

Select Board Meeting
Monday November 15, 2021
7 PM
Nowak Room, Town Offices
Final Minutes

1. Call Meeting to Order

Members present: Julie Gilman, Molly Cowan, Lovey Roundtree Oliff, Daryl Browne, Niko Papakonstantis, and Town Manager Russ Dean were present at this meeting.

Also present were the Swasey Parkway Trustees Dwayne Staples and Darius Thompson.

The meeting was called to order by Mr. Papakonstantis at 7 PM.

2. Public Comment

Darius Thompson of 15 Drinkwater Road said that we put additional money into the sidewalk fund for Drinkwater Road a few years ago, but no work has been done. There are an increased number of families in that neighborhood. Can the Select Board recommend to Public Works that the sidewalk be extended to Prentiss Way? Also, regarding the 7 year contract for the Town Manager, he would like to see the position return to an employee-at-will status when the current contract expires in 2 years.

Mr. Papakonstantis said DPW Director Jennifer Perry is scheduled to come to the next meeting, and we can discuss the sidewalk plan in general at that time. Regarding the Town Manager contract, the Select Board voted 3-2 to award the town manager the 7 year contract. Mr. Thompson said this was done as a multi-year contract so that Mr. Dean's kids could go to school here. Mr. Dean is doing a great job, but he should be an employee-at-will. Mr. Papakonstantis said it's a guarantee in years, but there are provisions on both sides to end the contract. It's common for a municipality to give a contract that spans a number of years, typically 3 - 5. Many Town Managers are retiring, and it would be hard to find a good Town Manager. To revert back to a rolling one-year deal would not be in Exeter's best interest. Mr. Thompson said it's very difficult to end this contract. You would have to have a supermajority of voters or other provisions. Any subsequent position of this level should not have a multiyear contract without the approval of the town.

Mr. Dean said the DPW has a sidewalk program, and we have \$180,000 in a Capital Reserve Fund for sidewalk improvements. That would be something Ms. Perry could speak to. Public Works was thinking of Linden Street as the main focus because there was some potential Federal funding, but we're no longer sure that will go forward.

3. Proclamations/Recognitions

- a. Ms. Gilman read the proclamation to shop small:

*Whereas, the municipality of the Town of Exeter celebrates our local small businesses and the contributions they make to our local economy and community;
and*

Whereas, according to the United State Small Business Administration, there are 31.7 million small businesses in the United States, they represent 99.7% of firms with paid employees, and they are responsible for 65.1% of net new jobs created from 2000 to 2019; and

Whereas, small businesses employ 47.1% of the employees in the private sector in the United States, 88% of U.S. consumers feel a personal commitment to support small businesses in the wake of the pandemic, and 92% of small business owners have pivoted the way they do business to stay open during the pandemic; and

Whereas, 97% of Small Business Saturday shoppers recognize the impact they can make by shopping small, 85% of them also encouraged friends and family to do so, too; and

Whereas, 56% of shoppers reported they shopped online with a small business on Small Business Saturday in 2020; and more than 50% of consumers who reported shopping small endorsed a local business on social media or shopped at a local business because of a social media recommendation; and

Whereas, The Town of Exeter supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the Country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now Therefore, We, the Select Board of the Town of Exeter, New Hampshire, recognize November 27, 2021 as Small Business Saturday and encourage residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year. Dated this 15th day of November, 2021.

4. Approval of Minutes

a. Regular Meeting: November 1, 2021

MOTION: Mr. Browne moved to approve the Exeter Select Board regular meeting minutes of Nov 1, 2021 as presented. Ms. Oliff seconded. All were in favor.

5. Appointments

a. There were no appointments at this meeting.

6. Discussion/Action Items

a. Tree Ordinance Third Reading

MOTION: Ms. Gilman moved to open the public hearing. Mr. Browne seconded. All were in favor.

Eileen Flockhart of the Tree Committee said there were two small changes: “warden” was changed to “tree warden,” and the funding piece was eliminated, as it didn’t belong in an ordinance.

MOTION: Ms. Gilman moved to close the public hearing. Mr. Browne seconded. All were in favor.

Ms. Cowan said “Board of Selectmen” should be changed to “Select Board.” Ms. Gilman thanked the committee for all the work they put into the ordinance. Mr. Dean said this will be Chapter 23 of the Town Ordinances, and will stand alone.

MOTION (not voted): Ms. Gilman moved to accept the Exeter Tree Ordinance, with the correction of “Select Board” for “Board of Selectmen.” Ms. Cowan seconded.

MOTION: Ms. Gilman amended her motion to refer to Chapter 23. Ms. Cowan seconded the amended motion. All were in favor.

b. Swasey Parkway Discussion

Dwayne Staples opened the meeting of the Swasey Parkway Trustees at 7:18 PM. Trustee Dave Short was not present but there was a quorum.

Mr. Papakonstantis said the Select Board did not have the legal authority to keep the Parkway closed, but opened it one-way only to limit safety concerns. We have received a lot of correspondence both for and against keeping the roadway closed.

Mr. Staples said his feeling is that the Parkway is now being used a little more by our senior residents. The one-way seems to have alleviated a lot of the speeding concerns. People are still walking, biking, and skateboarding in the road. It was a good compromise to have it open one-way.

Mr. Staples asked, if we close the road, how does that affect the LWCF status the Parkway is under? Assistant Town Manager Melissa Roy said LWCF is the Land Water Conservation Fund, a federal program to purchase and develop parkland, and the property must stay as parkland in perpetuity. In 1992, the Town of Exeter submitted for LWCF funding for Brickyard Park; as part of that project, we were going to put a kiosk into Swasey Park, which put the Parkway into LWCF discretion. The project cost was \$56,000, and the LWCF funding was \$28,000. The LWCF would not have an opinion on whether the roadway would be open or closed, but Swasey Parkway must stay a park in perpetuity. Mr. Staples said the Sewer Dept said the road would need to be closed for some time for the siphons project, and Mr. Bisson said we would need to tell the State as part of the LWCF. Why is that the case? Ms. Roy said because a section of the Park would be fenced off. We have to notify LWCF any time a part of the park is shut down from access. It wouldn’t be in violation because the other part of the park would be accessible. Mr. Staples asked if the Parkway can come out of LWCF discretion, and Ms.

Roy said yes, if we petition the State and provide a piece of property of equal value (not necessarily monetary, but the value of the park itself).

Mr. Thompson said there's no kiosk on Swasey Parkway. Where's the funding for the kiosk? There should be money set aside somewhere. Ms. Roy said she doesn't have that information and would have to look into it.

Florence Ruffner said when she was a Park Trustee, this topic came up, and she heard that the project ran out of funds. The money was actually used for Brickyard Field.

Mr. Thompson said if the funds were used for other locations, is Swasey Park still under LWCF? Ms. Roy said we're going to look into it with the State.

Mr. Staples asked if the Trustees could put in an information kiosk for \$2,500. Mr. Dean said the Select Board is overseeing the Trust, and it could be done. Mr. Papakonstantis said the Trustees can make that recommendation.

Mr. Dean said there are three buckets of money for Swasey, one with the Trustees, one with the Trustees of Trust Funds, and interest gained from the Trust itself managed by the Select Board.

Ms. Roy said if we want to apply for further LWCF funding, Mr. Bisson has wonderful contacts at the State.

Mr. Papakonstantis said to close the road, it would have to go to Town Meeting and then to the State. Mr. Dean said we would have to get approval from the Division of Charitable Trusts and the Probate Court.

Sally Ward of 72 Park Street said she was originally in favor of closing the road, but there's been some talk about the pros and cons. Having one-way traffic is part of the solution. Could we make it so that there was no through traffic? Those who need to drive to enjoy the Parkway could park at one end. That wouldn't be closing the Parkway totally to traffic.

Susan Drinker said if we open only one end, how do we pay for that? Mr. Papakonstantis said that would have to be part of the warrant article. Mr. Dean said got a quote a few years ago for closing one end with a turnaround at \$26,000. Presumably the cost has increased since then.

Bruce Jones said he is in favor of shutting the Parkway down. Kids are riding their bikes in the road. It would make a safer place for people to walk.

Jackie Bonci of 8 Lincoln Street is in favor of closing the Parkway. When it was closed, we were able to make more use of the space. With the road open to one-way traffic, it's more like a freeway.

Anne Surman of 14 Cullen Way said the one-way policy is a good compromise. The Trust was set up to have a road going through it for pleasure vehicles. She's concerned about not allowing what Ambrose Swasey put money towards. Can we decide that we don't want to do something specified in a Trust anymore?

Bruce Jones asked how we will prevent speeding there.

Mr. Dean said the Select Board can terminate the Trust after 50 years of its existence. That's in the original Trust documents.

Laurie Newman of 35 Blackford Drive said she appreciated having it closed during Covid. It was used by a more diverse population of the town. She would support a way for people who need to drive there being able to access.

Florence Ruffner of 5 Pine Street said she doesn't think that one-way traffic is compatible with pedestrian traffic. It's a safety concern. If you need the road for vehicular traffic, you could close off one end for people who are handicapped to park.

Ms. Oliff asked Mr. Dean about eliminating the Trust. Mr. Dean said it says in the Trust Document that the Select Board are the overseers of the trust and may terminate it after 50 years of existence, or 1979. Ever since that time, the Board has had the ability to eliminate the Trust. The money would come back to the Town from Key Bank where it's managed today. We would probably have to put something on file with Charitable Trust that we plan to terminate.

Ms. Cowan said she's been in favor of closing the Parkway to traffic for years, although she is sympathetic to those who can't use the Parkway without driving. There are a lot of vehicles that speed through there. We don't need that road as an access point. We have to adapt and change what was in the Trust. She's in favor of making the Parkway accessible to different uses, which would be to close the Parkway to through traffic.

Ms. Gilman said she would like to see vehicular access but not necessarily for cars to drive through. She would like to see people enter and be able to turn around, which she understands would cost money. It could still be open to pleasure vehicles, but in a defined area.

Mr. Browne said honoring the Trust may be a liability for the taxpayers if there were a lawsuit. The Parkway being open to cars at all is begging to lose money.

Mr. Staples said during the sewer project, there was a design for a turn around or parking space. Ms. Gilman said it was too expensive and there was never a good design for it. It wasn't voted on either way by the Board.

Mr. Staples asked how they would determine which end to close, and Mr. Papakonstantis said the DPW would likely come up with a few options. Mr. Staples asked that the Trustees be involved. The Trustees have a lot of history down there and have valuable insight into how it should be managed. Ms. Gilman said we're not looking at dissolving the Swasey Parkway Trustees, but the Trustees of the funds.

Florence Ruffner said at the Newfields Road end, there's a lot of open green space on that end that could be used as a turn-around. Mr. Staples said when we talked about planting trees, he was told that nothing could go on the pipeline, which goes right through there. Regarding the kiosk, it would be nice to know where they're planning on putting it and what the design would be.

Adele Robertson of 106 Front Street, who was attending remotely on Zoom, said she would like to see it utilized as a through-way for pedestrians. She would like to see people able to park on the left side of the street. Perhaps the access could be managed with paint.

Mr. Papakonstantis said he would like the DPW to come up with a couple different options and costs for parking and a turn around in Swasey Parkway. Regarding the Trust, as time moves on, it's open to building upon it. Dissolving the Trust doesn't seem like the right thing to do. He would like the voters to decide the next steps. We need to take into consideration how Public Works will plow it and how Public Safety will access it. He would like to see Mr. Dean write a draft warrant article.

Mr. Staples moved that the Board of Trustees adjourn their meeting. Mr. Thompson seconded. The motion passed 2-0 and their meeting adjourned at 8:17 PM.

c. COVID update

Chief Wilking said Covid seems to be getting worse, both in the nation and in NH. The State is very concerned about our children. As of Friday, 667 of the 1,077 cases were children under the age of 18. However, Exeter's numbers are very stable.

Mr. Murray said there is a vaccine clinic this Saturday for 5 - 11 year olds at the SAU. We have 800 doses right now, and are hoping that will get us through the two-dose series, but we might get as many as 520 students. We can order more for a second dose if necessary. We're ordering Moderna and Pfizer boosters for town staff, which we could have as early as this Friday. He has a meeting tomorrow with Exeter Housing authority for a booster clinic.

Ms. Roy said we have 7 town employees who are Covid positive, 4 of which are breakthrough cases and 3 unvaccinated. Each of these employees will have to quarantine for 10 days. The town's Covid leave policy, which gave an employee 80 hours of leave time, has expired. We propose offering Covid leave options to those employees that have tested positive. We're trying to incentivize employees to get tested.

Mr. Dean said he would propose making it retroactive to October 1st.

Mr. Papakonstantis asked if we've worked out the additional costs to providing this additional paid time vs the costs of not providing it. Ms. Roy said if several people in a single Department go down, it could be very serious. The first option we'd provide would be to work remotely if possible, but not all positions can be remote. It's easier for us to cover one or two employees rather than five or six. Mr. Papakonstantis said by not offering this, we're not only putting employees at risk, we're putting the public at risk. Ms. Roy said childcare isn't in the proposal; if the leave were for a sick child, the employee would have to use their time. We want to support employees but this is a compromise.

Ms. Gilman asked if the unions have been part of this conversation. Ms. Roy said not yet, but currently there are no leave options, so they're unlikely to turn down the option. She can reach out to the Union Presidents to see if there is an issue.

Mr. Browne asked if there's a confidentiality aspect to this leave. Ms. Roy said HR and the Town Manager's office and the Health Officer are notified of an employee's Covid status. The rest is on a need-to-know basis.

Ms. Roy said we came up with five safety measure proposals. 1) We could require employees to wear masks at work when they're unable to socially distance. 2) We could require masks for all employees for 14 days, to see if there is more spread, then reevaluate. 3) We could require only unvaccinated employees to wear a mask. She added that all proposals would go to Town Counsel for review. 4) We could require employees and Committee members to mask. 5) We could continue the status quo of masks being optional and monitor the situation. We haven't had this many employees test positive through the whole pandemic, so maybe it is an anomaly.

Ms. Cowan said she's in favor of masking and vaccinations. Ms. Gilman said it's time to mask up again.

Mr. Browne said vaccination should be removed from the considerations, since a number of the positive cases were already vaccinated.

Ms. Roy said the Fire Station is under a different set of rules. Because they are on a 24-hour shift, any unvaccinated firefighter that would become Covid positive, wearing a mask or not, would be considered a household contact.

Mr. Browne said masks will do something to stem the transmission.

Mr. Papakonstantis asked if the employees that have their own offices could be unmasked when alone. Mr. Dean said yes. Ms. Roy said if you're not within six feet of someone you likely wouldn't have to have a mask. Mr. Papakonstantis said Boards and Committees are within six feet of each other, and should be included in the rules.

Ms. Roy said HR can mediate if there are discrepancies in office spaces, but she's not sure what to do if there isn't compliance. We want to support our employees and not have this be a penalty.

Ms. Cowan said she doesn't think we can require vaccinations. She doesn't want to require masks just for people who are unvaccinated. If people who trust each other share an office, they could be a pod. She doesn't need to see total compliance all the time if it's contentious, but if having penalties in place from the Select Board is helpful we can put that into place. Meetings between Departments or with the public should be masked.

Mr. Browne said tasking management with enforcing this is not necessary. We're trying to avoid presenteeism and positive cases. We should simply share that information with employees to get them to comply.

Mr. Dean said we've solicited a number of different communities about what they're doing, and that information is in the Board packet. For example, Rochester requires masks only for staff that have not been vaccinated, not for the public.

Mr. Browne asked if any health organizations have guidelines for public masking. Mr. Murray said there are just recommendations. The CDC recommends wearing masks where appropriate, especially in areas with substantial or high transmission. Exeter is in high transmission.

Mr. Browne said we could post something like "per CDC guidelines, please wear a mask."

MOTION: Ms. Cowan moved to endorse the emergency Covid leave proposed draft as submitted. Mr. Browne seconded. All were in favor.

Ms. Gilman asked if Ms. Roy could think further about the childcare issue.

MOTION (not voted): Ms. Cowan moved to require interdepartmental meetings, meetings to conduct town business with citizens, contractors, bidders, etc, and town committee meetings that are held on town property to be masked per CDC guidelines per transmission rates, effective immediately. Ms. Gilman seconded. Ms. Oliff asked if this should have an end date. Ms. Roy said the leave policy goes through Feb 28, 2022, so the masking could line up with that. Mr. Dean suggested having it run through the end of the year. Ms. Cowan said she would prefer it to expire with the Covid leave policy. Ms. Oliff said she'd prefer to go month by month,

which would allow flexibility and may make for more buy-in. Mr. Papakonstantis said we can always come back as a Board and revisit this. Ms. Roy said we can give the Board status updates.

MOTION: Ms. Cowan amended her motion to include Feb 28, 2022. Ms. Gilman amended her seconded. All were in favor.

d. Outdoor Dining Ordinance Second Reading

MOTION: Ms. Gilman moved to open the public hearing on the outdoor dining ordinance. Mr. Papakonstantis seconded. All were in favor.

There were no members of the public present, so no public comment.

MOTION: Ms. Gilman moved to close the public hearing. Ms. Cowan seconded. All were in favor.

The third reading will be next week.

e. ADA Policy Updates

Mr. Papakonstantis said the ADA policy was updated to reflect that the new ADA Coordinator will be Building Inspector Doug Eastman, who will be assuming that role from Chief Poulin.

MOTION: Ms. Gilman moved to adopt the amended policy #00-24, Grievances under the Americans with Disabilities Act. Mr. Browne seconded. All were in favor.

7. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

MOTION: Ms. Gilman moved to approve a Solar Exemption for 94/1 in the amount of \$7,000 for tax year 2022. Mr. Browne seconded. All were in favor.

MOTION: Ms. Gilman moved to approve a tax abatement for 64/105/53 in the amount of \$250 for tax year 2021. Mr. Browne seconded. All were in favor.

Mr. Dean said the interest waiver request is based on a bill not being delivered to the applicant. There was a property change of hands, and the people that bought the property did not receive a tax bill.

MOTION: Ms. Cowan moved to waive the interest of \$68.30. Mr. Browne seconded. All were in favor.

b. Permits & Approvals

- i. A letter from Tonry Farm regarding a Christmas sign on the end of Route 88. They want to put up the sign through December 24th. This is approved annually.

MOTION: Ms. Gilman moved to approve a sign location request from Tonry Christmas Trees from Nov 24 - Dec 24 2021. Mr. Browne seconded. All were in favor.

