

LONG RANGE PLANNING COMMITTEE MEETING

**Tuesday, November 2, 2021
1:00 p.m. – Rye Town Hall**

***Members Present: Steve Carter, Katy Sherman, Kathryn Garcia and Rob Wright
Ad Hoc Members: Dominique Winebaum and Patricia Losik (attending as an alternate)***

Others Present: Planning Administrator Kim Reed and Julie LaBranche

I. Call to Order

Chair Carter called the meeting to order at 1:00 p.m. and led the Pledge of Allegiance.

II. Visioning Session on November 10th

a. Discussion about venue

Planning Administrator Kim Reed stated that she was asked by the Town Administrator if the committee would reconsider their vote (from November 1st meeting to set up Zoom for people who do not want to wear masks to the junior high). If the committee does not want to reconsider the vote, what is the plan for when someone shows up at the junior high without a mask? The Select Board would like the Committee to detail the process for handling this situation.

Member Wright noted that they can have someone standing at the door to stop people who do not want to wear a mask. If they don't want to put it on, there shouldn't be any arguing, the committee can then just call the police.

Member Sherman asked how the Select Board recommends handling this issue.

Planning Administrator Reed commented that she has not spoken with the Select Board. The Town Administrator said that the Selectmen discussed it and they are not happy with the committee's decision. They would like the committee to reconsider the decision. If not, the committee has to come up with a plan as to how it's going to be handled if someone shows up without a mask.

Chair Carter pointed out that the Selectmen's solution was to move the event to the church.

Member Sherman pointed out that another reason it's good to have it at the school is because they have the livestream, which is not available at the church.

Ad Hoc Member Winebaum stated that she thinks the Select Board wants to cater to those people without masks. She was wondering if one facilitator could be at the town hall courtroom. The monitors and livestreaming are set up so they can see the opening and introductions. Those people would then have the visioning discussion on the three topics. Possibly, there may be a need to have a maximum capacity. Zoom could also be provided for people who want to attend by Zoom. She understands that the numbers would be limited. It could be advertised asking people to register. If people don't want to wear a mask, they could come to Town Hall to have a similar experience with one facilitator.

Chair Carter replied that's a decent idea and should be something they consider. They could actually participate in the visioning session with other people in the same room. They would have the same experience, just not in the same building. He continued that the Select Board are asking how the committee is going to deal with people who do not want to wear a mask. If someone comes to the junior high and says they don't want to wear a mask, they can be told that there is a "maskless" session at the Town Hall.

Member Wright stated that his strong opinion is that the Selectmen have put a burden on the committee that's not theirs to bear. The committee is not responsible for security or anybody's behavior. The junior high has a policy that masks are required. It's their policy not the committee's. They are invited guests at the junior high and are subordinate to the school's rules and wishes. It's not the committee's job to enforce that. If someone comes in without a mask, the only thing to do is to call the authorities to handle the situation.

Ad Hoc Member Winebaum commented that this could cause a very disruptive scene. As a way of preventing that kind of situation, this could be making a huge effort in offering a venue for people who don't want to wear masks.

Member Wright stated it is not the committee's job to limit free speech. It is not their job to limit protestors. The committee has found a way, through very close deliberations, to have a venue for an event that has specific purpose in town governments. The Select Board doesn't like that but they weren't here for the meeting. He doesn't appreciate being second guessed. It's not the committee's job to enforce laws. It's not their job to dictate to the junior high what their policy should be. The answer to the Selectmen should be that they'll deal with it the same way the school would. If there was a person who was not abiding by the rules, they will notify the authorities. If there's a hue and cry and a giant political demonstration, that's free speech. He is not going to get in the way of the school's process, nor should the Selectmen or anyone else.

Chair Carter asked what the problem would be with having a session at the Town Hall and not over Zoom. He pointed out that it was already agreed that there may be technological issues they may have to be worried about with Zoom. There could be one facilitator and one timekeeper at the Town Hall and they could have the same experience.

Ad Hoc Member Losik noted that the people at the Town Hall would see the room at the junior high and the people there would see the Town Hall. There would need to be a computer at the junior high hooking into the Town Hall. At the junior high, there is a streamed live video connected to their system that will broadcast to the people at home. She clarified that people

would be working at the Town Hall without their masks. There could be a computer at the junior high for that group to see the people at the Town Hall. The group at the Town Hall are looking at the junior high group, so that's contemporaneous.

Chair Carter asked why people at the junior high would need to see the people at the Town Hall.

Ad Hoc Member Losik stated that in order to have a complete meeting, they should have as much contemporaneous communication as possible. It's allowing concurrent groups to work together. They all can see that everyone is doing the same thing at the same time.

Chair Carter pointed out that all the tables are independent of each other and are not interacting. This is simply another table. He doesn't think that's important.

Ad Hoc Member Winebaum noted that the opening and introduction is important. After that, it doesn't matter.

Member Wright stated that a group separate, by choice of some attribute, represents a self-selected group and the outcome will be different than people coming in and sitting at randomized tables. He thinks they are making this harder than it needs to be. There are many reasons for people to want to attend and many reasons for people to not want to attend. The rules and engagement should be across the board without special accommodation's, which overly complicates things.

Ad Hoc Member Losik stated that she feels that the meeting yesterday demonstrated what this committee has been able to do all the way through. Through careful deliberations and discussions, they have shared ideas and opinions. The committee thoroughly vetted the issues for an hour plus. They created a platform to be able to respond to people who want to come and participate with masks and for people who can't be there for other reasons. There may be people who can't be there for other reasons besides not wanting to wear a mask. There may be people who want to participate but just want to be home and not come out on Wednesday night. Zoom can still be an option. If it's moved to the Town Hall and Zoom is taken away, a door is being closed.

Ad Hoc Member Winebaum commented that Zoom could be taking place at the Town Hall.

Ms. LaBranche asked who will be given the option of Zoom. Will it be open to everyone who registers?

Planning Administrator Reed noted that once that is open, it has to be offered to everyone.

Ms. LaBranche asked how this would be advertised. How would they know how many people are going to be attending by Zoom versus in person?

Member Sherman asked if the people who are not wearing masks will be upset that they're mitigated to the Town Hall.

Chair Carter commented he does not think that's unlikely. He continued that he initially told Kim to hire a policeman and let them take care of the people who won't wear masks. The problem is that it might create more of a mess and delegitimize the visioning process by going that route. The Selectmen are trying to have everyone accommodated by not getting a small group of people all worked up. There could be a chance that people will insist on being at the junior high.

Member Wright commented that they should pick an option that is fair and doesn't discriminate against anyone. The rules should be the same for all who enter. They are the same rules that the junior high requires for anyone entering the building.

Chair Carter stated that they could have this meeting and everyone who attends will have to wear a mask. There could be another meeting at a future date for anyone who wants to come without a mask. They could do the same thing in parallel so everybody gets to voice their opinions.

Ms. LaBranche stated it's not proper public access that way. The two groups of people are separated. She continued that there are thirty-four people as of yesterday for the visioning workshop. They could email those people and say that they are contemplating changing the venue to the church. Masks will be recommended but not required. Those people will be asked to confirm their registration for the new venue. By Monday, the committee will know how many of those people will be attending or not. If there are not enough people, the event can be cancelled and rescheduled for a different date.

Note: *Town Administrator Becky Bergeron had joined the meeting.*

Speaking to Administrator Bergeron, Member Wright stated that the Selectmen asked the committee to reconsider their decision. If not, they asked for an outline of how they are going to deal with the people who insist on attending without a mask. One proposal was to hire a detail officer. The second proposal was to simply call the police if there was an issue. He asked what the Selectmen's concern is about the committee having a policy to deal with rule breakers. He asked why it becomes the committee's responsibility to enforce those laws.

Town Administrator Bergeron clarified that the Select Board in no way feels the committee has made the wrong decision. The Select Board simply asked the Planning and Zoning Administrator, through the Town Administrator, to bring back before the committee the plan so they could understand what could potentially happen to those who forced the issue and demanded access. This is a public meeting so there's the expectation of equal access for all participants. They wanted to further understand how those individuals will be handled. The last thing anyone wants is for an individual who is trying to get access to a public meeting to be arrested. Nobody's intention is to have that happen.

Member Wright asked how the deliberative session was handled at the Wentworth Country Club.

Town Administrator Bergeron explained that masks were required. There was a section set up outside where people who could not wear masks could sit.

Member Wright asked if the proposal to provide livestream is the equivalent to that.

Town Administrator Bergeron stated this is an excellent question. She thinks this is one of the reasons the Selectmen offered the solution of the church. Everybody could participate in the same event, at the same time and still maintain adequate accommodations for social distancing. Technology is challenging. She pointed out that the Town Hall has unstable internet. She cannot guarantee that it's going to be one hundred percent. She wants everyone to have open, unrestricted access to the public meeting and be able to participate contemporaneously. That is what the Select Board wants as well.

Chair Carter stated that he likes Julie's idea. He thinks the last thing they want is for someone to be escorted away by police. That is not going to go over well or make people feel good about having a visioning session. He thinks they could email the people who have registered and let them know that they are changing the venue. He doesn't think it's going to make a difference to most people. He is not sure how much of an issue the "masked and not masked" is for people.

Ms. LaBranche commented that she thinks it is an issue.

Member Sherman stated that if someone without a mask is speaking to someone that is wearing a mask, it's not going to be a comfortable situation. It's not going to be equal.

Member Wright noted that the ceilings at the church are about 7.5' high. The ceilings at the junior high are much higher. From an indoor health perspective, the junior high is better.

Ad Hoc Member Winebaum commented it's a bigger space.

Chair Carter stated that they could move it to the church and say masks required. The ability to enforce that is not very high. If someone comes in and doesn't want to wear a mask, there is not much that can be done.

Member Sherman asked what would happen if that person is sitting next to someone that is afraid of that.

Ms. LaBranche stated that if it's at the church, they can't segregate the people who are not wearing masks from the people who are. People at a table with others who aren't wearing masks may just get up and move. She asked how the committee will police all of that. The social interaction of those two groups coming together is going to create a situation that is going to be hard to deal with.

Member Wright commented that there's no solution that will make everyone happy. The one thing the school provides is an arm's length ability to say "not our policy". They will just be following the school rules.

Chair Carter asked if the committee is just hiding behind the school because the school says masks have to be worn. If it was at the church, it would then be on the committee to figure out how to handle it.

Member Sherman noted that they spoke about this at the last meeting. The committee doesn't want to be the ones to say "you have to put a mask on" or "you have to sit next to the person that's not wearing the mask". That's not what this is about.

Chair Carter suggested they postpone the session until they figure out how to make everyone happy.

Ms. LaBranche stated that if it's postponed, even if it's in a different space, there are still going to be the same questions.

Member Sherman suggested postponing and doing it via Zoom.

Ms. LaBranche noted that if it's a public meeting, it can't be done by Zoom because there are no emergency orders in place.

Ad Hoc Member Winebaum stated that they need to stick with the decision that was made yesterday. They are going to over complicate things. She does not think it should be postponed. She personally thinks Zoom is a big benefit. There are a lot of people who are unable to attend because they are out of town and this should be considered.

Ms. LaBranche asked how this could be advertised in seven days.

Ad Hoc Member Winebaum suggested a press release and posting it on the town's website.

Ad Hoc Member Losik stated that they have to be realistic about the technology constraints. There hasn't been a big budget for the town to invest in hybrid technology for every location. Referring to RSA 91-A:3 II, she noted: "The public body may allow such remote participation if in person attendance is not reasonably practical. If a group member participates remotely, each part of the meeting must be audible or otherwise discernable to the public at the location of the meeting." If they are going to go down the road of having Zoom available, they should probably have a dry run. Speaking to Town Administrator Bergeron, she asked if the Selectmen met to discuss this. She pointed out that it would have been beneficial if everyone could have engaged in a conversation. She asked if there was a separate meeting to talk about this. She also asked if they reviewed the discussion and deliberation that this committee held yesterday.

Town Administrator Bergeron replied that they didn't have a separate meeting. They came out of non-public to deal with another issue under 'Other Business'. The topic was brought up that there was a concern about how the matters would be handled if it's still going to be at the junior high. She noted that she took back the decision of the subcommittee to the Select Board because they wanted to know.

Ms. LaBranche stated that the idea was that the people who have requested to be at the meeting, but don't want to wear a mask, could log on to Zoom. A laptop will be on one of the tables and will be oriented so they can see the facilitator. If they can't read what's being written on the flip charts, whoever is on the laptop can be typing in the notes from the flip chart. They will raise their hands and the facilitator will go around to everyone at the table and on the laptop for

everyone to individually respond. Their feedback will be recorded on the flip chart. They will be able to see and hear everything, as everyone else at the table. She can't see how it's not a contemporaneous experience.

Member Sherman asked what would happen if twenty people wanted to be on Zoom. She asked if it would be possible.

Ms. LaBranche replied that she is not even sure that would be possible, as they haven't even advertised it as an option.

Ad Hoc Member Winebaum commented it might be word of mouth. People might hear that it's option. Her concern is how they would deal with it.

Ms. LaBranche stated they could put everyone on Zoom at one table. It would be done the same way as if they were in person.

Chair Carter commented that Julie could email the people who have already registered to let them know there's a Zoom option.

Ms. LaBranche replied that she would object to that. They have already signed up and they know what the rules are.

Chair Carter commented that this is assuming that everyone who signed up is planning to play by the rules. He is not sure that's the case. If any of those people who have already signed up are planning not to wear a mask, they are going to show up at the door of the junior high. How are they going to know there's another option?

Member Wright pointed out that they were already noticed that masks were required when they signed up.

Ad Hoc Member Winebaum suggested having someone standing at the entrance to the school to confirm that they have masks. That person could also have masks available for people who don't have one.

Ad Hoc Member Losik stated that the procedural rules change once Zoom is added. To the best efforts of the Planning Board and this subcommittee, word has to get out to the public, which may include posting on the town website and signs. She thinks it's a problem because they change the procedure once Zoom is offered. They must have fair and objective conduct if the procedure is changed to hybrid. It's a change and people must be aware.

Ms. LaBranche commented that she understands Pat's point. She noted that the event is seven days out and there are very limited ways to get the word out to people. For this body to manage a large Zoom platform can be challenging and help would be needed to do it. She thinks the best thing to do is to postpone it and reschedule. There could be a live version somewhere or there could be participation via Zoom. She doesn't know if the technology even exists to meld those two things together. There are going to be two separate groups. That's something they have to

think about. That's not really a visioning session. It's going to be a very separate experience for people who are on a Zoom call versus people in person. This will give the subcommittee time to plan better.

Ad Hoc Member Losik suggested moving forward with next Wednesday and holding another one in January.

Chair Carter clarified that they would move forward with the session next Wednesday where masks will be required. However, if someone doesn't want to wear a mask, they will be having another session at the church for them to go to where masks will be recommended but not mandatory. The same opening and introductions will be done, so people will have the same ability to have their input.

Member Sherman commented that she thinks there will still be the same problem of not thinking it's fair.

Member Wright stated there is no perfect solution. They certainly aren't going to be able to smoothly change the plan in the next seven days. Anything that is done at this point is only going to diminish participation and make it less representational. He is strongly opposed to postponing because it has been difficult to get momentum to move forward due to Covid and other things. This represents one small step in the process. He pointed out that this is not the committee's rule. There is no prohibition on anyone attending. They are just required to wear a mask. He is strongly in favor of keeping it for next week at the junior high and keeping the mask mandate in place.

Member Garcia commented that maybe they do that and then sort out next steps. If this is a process to continue to gather information, there may be another way to accommodate people.

Ms. LaBranche talked about notifying the people who do not want to wear masks to let them know about the Zoom option.

Member Wright pointed out that Pat was saying that once the venue is changed and only a select group is notified, it's not in accord with the rules of an open meeting.

Ad Hoc Member Losik noted that everyone has to have that information. It can't be limited. It's providing an accessibility accommodation and it needs to be open.

Member Wright asked if a simple notice about the options would satisfy the spirit and intent.

Ad Hoc Member Losik replied that she thinks it would satisfy the notice.

Planning Administrator Reed pointed out that the Zoom link also has to be posted. Anyone could go to the link without registering.

Ms. LaBranche noted that there has to be an open link, so anyone can join the link. However, there would be no idea how many people will be on Zoom. There could be a Zoom link with a

requirement of registration only. They need to know how many people are going to be on the Zoom call in order for it to be managed.

Planning Administrator Reed noted that if there is more than four or five people who want to be on Zoom, they will need more facilitators, as there are only four at this point.

Member Wright commented that they won't know how many people will be attending, as it could potentially be unlimited.

Member Sherman pointed out they have to register.

Member Wright stated that this opens up another means of doing this seven days before the event. They can't possibly know ahead of time how many people are going to avail themselves of that.

Ad Hoc Member Losik commented that they should then just go ahead with two sessions. Move forward with next Wednesday and do a follow up on Zoom. She suggested doing it after the holidays in January.

Chair Carter clarified the session will be held next Wednesday with no Zoom component. A Zoom visioning session will be done later, which gives everyone equal access.

Planning Administrator Reed asked what the procedure will be if someone shows up without a mask on Wednesday.

Chair Carter stated that if there's no Zoom component at this meeting, the procedure that Member Wright laid out is the only one they can have. They can ask someone nicely to leave. If they refuse, then they will have to call the authorities.

Ad Hoc Member Losik suggested setting an optional Zoom date.

Member Sherman asked if they could do a second session at the church, instead of having a Zoom option. It could be exactly the same but at the church.

Ms. LaBranche agreed with deciding on the date for the second session.

After some further discussion, the committee agreed to hold a second session on January 12th at the Rye Congregational Church where masks will be recommended but not mandatory. There will not be a Zoom option available for the second session, nor for the upcoming session on the November 10th. Planning Administrator Reed will check with the church to see if that date is available. It was agreed to announce the second session after the first session on the 10th.

b. Other

November 10th Facilitators:

- Scott Marion
- Corey Belden
- Julie LaBranche
- Kim Reed
- Pat Losik – backup facilitator

The committee reviewed the working agenda drafted by Julie LaBranche for the visioning session. She will also be creating a page for each topic that will be used as handouts. People can write notes to take home or hand them in with their thoughts at the end of the event.

It was agreed that instructions for the group discussions at the tables should be given by Julie LaBranche to everyone at one time, instead of the facilitators doing it at each table. There will be one facilitator for each table and they will be staying at the table for each topic. There will be approximately 10 minutes for each topic. It was agreed to have one timekeeper.

Supplies needed for visioning session:

- Table cards
- Name tags
- Markers
- Dream board
- Flip boards
- Pens
- Masks

III. Next Steps/Meeting

- **Visioning session is being held on Wednesday, November 10th, at the Rye Junior High**

Adjournment

Motion by Rob Wright to adjourn at 2:51 p.m. Seconded by Katy Sherman. All in favor.

Respectfully Submitted,
Dyana F. Ledger