

Selectboard  
August 17, 2020

FINAL

## **SELECTBOARD MEETING**

**August 17, 2020**

**7:30 P.M. - MUNICIPAL OFFICE BUILDING - HANOVER, NH**

Note: Due to the COVID-19 crisis and in accordance with Governor Sununu's Emergency Order #12 Pursuant to Executive Order 2020-04, the Hanover Selectboard is authorized and will hold their August 17, 2020 public meeting virtually utilizing Zoom. The public is welcome to access this Zoom meeting through the Hanover website. For those wishing to dial in for phone access only: Dial (415) 762-9988 Type in Room ID: 753-401-267# Press # a second time (it will ask for another id, please ignore this) Once you are connected and the meeting has started, you will need to press \*9 to raise your hand to be in queue to speak For assistance with any problems joining the call dial: 603-398-9399

The meeting of the Selectboard was called to order at 7:30p.m. by Chair Christie. Also present were: Bill Geraghty, Selectboard Member, Julia Griffin, Town Manager, Joanna Whitcomb, Selectboard Member, Vice Chair Athos Rassias and Nancy Carter, Selectboard Member.

Absent: None

Chair Christie read the above note regarding COVID-19 into the record. He explained how the public can access the meeting through the webinar and conference call.

The board members acknowledged who was present.

### **1. Public Comment**

Chair Christie asked for public comment.

Audio was not working properly for David Vincelette so this item was heard later in the meeting.

### **2. Public Hearing to Consider an Emergency Amendment to Ordinance #37, Rental Housing Ordinance Related to Local Response to the COVID-19 Pandemic**

Chair Christie opened the public hearing.

The following staff members were present:

Rob Houseman- Director Planning and Zoning

Michael Hinsley- Health Officer

Ryan Borkowski- Deputy Health Officer

Ms. Griffin summarized the following:

This summer the Town's Health Officers, staff of Hanover Fire and Police and numerous residents have noticed many problems related to young adult compliance with CDC and NH Division of Public Health Services recommendations related to proper social distancing, mask wearing and the limiting of gatherings to small groups of 10 or under to minimize the potential for spread of COVID-19. The issue is not solely related to Dartmouth students as we continue to observe the same behavior with our own younger adults who are home from college, our high school students and a portion of our graduate student population. While Dartmouth students living off-campus are not the only group of residents that have tended toward non-compliance, their behavior poses the greatest risk to the community given the potential for generating a significant number of cases resulting from one large gathering which could also put at risk the ability of Dartmouth to complete a fall term on campus. This risky behavior has been particularly evident in and around off-campus residential rental properties and on Town property,

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particularly at Wilson's Landing, Kendal Riverfront Park and the Downing Road Point on the Connecticut River which attract swimmers on hot summer days.

As we have worked with College staff to prepare for the return of more young adults with the start of the fall term, our Town Health Officer and Deputy Health Officers are recommending the addition of an emergency addendum to Ordinance #37, the Rental Housing Ordinance, to assist the Town in ensuring that off-campus housing does not become a public health nuisance over the course of the upcoming academic year or until the COVID-19 pandemic is declared over. Without exception, all of the emergency amendments are intended to put in place in off-campus rental housing the same sorts of conditions which Dartmouth has announced they will enforce in their on-campus dormitories and social spaces, both indoors and outdoors. This addendum will enable the Town and landlords to more effectively manage the tenancy situation in off-campus rental housing by: 1) reducing the likelihood of over-crowding in off-campus rental units which can impact the ability of tenants to socially distance; 2) to remove items which tend to facilitate large gatherings involving risky public health behavior during the pandemic, particularly as we experience the return of many students from all over the U.S. and the world, including from multiple areas which are currently COVID hotspots; 3) to enable the Town to notify tenants of revised Town policies around the pandemic response via their landlords who will be required to obtain contact information for each resident and so that the State can conduct contact tracing in the event of an outbreak; 4) to enable the Town to better control the size of off-campus gatherings in rental housing, particularly given the extent to which we have observed large gatherings of students in off-campus rentals over the summer; and 5) will insure that landlords are prepared to better oversee their off-campus rental property by requiring that each property identify a property manager who will be available on a 24/7 basis for the duration of the emergency so that Town staff can contact the representative to assist with situations that violate the emergency amendment.

This is not intended to be a permanent addition to the Rental Housing Ordinance, but only to be enforced during the duration of the pandemic. Based on the field work being conducted by Deputy Fire Chief and Health Officer Hinsley and Deputy Health Officer Ryan Borkowski, along with the observations made by our Police and Fire Department staff in response to citizen complaints called into Hanover Dispatch, this policy consists of their collective recommendations regarding better managing the potential public health nuisance impacts of off-campus housing.

Relative to enforcement, our Police Department patrol officers and our Fire duty crews will not be tasked with that role. We have created a reporting mechanism in IMC, our dispatching software, so that overnight and on the weekend, Police and Fire staff on duty can simply observe a location, take some photos and log the occurrence. Our Health Officer and Deputy Health Officers will then follow up with the landlords, property managers, students and/or the appropriate College staff during regular work hours. We are doing this to avoid exposing our Police or Fire staff to students unnecessarily given the critical nature of their work and also to avoid the potential that they could expose a student to COVID unknowingly given the extent to which they interact with and frequently transport ill individuals who may be infected with COVID. The emergency amendment also names Fire Chief Marty McMillan and Planning and Zoning Director Rob Houseman as additional Deputy Health Officers simply to help lighten the load on Michael Hinsley and Ryan Borkowski.

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Selectboard Member Whitcomb is not in support of a number of the proposed items. She agrees with asking for property managers with 24/7 access and access to contact info of the tenants for state contact tracing. She is not comfortable legislating how many people can be in a bedroom. Also, limiting outdoor activities should be managed through our noise and mask regulations- not through rental housing ordinances. The size of gatherings should be managed by our outdoor activity permitting process- not through the rental property ordinance.

Selectboard Member Geraghty stated there needs to be some work done to the wording. He agrees with #1, and #2, but the wording 'by request of the Town' should be more specific- the request shouldn't be able to come from any Town staff- just health officers. Regarding bedrooms, we should hold to the current regulation- no more than three unrelated residents per unit.

He is ok with limiting gatherings to 10 people, but the activities can be monitored within the other regulations.

#6 'Selectboard acting as board of health'- this needs clarification- this wording makes him nervous. The role of the enforcement agents appointed needs clarification with the wording regarding authority.

Vice Chair Rassias agrees with what Selectboard Member Geraghty said and most of what Selectboard Member Whitcomb said. He agrees to the ordinance, but this draft needs the revisions mentioned.

Selectboard Member Carter agreed some of these points need to be taken apart and put into the proper regulations. We can keep close tabs on the number of renters in a unit rather than per bedroom. She agrees with having the property managers and thinks we can strengthen our other regulations rather than adding them to a rental housing addendum.

Chair Christie would not like to treat the renters differently from other property owners. There seems to be consensus with the board. We should focus on maintaining the three person per unit regulation.

Does the 10 person gathering apply to all homes in Hanover, or just rental units?

He asked to hear from Michael Hinsley and Ryan Borkowski.

Selectboard Member Whitcomb thinks more deputy officers should be appointed- but separately from this ordinance. The board can appoint a team of five who can monitor the housing as well as the recently adopted mask ordinance.

Ms. Griffin noted Hanover does not have a Board of Health so the Selectboard is the Board of Health and can nominate officers to handle this work.

Rob Houseman summarized that items 1 and 2 seem ok to the board, 3 is a challenge and 4 can be moved to the activities regulation.

The first day of the mask ordinance Michael Hinsley had 70 encounters with people not wearing masks. These have been primarily positive encounters and the numbers have gone down. But, when the college students come back, he anticipates those numbers to go up.

Michael Hinsley, Deputy Fire Chief and Health Officer said the most important item he needs is access to contact information so that he can pass it along to the public health nurses for contact tracing purposes.

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All residents and households should be treated equally, though there are life and death consequences right now and sacrifices need to be made.

Deputy Health Officer Ryan Borkowski supports Michael and agrees with his comments. Having the true numbers of how many are living within a unit is critical.

Chair Christie summarized where the board is right now: They agree with property managers 24/7 and access to contact info for health officials. The group is not in favor of regulating one person per bedroom. They will be looking for the health officers to enforce three people per unit. The regulations should be restrictive to the whole town, not just rental units and not specifically to yard games.

For gatherings of more than 10 people, you'll need to acquire an outdoor activities permit- that's for everyone in Town.

Public Comment:

Teodoro Gonzalez appreciates the comments of the board and encourages collaboration between Town staff and Dartmouth students in facilitating these restrictions and safety protocols.

Kathleen Coyle appreciates the efforts thus far in Hanover to protect the residents. She was nervous about the students coming back, but she has seen them acting responsibly so far. They are part of this community.

Michael Tellini said it's unfair that students are being targeted with this ordinance. Faculty and staff are gathering as well. The 3 people per unit seems to mean you need to own your unit to have more than 3 people living there which is discriminatory.

Ms. Griffin and Rob Houseman clarified the regulation is for 3 unrelated people in the same unit. Mr. Houseman gave the historical background of the regulation.

Mark asked for clarification about what constitutes a bedroom. He was informed that portion of the regulation is going to be removed from the proposal.

Kristin Ng has been moved to see how the community has come together during the pandemic. This proposal seems to discriminate against renters. She has witnessed college students adhering to all regulations and being safe during this whole COVID time. One of her biggest concerns about the proposal is the privacy issue- photos being taken of residents without consent. The regulations should apply to everyone- not just renters. Every group should be working together rather than being pitted against each other.

Jennifer Chambers, choral director Hanover High School wants to make sure whatever is approved can be properly enforced and staffed. She appreciates the mask ordinance and noted it will take sacrifice by everyone during this time to keep this health issue as low risk as possible.

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Mac Gardner owns rental properties and has no issues with the regulations. Everyone will need to make sacrifices during this time. If outdoor games and gatherings are an issue, the restrictions should apply to everyone who lives in town. He would be happy to live under any restrictions that are asked of his renters. He is available to assist with any research or rewording of the document.

Ted Niedermayer is a student and property owner. There are inconsistencies in the thought process. Five people outdoors playing yard games is probably safer than going to a restaurant with six people at a table 6 feet apart from other tables. It's not realistic that students will acquire permits for gatherings and homeowners who want to have a barbeque probably won't either. Everyone should be treated equally.

Paul Hager knows the Town is working to maintain safety. The language seems very targeted to students in a negative way. Many students have already signed leases. What happens if they are already signed up with more than 3 unrelated people per unit? What will happen to them if they are displaced? Vigorous enforcement of this restriction when it hasn't been in the past may have a negative effect on health safety.

Town staff clarified currently the Town operates on a complaint basis where they receive complaints and then speak with the landlords about infractions.

Cynthia Madu said from a public health enforcement perspective, these restrictions need to relate to the entire community- not just to rental units. The Dartmouth students have to go through stringent requirements as they come back to Hanover. Please treat students as members of the community rather than enemies of the community.

A woman spoke on behalf of the residents of her building. Dartmouth has instituted strict restrictions including COVID testing. Currently there is 0% positive testing among students.

There are different standards for residential residents and commercial residents. Other visitors come to town. Therefore, commercial businesses should be held to these same proposed standards.

Harriet Partridge said renters and homeowners as well as younger and older people should all be held to the same standard. Many international students have not been able to leave the local area at all, where as domestic students may have actually traveled more throughout the country over the past months.

Matthew Ginsberg said hyper-regulating outdoor activities may push activities indoors which is worse.

Michael Herron shares the concerns about 10 people maximum for a gathering. How does that rationale work when the high school is opening which puts hundreds of students together?

Chair Christie noted the Selectboard does not have any authority over the school. They are trying to keep the community safe. These policies are meant to allow town staff to step in when large gatherings are not using social distancing practices. They know it might only be 1% of the population that is not adhering to health safety guidelines, but the discussion is about how to get to the 1% without penalizing the other 99%.

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Dev Chhokra said this addendum is unfairly targeting rentals when anyone in the community can be acting in unsafe manners. Hanover is a college town and the community likes having the students. The comments written targeting students cause a divide and does not help the problem. How can we put 3 people per unit on a ballot for a vote? That is not representative of the majority of the town.

Tabitha Bennett is pleased with the changes to the draft discussed tonight and is still wary of the privacy issues. Please treat students with respect and let them responsibly socialize. They are following strict restrictions put in place by Dartmouth.

Cait McGovern addressed the tone of the proposal and the comments which labeled the students as selfish. This speaks to a broader issue. She supports health guidelines, but these actions are harmful to the community. Banning outdoor games is egregious. Dartmouth students have signed a community expectations agreement and are getting tested for COVID. They are following strict guidelines. This includes students living on and off campus. Future communications and ordinances should be crafted to acknowledge we are all a community.

