

Ordinance Oversight Committee Minutes

22nd March 2021

Chairman Dumont opens meeting at 7:05 PM and hands off to Town Manager Fournier for electronic meeting announcement.

Roll call attendance, all three Councilors are in attendance and alone

Chairman Dumont states minutes will be presented at the forth coming meeting for the previous meeting. States that committee has come together to discuss a possible noise ordinance/language proposal given to the committee by Town Manager Fournier.

Chairman Dumont segues into asking the Town Manager questions regarding the language proposal for a licensing board.

Chairman Dumont confirms that the councilors and police representative had examined the language, they affirmed, and the Town Manager pointed out that Town legal confirm language is appropriate.

Councilor Weinstein takes over and begins by asking the Town Manager some clarifying questions: tag days, dances, and the fee structure. Town Manager Fournier and Councilor Weinstein have a brief exchange regarding local protests and first amendment concerns and how a licensing board may impact it.

Chairman Dumont chimes in with examples from this year, hands back to Town Manager.

Town Manager continues to discuss statutes and the relationship at the local level and how the proposal is measured compared to what is allowable under the State law.

Councilor Weinstein hands off to Councilor Brabec. Councilor Brabec shares concerns about fees and costs for businesses, events, etc. Town Manager Fournier responds to those concerns explaining how permits could be year long and fee amounts could be amended.

Councilor Weinstein says fees for businesses are not a concern for her, but impromptu first amendment events with no one able to pay said fees, may infringe. Town Manager Fournier states that the statute and ordinance gives Town ability to waive fee in deemed appropriate.

Chairman Dumont and Town Manager Fournier exchange thoughts on codifying waiving fees for non-profits, etc., but Town Manager believes this may cause issues. Chairman Dumont asks about an appeal board for fees or disputes, but Town Manager suggests possible appeal to Town Councilor or a refund if fees deemed too high or unfair.

brief opening by Councilor Weinstein but recording cuts out then cuts back to Chairman Dumont and Town Manager Fournier. Screen then freezes and skips recording for a period

Lieutenant Jordan begins speaking about concerns with handling items on a case by case basis. He goes into a discussion noise complaints with Stone Church. Does this mean we give them a permit for four nights a week or four nights a year, etc. He asks what the specifications would be for handling the licensing situation.

Town Manager Fournier states that parameters for licensing will lie with the licensing board, and or the Town Council if they choose to modify any of the language of the ordinance. Town Manager Fournier also notes that licenses shall not be given outside of the zoning regulations, unless approved by the Planning Board.

Lieutenant Jordan states that he agrees with a lot of what has been said, but feels that this situation is unprecedented due to the pandemic.

Chairman Dumont asks for information on what the shows were like for those who live directly behind the Stone Church. Councilor Brabec states that it was certainly more than just on the weekends, but she felt that they ended at a reasonable time.

public comment via Zoom from Mike Hoffman says appx. 6 nights a week

Town Manager Fournier notes that the speakers outside the Church may have received more use this year which may have caused some more concern.

Councilor Weinstein reframes the discussion and asks about point five, seven A about determining fees or costs associated with police response. Lieutenant Jordan confirms that decision lies with the Police Chief, confirmed by Town Manager. Chairman Dumont asks about power to assess costs outside of this ordinance, Town Manager confirm Police Chief retains that power even outside of this ordinance.

Chairman Dumont asks about how the ordinance could impact businesses such the Rockingham Ballroom. He asks about the membership of the licensing board, to expand to allow for public members to sit on the board. Town Manager confirms RSA excludes allowing municipality to make changes to membership.

Chairman Dumont asks committee their thoughts on this Ordinance moving forward to the Town Council. Lieutenant Jordan has no disagreement. Councilor Weinstein has no disagreement. Councilor Brabec says she feels stuck on the processes for waiving fees for protesting, public demonstrations, and first amendment concerns.

Town Manager Fournier expresses concerns about trying to codify every single instance because we're liable to miss something. He goes on to state that we have these questions come before the Town regularly for every day items but we don't have a process in place to address, assign, or direct how we allow groups access to public spaces.

Councilor Weinstein says that she shares concerns but agrees with trying to dissuade scammers or related bad actors. Town Manager Fournier agrees with the licensing board would have the flexibility to tailor permits and approvals for situations as they arise.

Chairman Dumont asks about establishing a public record for the board's decisions. Town Manager said all decisions and meetings would become public record, minutes would be required, the same stipulations for all other boards and committees would apply.

Chairman Dumont asks for a motion to recommend forward Ordinance No 7 to Town Council for approval.

Councilor Weinstein motions, Councilor Brabec seconds. Councilor Dumont affirms and the motion carries to send to the Town Council for approval.

Meeting Adjourns at 8:02 PM