c. Town Manager's Report

- i. There was an Omniballot demonstration today. This is a system that helps visually impaired residents with voting. We're looking to use a \$4,500 Elections surplus to implement it. It will be a big improvement. It has an annual cost of \$5,000 for the first five years but goes up a little after that.
- ii. There's a Town Hall survey from the Arts and Culture Commission. He met with Tony Callandrello about a Capital Reserve Fund for Town Hall improvement projects. We would be looking to have that on the warrant, as well as an article to amend the agents of the existing Arts Trust Fund to the Arts and Culture Commission.
- iii. Regarding Zoom and Committee members, certain committees are having members Zoom in, but a quorum of the body has to be physically present for the meeting to go forward. Any Zoom attendee triggers roll call votes. Also, the remote attendee has to say why it was a hardship to attend. This is a 91-A compliance issue.
- iv. On Tuesday and Thursday there are BRC meetings.
- v. He met with the Community Power Aggregation Committee last week to go over the Community power plan. There will be two public hearings, Nov 29 and Dec 13. The Board will see a presentation on that. Ms. Gilman said Wed November 17 at 7 PM is an Energy Q&A session.

d. Select Board Committee Reports

- i. Ms. Oliff said that at the Arts and Culture Committee meeting on Tuesday, there was a conversation about Tony coming in to update the Select Board about the warrant that he discussed with Mr. Dean. There was a follow-up to the update on the \$20,000 that Parks and Rec brought in. There was interest in Swasey related to Arts and Culture. There was a Housing Committee meeting on Friday that she did not attend.
- ii. Ms. Cowan said the Planning Board meeting was cancelled, but we have one on Thursday.
- iii. Ms. Gilman said in the Energy Committee, there's a trifold presentation on community power aggregation. She attended the Facilities Committee, her first meeting with them. They're moving up the Facilities Conditions Assessment to a higher priority, and considering putting the ADA study into that rather than have it be separate. The Heritage Commission had several demolition reviews. 8 Gilman Lane is owned by PEA, and the Commission said it was ok for demolition because it had been so changed, but asked for a sign or plaque re the history of the building. Another review for 43 Front Street, the Baptist Church, which is planning to make changes to the roof. The HDC heard a request for window

replacement on Water Street. This week the HDC will be considering the Academy's proposed housing project for 135 High Street. The Rec Advisory Board met to talk about Park Street Common.

- iv. Mr. Browne attended the Conservation Commission meeting, where they discussed Rose Farm. A resident asked for an easement, but it was handed to the Select Board. The Communications Committee is looking for more direction, such as where to create more content.
 - v. Mr. Papakonstantis attended the Police and Fire BRC meeting and watched the BRC Parks and Rec meeting on TV.
 - vi. Ms. Gilman said Arts & Culture wants to air condition the Town Hall, while the Energy Committee has gotten price quotes for insulating Town Hall attic. We have too many committees discussing similar things that are not communicating. She suggested that Select Board members could write something about the meetings they attended that would go in the packet.
- e. Correspondence
- i. The 2021 Rockingham County Tax Warrant, at a total of \$2,081,093. Mr. Dean said this is the standard county warrant that we need to pay each year.
 - ii. A list of important dates statewide between now and Town Meeting.
 - iii. A copy of the Rockingham County state and fiscal recovery report.
 - iv. An Eversource license to construct and maintain electric lines over Exeter and Brentwood
 - v. Several emails sent in re Swasey Park.
 - vi. An email from the Chair of the Police Stakeholders Commission, Anne Surman. She is recommending dissolving the commission. They can continue meetings with the Police Department as community members. They came before the Board in June and we asked them what the next steps were, and they didn't have an answer. Ms. Cowan said there's more work to do, but maybe not within the purview of this committee.

MOTION: Ms. Oliff moved to dissolve the Police Stakeholders Committee, effective immediately. Mr. Browne seconded. All were in favor.

8. Review Board Calendar

- a. November 22nd, December 6, and December 20

9. Public input

Fire Chief Wilking said for the holiday parade on Dec 4th, the Select Board will be walking, as the engine is not available. Ms. Gilman said that it was not typical that the Board would ride.

10. Non-Public Session

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

11. Adjournment

MOTION: Ms. Gilman moved to adjourn. Ms. Cowan seconded. All were in favor and the meeting adjourned at 9:47 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary