

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING**

MAY 6, 2020 7:00 PM

NEWMARKET VIRTUAL MEETING

Approved May 20, 2020

PRESENT: Council Chairman Toni Weinstein, Council Vice Chairman Amy Burns, Councilor Zachary Dumont, Councilor Jon Kiper, Councilor Helen Sanders, Councilor Casey Finch, Councilor Christian Matthews

ALSO PRESENT: Town Administrator Steve Fournier

AGENDA

Chairman Toni Weinstein welcomed everyone to the May 6, 2020 Virtual Town Council Meeting and called the meeting to order at 7:00 pm.

Town Manager Steve Fournier stated that due to the COVID-19 crisis the Town Council is authorized to meet electronically in accordance with Governor Sununu's executive order #12 pursuant to executive order 2020-04, and are providing public access by telephone and other electronic means.

The public may participate by dialing 1-866-899-4679, access code 672707173 or via web at <https://www.globalgotomeeting.com/join/672707173>. Problems with access during meeting call: 603-659-3617, extension 1321.

Attendance by Roll Call: Councilor Finch-present/alone, Councilor Sanders- present/alone, Councilor Dumont-present/alone, Councilor Kiper-present/alone, Councilor Matthews- present/alone, Councilor Burns- present/alone, Councilor Weinstein- present/alone

Vice-Chair Burns made a motion to seal the minutes of the Non-Public Session of May 6, 2020, which was seconded by Councilor Dumont.

Roll-Call Vote: Councilor Finch-aye, Councilor Sanders-aye, Councilor Dumont-aye, Councilor Kiper-aye, Councilor Matthews-nay, Councilor Burns-aye, Councilor Weinstein-aye
Motion approved by a vote of 6-1

PUBLIC FORUM – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Approval of the Regular Meeting Minutes of April 15, 2020

Vice-Chair Burns made a motion to approve the Regular Meeting Minutes of April 15, 2020, which was seconded by Councilor Dumont.

Roll-Call Vote: Councilor Finch-aye, Councilor Sanders-aye, Councilor Dumont-abstain, Councilor Kiper-aye, Councilor Matthews-aye, Councilor Burns-aye, Councilor Weinstein-aye
Motion approved by a vote of 6-0, with 1 abstention

REPORT OF THE TOWN MANAGER

Coronavirus Update

Town Manager Steve Fournier stated that \$40 Mil from the Coronavirus CARE Fund will be given to local governments, with \$32 Mil of that to municipal governments and \$48 Mil to city governments. He said the Town is anticipating receiving \$223,000 which can be used for equipment purchases, disinfectants, and computer equipment for remotes, but not for anything that will be reimbursed by FEMA; they cannot go over the amount but if they go under they do not receive the entire amount. First Responders will be receiving additional stipends, with fulltime Police and Fire getting \$600/week for 8 weeks, and part-time receiving \$150/week; guidelines are still being worked out.

Town Manager Fournier said Governor Sununu announced **Stay-at-Home 2.0:** Beginning May 11, 2020 retail establishments can reopen within guidelines at 50% capacity and masks worn by staff; golf courses can reopen within certain rules, as well as Hair Salons and barbers. Beginning May 18, 2020 Restaurants can open to outdoor service only; guidelines for the Town include temporary permits for this year only to allow businesses to do sidewalk sales; waiving permit fees; separate person to do those inspections; meetings held daily to hammer out guidelines and how to enforce them.

Town Manager Fournier said they are still reviewing opening Town Hall and Town buildings, and said barriers would need to be installed between employees and the public; the Town acquired a fogger for sanitizing spaces; Town Hall would probably not open until the end of May.

Discussion: Councilor Dumont asked if Fire, Police, or EMS received any salary reductions during the lockdown, and Town Manager Fournier said they had not. Councilor Matthews asked about waiving the \$50 fee for stands and vendors as well. Councilor Kiper said trash bins at Schanda Park were full of takeout containers and said restaurants that are open were doing good business. Chairman Weinstein asked about

new regulations requiring masks in restaurants, and Town Manager Fournier said it pertained to the person serving the food.

Chairman Weinstein asked about COVID-related expenses and an update on accounting. Town Manager Fournier said a special account was set up, but they would now have to separate FEMA from CARE reimbursable items, which he estimated to be about \$100,000-\$125,000. He said he was waiting for the ruling on the Recreation Department to make sure they have the equipment needed should they be allowed to open this summer. Councilor Dumont asked for the general breakdown for the \$100,000, and Town Manager Fournier said for PPE and overtime and he would get the exact figures.

Councilor Matthews asked if the parking lot at the Rail Trail was private land and asked for the timing on re-opening one side of the road again. Town Manager Fournier said part was State owned and part was privately owned, and said the road would not be reopening as long as the Police Department considered it an emergency. Chairman Weinstein asked about State guidelines on absentee ballots and whether any funds might come to municipalities for poll worker protection and increased costs for absentee ballots. Town Manager Fournier said that was included in the \$223,000 coming to the Town, and said absentee ballots would be available to those who do not feel safe going to the polls, and said he is already setting up a meeting with the Moderator and the Town Clerk.

Councilor Matthews asked if Finance had starting looking into scenarios where 5% to 10% of people are not paying taxes. Town Manager Fournier said they are but the Council cannot reduce expenses, though towns may ask the Governor to give the authority to reduce expenses temporarily. He said gas taxes are one year in arrears and will be based on last year's numbers, but Room & Meals taxes are not. He said it is concerning that the Governor has lately been calling only the 13 city mayors of the 13 cities and not all municipalities.

Town Council Orientation Presentation

Town Manager Fournier said there are 4 basic types of local government: (1) strong Mayor and Board of Aldermen to set policy; (2) Council/Manager with Council as legislative body hiring a professional CEO to run the community (Charter Communities); (3) Select Board SB2 with Select Board as governing body who appoint a Town Administrator/Manager as Chief Administrative Officer; (4) Select Board and Traditional Town Meeting with Select Board as governing body and Town Meeting as the legislative body.

Town Manager Fournier said Town Charter says the Town Council has all the power of a city council except to pass the budget. He said councilors cannot get involved in day-to-day operations of the Town by Charter and State Law and the Town Manager has all the authority of a city manager per State Law, including the appointment of all Department Heads with Town Council approval, discipline of employees, and proposes a Budget and CIP to the Town Council. The Council makes policy and the Town Manager and staff carry out this policy.

Town Manager Fournier said the Town Council must act as a body; no one councilor can influence the acts of the Town Manager or any other employee, or interfere with the duties of an employee; councilors must deal with employees through the Town Manager. The Town Council has budgetary control; Municipal

Budget Committee only approves the bottom line of the Budget; Town Manager can transfer funds from one department to another. The Town Manager has financial responsibility and must approve manifests for payment; sets pay for employees; establishes a purchasing code and appoints Town Treasurer.

Town Manager Fournier said the Town Council is a team and represents the entire community at all times; members are always Town Councilors; sets long and short-term goals and objectives as a team; actions of the Council as a whole are binding and no councilor can act alone. The Town Council Chair runs the meetings, assists Council in reaching decisions, acts a liaison between Town Council and Town Manager, and helps resolve conflicts. The Council should recognize and support the Administrative chain of command; deal with staff only through the Town Manager. The Council votes on resolutions and ordinances and approves nominations.

Town Manager Fournier said all local government matters should be funneled through the Town Manager and each councilor should have the same information when making a decision; the Town Attorney is only accessed through the Town Manager or the Council as a whole. He said the Town Council meets the first and third Wednesdays of the month and the agenda closes at noon on the Friday before the meeting unless there is an emergency. He said the public has the right to attend a meeting but does not have the right to participate except to comment.

COMMITTEE REPORTS

Chairman Weinstein asked about other committees holding meetings, and Town Manager Fournier said he is asking if it is not an emergency at this point to hold off, but they are allowed to meet with GoToMeeting. He said he is trying to work out the most secure way to hold landed board meetings with applicants and participants. Chairman Weinstein asked when the Council might be able to meet together, and Town Manager Fournier said they could not control the meeting being under 10 individuals and to be 6 feet apart they could not use Council Chambers.

Councilor Dumont said the *Budget Committee* met on April 27, 2020 and the majority of the meeting was hearing from the Town and the School year-to-date. He said the *Budget Committee* has authorized to use its statutory authority to request regular updates regarding budget progress and expenditures. He said they are planning to continue meeting throughout out the summer and will probably request to find out where the money is being spent on COVID items.

ORDINANCES AND RESOLUTIONS IN THE 2ND READING – None

ITEMS LAID ON THE TABLE – None

NEW BUSINESS /CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS – None

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2019-2020-30 –MacIntosh/Tucker Well Water Treatment Plant Project

Chairman Weinstein read Resolution #2019-2020-30 – MacIntosh/Tucker Well Water Treatment Plant Project in full.

CORRESPONDENCE - None

Discussion: Councilor Matthews suggested with restaurants opening the Council may want to start looking at some of the municipal ordinances, specifically under Section 26-53 Permit Standards requiring tables to be at least 2 feet from the sidewalk curb. He said he did not think it was possible in some cases and it did not seem fair that some restaurants could and other could not. Town Manager Fournier said sidewalks still have to comply with ADA to allow a wheelchair to get by, and said it is still not clear if planning and zoning regulations would apply. He said councilors can change ordinances but the Planning Board needs to weigh in, and said Council business meetings are not the place.

Chairman Weinstein said there are 2 separate issues here: (1) to look at ordinances which is a worthwhile cause, and (2) changes related to COVID-19 which are short-term fixes, and said she would not feel comfortable changing ordinances to accommodate. Councilor Finch agreed and said looking at ordinances over the course of next year is a long-term goal, and Councilor Burns also agreed.

Town Manager Fournier said after this is done, operations will change, and they can review what they did and whether there are adaptations that can be made to streamline operations. Chairman Weinstein said she asked Town Manager Fournier what they could do to help their businesses and he outlined steps he was taking, getting in touch with the Newmarket Business Association to find ways to work with area businesses. She said right now it is more about being flexible and being able to adapt as each phase of this process changes. Councilor Dumont moved to set up a 3-person Ordinance Review Committee, but Town Manager Fournier said it would be better as a formal resolution. Councilor Dumont withdrew his motion and said he would send text for review at the next meeting.

CLOSING COMMENTS

Councilor Dumont said he attended the Reopen New Hampshire second protest on May 2, 2020. He said the majority of New Hampshire is behind the Governor but felt it was important to hear the vocal minority. He advised to keep an open mind and commended all those working to support the rest of the community.

Chairman Weinstein said since the last meeting she had taken part in 2 community zoom meetings and said it was a nice forum for people to share information and everyone is welcome to attend. She said the Town Manager, the Police Chief, and the Public Works Director have participated, the NMBA, and the community church, and said she missed interacting with other people in the community.

NEXT MEETING: The next meeting will be held on Wednesday, May 20, 2020 at 7:00 pm, and there will be a Non-Public prior to the meeting at 6:00 pm.

ADJOURNMENT

Chairman Weinstein adjourned the meeting at 8:16 pm.

Town Council Regular Meeting
May 6, 2020

Respectfully submitted,

Patricia Denmark, Recording Secretary