustainability Advisory Committee, read a statement to the effect that the SAC is in favor of the project. The town committed to the Paris Agreement in 2017 and this project will help them offset the carbon emissions to meet the target of a 30% reduction by 2030.

Renay Allen of the Energy Committee said they strongly endorse the solar array plan, which meets the town's goals of clean energy and gaining income.

Lew Hitzrot of the Energy Committee discussed the financials of the project.

Mr. Papakonstantis said Mr. Sharples put out a press release last week, and notified all abutters of this meeting. He opened the discussion to public comment.

Lindsay Sonnett of 1 Salem Street, a member of the Communications Committee, suggested that this group could craft some educational language for residents. They have a meeting tomorrow morning.

Dan Jones of 181 Kingston Road, an abutter to the west side of the area, said the proposal looks great and he is in favor. His initial concern was whether any part of the project would penetrate the cap on the dump. Mr. Sharples said there would be no underground wiring or penetration of the cap. Ned Reynolds of Revision Energy said they have experience building these arrays on closed landfills in accordance with the landfill regulations from NH DES. There's not allowed to be any disturbance to the closed landfill.

Sheila Mullen of 4 Cross Road said she is in favor of having solar panels put in. What is the lifetime of a solar panel? Mr. Reynolds said 40 years or more. The inverters, which convert the electricity from DC to AC, have to be replaced at 20 years, which is included in the projections.

Warren Biggins, a non-resident and the Sustainability Manager at PEA, indicated that he wished to speak, which the Board allowed. Mr. Biggins said the direct ownership model is the way to go. PEA has had a solar array that was installed by Revision on the Thompson Field House for 3 years, and their experience has been very positive. Revision is responsive to any equipment issues. The annual kilowatt hours they predicted has proven to be very accurate. Regarding the town's greenhouse gas emission reductions targets, the direct ownership model calls for the town to sell the renewable energy certificates [RECs] that are generated by the solar array, which makes this a more financially attractive model; however, if they sell the RECs, they can't claim the associated greenhouse gas emissions reductions. Mr. Sharples said they would likely sell the RECs until 2030 to pay off the bond, and the RECs would count towards the emissions goals after that.

Terri Kolb and Travis Sawyer of 10 Cross Road said they had questions about the visuals of this project. Mr. Reynolds said these would be ground-mounted ballasted solar arrays. The bottom edge of the panels is 4 - 5 feet off the ground, and they're mounted at a 40 degree angle, with the top edge 9 - 10 feet above the ground. There would be no change to the gradient of the landfill. If an investor owns it, they will probably want it to be surrounded by a fence, but if the town owns it they can choose. Mr. Sawyer asked if any of the current berms will be raised to hide this from the neighborhood. He's also concerned about light pollution at night. Mr. Reynolds said there's no need for lighting. Berming would be up to the town. If looking at a solar array is considered an eyesore, the town could consider mitigating it. Mr. Sawyer asked about the "three-phase power" generated. If it comes down Cross Road, what kind of construction will that entail? Could the current telephone poles be used? If residents of Cross Road would like to have three-phase power, would that be available? Mr. Reynolds said there are two possible routes, which would be evaluated both for practicality and cost. One is across town property to Kingston Road, and the other is up Cross Road. Three-phase power is common throughout town. He's not sure if putting it

on Cross Road would require new poles or if they could accommodate existing poles. Burying it underground is much more expensive, so it's unlikely. Three-phase power is probably not needed by residents but businesses could potentially use it.

Ms. Mullen asked whether "higher tension" wires would be coming down Cross Road. Mr. Sharples said there are two options. The solar panels have to tie into three-phase power, which already comes down Cross Road for the distance of a few telephone poles. They haven't figured out which route to choose. Mr. Reynolds clarified that these are not "high tension" wires with large poles, just the same kind of utility poles and electrical service as on Kingston Road.

Mr. Jones asked about the timeframe for the decision. Mr. Papakonstantis said either option would require a warrant article. Mr. Jones asked if the lease options include any payment in lieu of taxes [PILOT] to the town. Mr. Sharples said yes, the lease does include a PILOT.

Mr. Reynolds cautioned that if they pursue the lease option, the investor owns the RECs and will sell them, so they will not count towards the emissions goals.

Mr. Papakonstantis closed the public session and began Board deliberations.

Ms. Gilman said that with the ownership model, the town would be paying a maintenance fee, and doesn't have to have specialized personnel. She asked when the bond would be taken out. Mr. Dean said if the warrant article is approved, it would go to the bond bank in July 2021.

Mr. Dean said he will write up a draft article for both approaches for next week's hearing.

c. FY21 Budget, Bonds and Warrant Articles

Mr. Dean said that in the draft budget which includes the IT position, there's a 1.46% General Fund increase, a 14.1% Water Fund increase, and an 8.73% Sewer Fund decrease. He reviewed the BRC minutes, and that committee did recommend a warrant article for a \$50,000 appropriation to the Conservation Fund, so they will be including that on the warrant. The Police and the town reached a contract today; tomorrow is the deadline, so he needs a brief meeting with the Select Board to go over that, at 7 PM on 1/12/21. Mr. Papakonstantis noted that it's customary to have that meeting in these cases.

Mr. Dean and Ms. Chester discussed the details of the new IT position's funding.

MOTION: Ms. Gilman moved to add to line item 291463 of the General Fund the amount of \$36,602; to line item 409340 of the Water Fund, \$8,525; and to line item 463039 of the Sewer Fund, \$8,525; for the sole purpose of funding an additional IT position. Mr. Browne seconded. By a roll call vote, all were in favor.

Mr. Papakonstantis asked if the Board members had any other questions or revisions to the budget, but they did not.

Mr. Papakonstantis said pursuant to RSA 33:8, he's giving notice of a public hearing for the 2021 bonds and 2021 operating budget, held via Zoom on Tuesday January 19th at 7 PM.

d. COVID 19 Updates

- i. Mr. Dean said they're in the midst of updating the town website with more Covid-19 information.
- ii. Chief Wilking said it's only been a week since last meeting, and they're seeing the same trends. 38 new Exeter residents have tested positive. The second Exeter Fire Department employee that tested positive has returned to work today. On the Covid guidance side, due to the vaccine being available to health care and first responders, the State has changed the necessity to quarantine. From 14 days after the 2nd dose of the vaccine, they no longer have to quarantine after exposure. 25 of 28 Fire Fighters have received the first dose. The State continues to push phase 1 and 2, and are wrapping up 1A this week and next, hoping to get to the vast majority of health care workers and first responders. Vaccination at the HS is going smoothly.
- iii. Mr. Murray said the phase 1B vaccinations, for those over the age of 75, are expected to start at the end of the month. Individuals will need to go through PCPs to set that up. 25% of the vaccines are allocated to the state, and 75% to private companies such as CVS. They're hoping for more guidance from the Governor this week.
- iv. Mr. Bisson said they're working on something drive-through as an alternative to the cancelled Sweethearts Dance. They're also working on some hiking programs with the Conservation Commission and alternatives to the cancelled Easter Egg Hunt.
- v. DPW Director Jennifer Perry said the Commissioner of DOT has been working with Homeland Security and DHHS to track Public Works employees for any outage due to Covid. They've gotten access to log into the web VOC so that the State can get a sense of how many people are being affected. Public Works employees are legally recognized as first responders.
- vi. Library Director Hope Godino said the library reopened today. They found out it's possible that the Covid-positive employee was actually a false positive, but decided to follow through with the closure. The library was very busy today, and renovation is ongoing. They hope to have the children's room almost finished by the end of this month. There's a lot going on for teens and tweens on Instagram.

7. Regular Business

- a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve a land use change tax for 103/4 in the amount of \$31,500. Ms. Oliff seconded. By a roll call vote, all were in favor.

MOTION: Ms. Gilman moved to approve an abatement for 70/98 in the amount of \$803.27. Ms. Cowan seconded. By a roll call vote, all were in favor.

- b. Permits & Approvals
 - i. There were no permits or approvals at this meeting.
- c. Town Manager's Report
 - i. Mr. Dean had no further report.
- d. Select Board Committee Reports
 - i. Ms. Oliff said she had a Housing Committee meeting but will give an update next week after she reviews her notes.
 - ii. Mr. Browne said the Communications Committee and EPSC meets this week.
 - iii. Ms. Gilman said the Energy Committee had a special meeting where they discussed the solar array. There will be a regular meeting next week. HDC is meeting this week.
 - iv. Ms. Cowan no report. EPSC tomorrow. Has a conflict starting at 4 PM. Planning Board this week.
 - v. Mr. Papakonstantis said he had a Sustainability Committee meeting last Tuesday, where they discussed the solar array.
- e. Correspondence
 - i. A memo from Scott Marsh regarding the DRA sales ratio survey. Mr. Dean said this is regulatory; they must file a report with the DRA, which they have done.
- 8. Review Board Calendar
 - a. The next meeting is January 12th at 7 PM, and should be brief. The budget hearing is Tuesday 19th at 7 PM. Whether they have a meeting on January 25th will depend on where they stand with the Deliberative Session. Feb 1 is the next regular Board meeting.
- 9. Non-Public Session
 - a. There was no non-public session at this meeting.
- 10. Adjournment

MOTION: Ms. Cowan moved to adjourn. Ms. Gilman seconded. By a roll call vote, all were in favor, and the meeting adjourned at 10:18 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary