

TOWN OF NEWMARKET, NEW HAMPSHIRE

TOWN COUNCIL REGULAR MEETING

April 21, 2021 7:00 PM

Town Hall Auditorium and Zoom

The meeting will be conducted in the Town Hall Auditorium and is available via Zoom. You may join Zoom Meeting <https://zoom.us/j/9117025727> Meeting ID: 911 702 5727, 1 646 558 8656. If you have difficulty connecting, please call 603-659-3617 Ext, 1321.

6:30PM NON-PUBLIC PURSUANT TO RSA 91-A:3.II.(I) Consideration of Legal Advice Provided by Legal Counsel

The Council voted unanimously to come out of Non-Public Session at 7:06 PM.

Present: Council Chair Toni Weinstein, Council Vice-chair Zachary Dumont, Councilor Jonathan Kiper, Councilor Helen Sanders, Councilor Scott Blackstone, and Councilor Katanna Conley.
Present Virtually: Councilor Megan Brabec.

Staff Present: Town Manager Stephen Fournier, Police Chief Kyle True, Police Lieutenant Greg Jordan, and Recording Secretary Wendy Chase.

Chair Weinstein convened the meeting at 7:07 PM.

Town Manager Fournier read the virtual meeting guidelines preamble.

Recording Secretary Chase called the roll.

Chair Weinstein led the Pledge of Allegiance.

AGENDA

APPROVED MAY 5, 2021

1. Election of Officers, Adoption of Town Council Rules and Committee Assignments

a. Committee Assignments

Chair Weinstein noted that she did not receive any communications regarding the Committee assignments to the Energy & Environment Advisory Committee and to the Conservation Commission. She mentioned that Councilor Brabec has many more committee assignments than other Councilors.

Chair Weinstein offered Councilor Conley to replace her on the Energy and Environment

Committee and she would replace Councilor Brabec on the Conservation Commission.

No decision was made.

PUBLIC FORUM

Chair Weinstein opened the Public Forum at 7:12 PM.

Michael Hoffman owner of The Stone Church Music Club, LLC addressed the Council. He said that The Stone Church brings in approximately \$1M to the local economy and \$85,000 to the state and local governments annually. He suggested removing the "indoor events" from the proposed Ordinance No. 7 Licenses and Permits for Live Shows and Events. He said that it would be too easy to fall out of compliance unbeknownst to the individual playing music in a public establishment for example.

Chair Weinstein closed the Public Forum at 7:15 PM.

PUBLIC HEARING

Ordinance No. 7-2020/2021 - Amending Chapter 18 Establishing Live Shows and Events License

Chair Weinstein opened the Public Hearing for Ordinance No. 7-2020/2021 - Amending Chapter 18 Establishing Live Shows and Events License at 7:13 PM.

Chair Weinstein closed the Public Hearing at 7:13 PM without public comment.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

April 7, 2021

Councilor Dumont made a motion to Approve *the April 7, 2021, Meeting Minutes*, which was seconded by Councilor Sanders.

Motion was Passed by a vote of 7-0-0.

REPORT OF THE TOWN MANAGER

Town Manager's Report

Town Manager Fournier reported the following:

- **COVID-19 Update:** As of April 19, there are 29 active cases and 514 cumulative cases. There was a brief increase in cases immediately following February Vacation/Spring Break; now back to normal levels.
- **Vaccination:** As of April 18, 642,869 people in New Hampshire have received their first dose of the vaccination, and 334,152 are fully vaccinated. The State has opened vaccination to every adult on April 2.

- **Mask Ordinance:** On April 16, Governor Sununu allowed the statewide mask mandate to lapse. However, the town's ordinance is still in effect until June 7. The Emergency Management Team is reviewing the Governor's statement that Safer at Home will be rescinded on May 7. A local mandate may be impossible to enforce. This could impact town operations. At that time or shortly after, we will ask for copies of people's vaccination cards. If they are vaccinated, employees will not have to wear a mask. If they are not, they will have to continue wearing a mask.
- **FY21 Budget Update:** The Town has expended 74% of its total operating budget, which is on track for the year. The revenues are up slightly in several areas, including motor vehicle registrations and lower in building permits and recreation revenues.
- **Retirement:** Building Official Mike Hoffman has submitted his intent to retire effective August 1. Town Manager Fournier will be looking into the structure of the Community Development portion of town operations to determine if changes are needed to be made.

Department Reports

Chair Weinstein commented on the "safer at home" guidelines mandated by the Governor. She said after the Council approved the face-covering ordinance they received pushback from some residents stating that property and business owners can make their own choices about face masks and the Government shouldn't be allowed to mandate that. She hopes that those same people respect the wishes of the private business owners when they continue to ask their patrons to wear a mask.

Chair Weinstein noted that in the Fire Chief's report he stated that he has applied for funding in the amount of \$395,000 to finish the upstairs of the fire station through the Community Project Funding Program and has made it through the first round of reviews.

Chair Weinstein acknowledged Mike Hoffman's upcoming retirement and thanked him for all the work that he has done for the Town. She asked if there was any information from the last MRI Efficiencies Study conducted that they could use when determining the needs of the Community Development Department. Town Manager Fournier said that he was going to request an update to the MRI Efficiency Study focussing on that particular department.

COMMITTEE REPORTS

Councilor Blackstone reported on the latest Planning Board meeting. The Planning Board held a public hearing on the 75 Hall's Mill Road application. The parcel is buried within conservation land and popular for hiking. The Southeast Land Trust is opposed to the proposal to upgrade a portion of the Class VI road to a gravel driveway and build a single-family house. This application will come before the Town Council for final approval sometime next month. The other case discussed was the duplex on the corner of Granite Street and Church Street; the owner wants to make the renovated barn into a bike shop.

Councilor Dumont said the Budget Committee met on April 19th and Joe Lamattina was appointed as Chair and Mike LaBranche was appointed as Vice-chair and they may have someone to fill one of the three vacant seats.

Councilor Sanders said the Arts & Tourism Commission met last night. They received a lot of positive feedback regarding the Art Walk. They plan to keep the artwork up longer next year. She

thanked all the businesses who participated this year. They plan to coordinate with the Recreation Department and include local artists with the Arts in the Parks summer concerts. The Commission discussed their next project; the mural at the Library or at the pocket park next to Jonny Bostons restaurant.

Councilor Kiper reported on the Parking Commission meeting. They discussed parking technologies. The Town Manager is setting up a meeting with the City of Dover to see how they enforce parking limits.

Councilor Brabec said that the Riverfront Advisory Committee met last night. They are looking into the grant from NH DES to see whether or not they can use it for hiring someone to help with the plan on the living shoreline and climate adaptation in Schanda Park. They are also working on coming up with options to gain matching funds for the grant and will be looking for letters of support for the project.

OLD BUSINESS

RESOLUTIONS/ORDINANCES IN THE 2ND READING

Resolution #2020/2021-40- Purchase of 2021 Police SUV(line car 3)

Councilor Dumont made a motion to Approve *Resolution #2020/2021-40 - Purchase of 2021 Police SUV (line car 3)*, which was seconded by Councilor Sanders.

Lieutenant Jordan explained that the current line 3 cruiser has 127,000 miles and will be replaced with a new hybrid system vehicle saving the Department 12,076 gallons of fuel per year totaling \$3,500. The Department did the State bid for the purchase of the cruiser at \$39,375 and solicited 3 bids for the outfitting of the vehicle receiving two. 2-Way Communication was the lowest at \$11,722. This is the first hybrid vehicle for the Department; it has a much more significant battery system that will handle powering the electronics. The current cruiser will go to the State Auction.

Councilor Brabec commented that the purchase of the new vehicles will deplete the Capital Reserve Fund.

Town Manager Fournier explained that police vehicles are expendable equipment and not a capital expense so they will be purchased out of the operating budget, and no longer out of the Capital Reserve Fund. He said money from the Police Detail Account may also be used towards purchases of future vehicles.

Chair Weinstein commented that in an 8-hour shift a cruiser idles 4.9 hours to keep equipment powered up. The hybrid vehicle will have huge implications on the environment.

Motion was Passed by a vote of 7-0-0.

Resolution #2020/2021-41- Purchase of 2021 Police Ford Expedition Command Vehicle

Councilor Dumont made a motion to Approve *Resolution #2020/2021-41 - Purchase of 2021 Police Ford Expedition Command Vehicle*, which was seconded by Councilor Sanders.

Lieutenant Jordan explained that they are replacing the 2012 expedition. The mechanics said that it would not pass inspection again. The State bid for the new vehicle is \$40,560.00. They will not have to get lettering on the vehicle because it will be an unmarked car and will generally be driven by one person.

Motion was Passed by a vote of 7-0-0.

Ordinance No. 7-2020/2021 - Amending Chapter 18 Establishing Live Shows and Events License

Chair Weinstein made a motion to Approve *the Amendment to Section 130.5 of Ordinance No. 7 - 2020/2021 as dictated by the Chair*, which was seconded by Councilor Blackstone.

Town Manager Fournier explained the reasoning behind the proposed Ordinance. He explained that creating a noise ordinance is much more restrictive. A licensing board would consist of the Town Manager, Chief of Police, and Council Chair. Applications are reviewed by the licensing board who will seek input from town department heads and then make determinations to grant or deny the permit application. He explained that the town hall and the police department receive many calls when door-to-door sales are conducted with residents checking to see if it is legitimate. The Licensing Board would review the applications to determine whether or not it is a legitimate cause, or whether a protest is held in a safe environment, or if a live show will be safe for people.

Chair Weinstein recommended amending Section 130. 5 of the proposed ordinance as follows (changes are italicized):

"Conduct a carnival, tent show, fair, circus, dance exhibition or demonstration, or any open-air public meeting, *outdoor* live music shows, *including public dance*, disc jockey, karaoke, or other amplified *outdoor* music event in which the public is invited for pay."

Councilor Kiper suggested removing Section 130. 1 - Solicit Funds for Charitable Purposes. Town Manager Fournier said that the section is a part of RSA 286 and he would check to see if they could legally remove the section. He mentioned that the licensing board could waive the fee for non-profit organizations but they would have to provide documentation that they are a legitimate non-profit.

Chief True commented that we currently have a Hawkers and Peddlers permitting process that has to be reviewed by the police. This process ensures that the agency is legitimate. Residents can call the Police Department to see if the sellers are legitimate; many scammers come through town targeting the elderly.

Councilor Kiper said that his business receives many requests for donations throughout the year and wondered if it is necessary to make charities go through another hoop with this licensing proposal. He suggested reviewing the proposed ordinance line by line.

Town Manager Fournier suggested the Council send the proposed Ordinance back to the Ordinance Oversight Committee.

It was decided that the Councilors would forward suggested amendments to the proposed

ordinance to either the Chair or the Town Manager prior to the next Council Meeting on May 5th.

Councilor Dumont said that he would schedule an Ordinance Oversight Committee meeting sometime next week.

Motion was Passed by a vote of 7-0-0.

Councilor Kiper made a motion to Approve *tabling Ordinance No. 7 - 2020/2021 to the May 5, 2021 Meeting*, which was seconded by Councilor Sanders.

Motion was Passed by a vote of 7-0-0.

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Bruce Fielding - Housing Authority Commissioner - Term Expiration March 2024

Councilor Dumont made a motion to Approve *the Appointment of Bruce Fielding as Commissioner to the Newmarket Housing Authority with a Term Expiration of March 2024*, which was seconded by Councilor Sanders.

Motion was Passed by a vote of 7-0-0.

Resolutions/Ordinances in the 1st Reading

Resolution #2020/2021-43 - Water and Sewer Rate Increases

Chair Weinstein read Resolution #2020/2021-43 into the record.

Resolution #2020/2021-44 - Water/Sewer System Development Connection Fee

Chair Weinstein read Resolution #2020/2021-44 into the record.

Resolution #2020/2021-45 Water Treatment Plant Integration Programming Services

Chair Weinstein read Resolution #2020/2021-45 into the record.

CORRESPONDENCE TO THE TOWN COUNCIL

Correspondence Regarding Ordinance No. 7 - 2020/2021

The Councilors commented that they had read the correspondence and Chair Weinstein said they received more correspondence that will be on the next agenda for public review.

Correspondence Regarding The Stone Church Music Club, LLC

CLOSING COMMENTS BY TOWN COUNCILORS

Councilor Kiper thanked the community for their patience and flexibility and for wearing masks over this past strange year.

Chair Weinstein commented that the Conservation Commission has held a week-long roadside clean-up and that she has scheduled her roadside cleanup on Sunday, April 25th from 12:00 PM - 4:00 PM.

NEXT COUNCIL MEETING

May 5, 2021

ADJOURNMENT

Chair Weinstein adjourned the meeting at 8:40 PM without objection.

Respectfully submitted,
Wendy Chase, Recording Secretary