Madeleine Berna... the tone of the amendment and background memo language was harsh- 'selfish students'- clearly it is targeted to students even if they say it's not. Regarding the 3 person per unit, how does that pose a higher threat than a family of four or five? If it is strictly enforced, people may lie about how many they have in the unit and also sudden enforcement may displace students who will now have nowhere to live as on-campus housing requests are now closed.

Vlado Vojdanovski suggested rather than giving out permits for larger outdoor gatherings, maybe there is a different way of gathering names that doesn't have a negative stigma. Hanover is understaffed so having more enforcement could be an issue.

Beth DeSimone is in support of the amendment because it might help curb the spread of COVID-19. This will only be in affect during the state of emergency. In-person learning will be starting for young students in Hanover and many restrictions are in place to help this succeed for as long as possible.

Paul Hager spoke about vigorous enforcement of 3 people per unit- please work with Dartmouth during this process so there is not displacement of students. Also, the tone of the comment written by the Town Administrator about selfish students was harsh and would jeopardize the reelection of politicians in varying communities had they made that comment.

Caitlin believes the students are being mindful and following strict guidelines from the school and she's worried about enforcement of more than 10 people gathering outdoors- she doesn't want people taking these gatherings indoors. She expressed some concerns about privacy for people who have signed leases. Is the town willing to break/ void leases and give money back if renters don't want their picture taken and are asked to move outside of Hanover?

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Chair Christie closed the public hearing and noted parts of this draft proposal need to be rewritten and looked at again in two weeks. It needs to be discussed how Dartmouth students can give input and how to help highlight and regulate the 1% of people who many not be acting safely.

Vice Chair Rassias noted the letter Ms. Griffin wrote was not calling all Dartmouth students selfish. We are looking to highlight the actions of the few and control it recognizing that most people are respectful of the public health crisis we are facing.

Selectboard Member Whitcomb said we should go back to the drawing board and strip this draft of many of the items discussed and revisit this item in a couple of weeks.

**Chair Christie MOVED to table this discussion and bring a revised amendment to the Rental Ordinance and the Outdoor Activities Ordinance back for review and public hearing on August 31<sup>st</sup>.**

**Selectboard Member Whitcomb SECONDED the Motion.**

**Roll call vote: P. Christie- yes, J. Whitcomb- yes, A. Rassias- yes, B. Geraghty-yes, N. Carter-yes**

### **1. Public Comment (Revisited)**

David Vincelette commented that he has never received any written answers to his questions from Chair Christie, though he was told he would.

Why is the Town still using the logo that has been determined racist? Chair Christie noted the Selectboard has discussed this and new logos are in the process of being designed.

Mr. Vincelette noted several ways he believes the Town has acted illegally toward him over a two-year period.

Chair Christie noted many of the concerns that have been stated by the citizen are long-standing and have gone to court and the Town has prevailed in all of them.

### **3. Public Hearing to Consider Amendments to Ordinance #26, Solid Waste Collection Related to Proper Storage and Management of Waste and Enforcement Protocol.**

Town staff is asking the Board to consider an amendment to Ordinance #26, the Solid Waste Ordinance to introduce a section which will require individual properties to properly manage their trash and which sets in the ordinance a warning and fine structure for non-compliance.

After several years focusing on this issue, particularly involving rental housing, this summer we have seen an uptick in waste management issues resulting in a proliferation of bear complaints. The vast majority of these complaints involve rental housing where landlords have failed to provide secure, lockable or bear-proof dumpsters and tenants tend to leave their trash and recycling outside unprotected on an ongoing basis. The proposed amendment will enable the Town to be more effective in securing compliance by both property owners and tenants.

Chair Christie had an issue with the opening sentence of 5C. Edits were made to satisfy the questions.

Some discussion occurred regarding whether residents can put their trash out up to 12 hours before pick-up is scheduled or not.

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The Board decided to rewrite the portion recommending the timing of when the trash can be put out.

No public spoke.

Chair Christie closed the public hearing.

**Chair Christie MOVED to table the discussion of Amendments to Ordinance #26, Solid Waste Collection Related to Proper Storage and Management of Waste and Enforcement Protocol for revisions to be made. Selectboard Member Whitcomb SECONDED the Motion.**

**Roll call vote: P. Christie- yes, J. Whitcomb- yes, A. Rassias- yes, B. Geraghty-yes, N. Carter-yes**

**4. Recommendation to Set Public Hearing to accept \$29,179.20 (Hanover's portion pro-rated on 2016 General Election statistics) of Coronavirus Aid, Relief and Economic Security (CARES) Act of funding to "improve the administration of federal elections;" and to designate the Town Clerk to execute all necessary documents related to this award.**

We have received notification that the Town's prorated share of funds available through the CARES Act regarding the administration of elections exceeds \$5,000 and requires a public hearing be scheduled to accept the amount of \$29,179.20. Town staff would ask that a public hearing on this matter be scheduled on August 31, 2020.

**Chair Christie MOVED to set a public hearing for August 31, 2020 to accept \$29,179.20 (Hanover's portion pro-rated on 2016 General Election statistics) of Coronavirus Aid, Relief and Economic Security (CARES) Act of funding to "improve the administration of federal elections;" and to designate the Town Clerk to execute all necessary documents related to this award.**

**Vice Chair Rassias SECONDED the Motion.**

**Roll call vote: P. Christie- yes, J. Whitcomb- yes, A. Rassias- yes, B. Geraghty-yes, N. Carter-yes**

**5. Approval of Minutes- August 3, 2020**

Peter Murdza emailed two edits regarding his comments. These were accepted by the board.

**Chair Christie MOVED to approve the minutes of August 3, 2020 as amended.**

**Selectboard Member Geraghty SECONDED the Motion.**

**Roll call vote: P. Christie- yes, J. Whitcomb- yes, A. Rassias- yes, B. Geraghty-yes, N. Carter-yes**

**6. Administrative Reports**

None

**7. Selectboard Reports**

**Selectboard Member Joanna Whitcomb**

Selectboard Member Whitcomb congratulated the Hanover Bike Walk committee and DPW regarding the sidewalks going in and the new covered bike storage in the parking garage.

**Selectboard Member Nancy Carter**

Selectboard Member Carter had nothing to report.

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**Selectboard Member Bill Geraghty**

Selectboard Member Geraghty had nothing to report.

**Vice Chair Athos Rassias**

Vice Chair Rassias had nothing to report.

**Chair Peter Christie**

Chair Christie had nothing to report.

**8. Other Business**

None

**9. Adjournment**

Per NH RSA 91-A:3, the Selectboard needed to attend a non-public session. The board took a roll call vote to enter the non-public session. Rassias- yes, Carter- yes, Christie-yes, Whitcomb-yes, Geraghty-yes  
The board entered non-public session at 9:39pm.

Selectboard Member Whitcomb thanked the public for their participation in tonight's meeting.

Respectfully Submitted,

Joanna Whitcomb, Secretary to Selectboard

## **SUMMARY**

### **Item 2**

**Chair Christie MOVED to table this discussion and bring a revised amendment to the Rental Ordinance and the Outdoor Activities Ordinance back for review and public hearing on August 31<sup>st</sup>.**

**Selectboard Member Whitcomb SECONDED the Motion.**

**Roll call vote: P. Christie- yes, J. Whitcomb- yes, A. Rassias- yes, B. Geraghty-yes, N. Carter-yes**

### **Item 3**

**Chair Christie MOVED to table the discussion of Amendments to Ordinance #26, Solid Waste Collection Related to Proper Storage and Management of Waste and Enforcement Protocol for revisions to be made. Selectboard Member Whitcomb SECONDED the Motion.**

**Roll call vote: P. Christie- yes, J. Whitcomb- yes, A. Rassias- yes, B. Geraghty-yes, N. Carter-yes**

### **Item 4**

**Chair Christie MOVED to set a public hearing for August 31, 2020 to accept \$29,179.20 (Hanover's portion pro-rated on 2016 General Election statistics) of Coronavirus Aid, Relief and Economic Security (CARES) Act of funding to "improve the administration of federal elections;" and to designate the Town Clerk to execute all necessary documents related to this award.**

**Vice Chair Rassias SECONDED the Motion.**

**Roll call vote: P. Christie- yes, J. Whitcomb- yes, A. Rassias- yes, B. Geraghty-yes, N. Carter-yes**

### **Item 5**

**Chair Christie MOVED to approve the minutes of August 3, 2020 as amended.**

**Selectboard Member Geraghty SECONDED the Motion.**

**Roll call vote: P. Christie- yes, J. Whitcomb- yes, A. Rassias- yes, B. Geraghty-yes, N. Carter-yes**