

TOWN OF NEWMARKET, NEW HAMPSHIRE

TOWN COUNCIL REGULAR MEETING

May 19, 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.

6:00 PM NON-PUBLIC MEETING PURSUANT TO RSA 91-A:3,II(a) - PERSONNEL

The Council voted unanimously to come out of Non-Public Session at 7:05 PM.

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

Staff Present: Town Manager Stephen Fournier, Recreation Director Aimee Gigandet, Public Works Director Rick Malasky, and Wendy Chase, Recording Secretary.

After a short delay due to a video glitch, Chair Weinstein convened the meeting at 7:13 PM.

AGENDA

APPROVED JUNE 2, 2021

PUBLIC FORUM

Chair Weinstein opened the Public Forum at 7:14 PM.

Mark Gahan, 19 New Road attended the May 5th Council meeting and was disappointed that the mask ordinance was not rescinded. He didn't agree with Councilor Blackstone's comment that the businesses would be on the "front line" if the ordinance was rescinded. He said that Merchants are capable of making their own decisions on whether or not to require patrons to wear masks. He asked if the Council intended on reaffirming the mask ordinance when it sunsets on June 7th.

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

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

May 5, 2021 Non-public Meeting Minutes

Councilor Dumont made a motion to Approve *the May 5, 2021 Non-Public Meeting Minutes*, which was seconded by Councilor Sanders.

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

May 5, 2021

Councilor Dumont made a motion to Approve *the May 5, 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 on the following:

- **COVID-19 Update:** As of May 10, there are 20 active cases and 558 cumulative cases. 14% were in an institutional setting. Newmarket's 7-day average of cases is 29. There is a plateau; there will always be a percentage of the population with COVID-19 until it is eradicated.
- **Vaccination:** As of May 10, 746,072 people in NH have received their first dose of the vaccine, and 545,542 are fully vaccinated. There will be a vaccination clinic for students 12 years and older on May 22, with the second clinic on June 12.
- **FY21 Budget:** At the end of April we expended 80% of the operating budget and remain on track. Legal is remaining higher due to personnel issues and roadways and sidewalks are running over, due to engineering costs. On the revenue side - motor vehicles and building permits are lower than they were at this point last year, but we received an additional \$114,113 in municipal aid.
- **American Rescue Plan Act:** The Federal Government approved a 1.9 trillion stimulus bill (ARPA). We are estimating that Newmarket will be receiving directly \$910,000. The basic purposes for which the funds can be used are as follows:
 1. respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality
 2. for the provision of government services to the extent of the reduction in revenue due to the public health emergency relative to revenues collected in the most recent full fiscal year
 3. make necessary investments in water, sewer, or broadband infrastructure, or
 4. include premium pay for eligible workers performing essential work during the pandemic

The funds must be used to cover qualifying expenses during the covered period, which ends December 31, 2024. Other key provisions:

1. states are not allowed to use the funds to either directly or indirectly offset a reduction in the net tax revenue that results from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax
2. No funds shall be deposited into any pension fund

3. state and local governments are allowed to transfer to a private nonprofit organization, a public benefit corporation involved in the transportation of passengers or cargo or a special-purpose unit of state or local government.

We are currently working on a plan to use these funds.

- We were notified that there are community project funds that members of our congressional delegation can distribute funds to complete. We submitted a number to Congressman Pappas' office and the completion of the bunk rooms at the fire station was not chosen; however, Senator Shaheen's office is going through a similar process and we will be submitting again.

Department Reports

COMMITTEE REPORTS

Councilor Blackstone reported on the May 11th Planning Board meeting:

- The Planning Board gave permission to Eversource to trim trees along Bay Road which is a scenic road.
- The Bike Shop on Chapel Street's approval is pending.
- The Condominium Conversion on Ash Swamp Road was continued to the next meeting (Secretary's note: location is 258 Wadleigh Falls Road)
- The Planning Board voted to send the 75 Hall's Mill Road application to the Town Council to decide whether or not to approve a building permit on the Class VI Road and if the Council denies the application, the Planning Board requests the Town Council to reclassify the Class VI portion of Neal Mill Road as a Class A Trail. The Planning Board is drafting a letter to send to the Council.

Councilor Sanders said that the Arts and Tourism Commission is working in conjunction with the Recreation Department and the Business Association to work on "Arts in the Park" this summer by lining up artists to display their artwork at each of the concerts. They are also working on coming up with fundraiser ideas.

Councilor Brabec said the Riverfront Advisory Committee met yesterday and they will be looking at projects in phases. Schanda Park will be one phase and the pedestrian bridge will be another phase. Councilor Brabec also reported on the Conservation Commission's last meeting. They had Jenny Humpries of Mr. Fox Composting as a guest speaker. They are also looking at new signage for Wiggin Farm. The Commission had a discussion on the dog ordinance and not allowing dogs off-leash when walking the conservation lands. The Commission is drafting an opinion letter regarding the 75 Neal Mill Road Application.

Chair Weinstein said that the Library will be presenting the lecture "Big Trees in NH" and there will be some trees from Newmarket that will be featured. She also reported on the Licensing Board's last meeting. They approved 3 outdoor entertainment applications. The events will take place on July 1st, 8th, and 29th.

OLD BUSINESS

RESOLUTIONS/ORDINANCES IN THE 2ND READING

Ordinance No. 6 - 2020/2021- Reaffirming Wearing Face Covering in Town

Councilor Blackstone made a motion to Approve *an Amendment to Repeal Ordinance No. 6 - 2020/2021 Reaffirming Wearing Face Covering in Town effective May 24, 2021*, which was seconded by Councilor Brabec.

Town Manager Fournier sent out the following announcement: "The CDC has lifted mask requirements for those who have been vaccinated. However, the CDC said vaccinated Americans must continue to abide by existing state, local, or tribal laws and regulations, and follow local rules for businesses and workplaces. As such, masks are still required while the Town Ordinance is in effect".

Councilor Blackstone said that if the Town Manager plans to follow the CDC guidelines and the Council repeals the Ordinance he proposes not to do it abruptly and have the repeal take effect Monday, May 24th so that we have time to get the information out there to the residents and businesses so they can prepare.

Councilor Brabec said the UNH Commencement is this weekend and people will be coming in from out of state, staying at local hotels, and visiting local businesses. She is in favor of waiting until Monday, after Commencement.

Chair Weinstein disagreed with needing time to prepare. She said when the Council enacts an Ordinance it becomes effective instantly.

Vice-chair Dumont said it is unnecessary to wait until Monday; it's inevitable. He said our Emergency Management Team is advising the Council to follow the CDC Guidelines and that we are at a point where businesses and residents know this is coming.

Motion was Failed by a vote of 3-4-0. Nays: Dumont, Kiper, Sanders, Weinstein

Councilor Dumont made a motion to Approve *Repealing Ordinance No. 6 - 2020/2021 Reaffirming Wearing Face Covering in Town*, which was seconded by Councilor Kiper.

Councilor Kiper said that we have been following the CDC Guidelines all along and that we should continue to do so. He said that at his place of business he will mandate that all employees not vaccinated will be required to wear a mask and those vaccinated will not have to.

Councilor Conley said her primary rationale to vote not to rescind the Ordinance at the last meeting was to give businesses time to prepare when masks are no longer required. She said that we should continue to trust the CDC.

Vice-chair Dumont said that we've been following the mask mandate for 15 months, but everyone in the Nation knows it would end at some point. He is in favor of repealing Ordinance No. 6.

Chair Weinstein said that we have more information now. Now that the CDC came out with new guidelines it is impossible for the Town to regulate the mask ordinance. She said that she is sure UNH will continue to require a mask mandate. She opined that the Town should follow the CDC Guidelines.

Town Manager Fournier said that enforcement will be extremely difficult. He said that we will encourage and support people who want to wear masks and not harass in any way. He will be requiring proof of vaccination from all employees to keep on file and those not vaccinated will be required to wear a mask and those vaccinated will not be required to wear a mask.

Motion was Passed by a vote of 6-1-0. Nays: Blackstone

Resolution #2020/2021-46 - PBX and Telephones Equipment Lease

Councilor Dumont made a motion to Approve *Resolution #2020/2021-46 - PBX and Telephones Equipment Lease*, which was seconded by Councilor Sanders.

Town Manager Fournier explained that our phones have been inadequate for the past couple of years and they need to be replaced. We did go with the lowest bid and one of the biggest benefits is that we will have the same phone system as the School District.

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

Resolution #2020/2021-47 - Street Name Approval

Councilor Dumont made a motion to Approve *Resolution #2020/2021-47 - Street Name Approval*, which was seconded by Councilor Sanders.

Town Manager Fournier said that the street name proposed is Tanner Circle and explained that the Developer usually comes up with a street name and then the town makes sure that it meets 911 regulations.

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

Resolution #2020/2021- 48 - Fencing for Splash Pad Park and Preschool Playground

Councilor Dumont made a motion to Approve *Resolution #2020/2021-48 - Fencing for Splash Pad and Preschool Playground*, which was seconded by Councilor Sanders.

Recreation Director Gigandet explained that the money will be used for a 4' fence around the preschool playground area and a 5' fence around the Splash Pad. They have been using a temporary fence around the preschool playground area for over a year.

Councilor Blackstone commented on the impressive hydraulics.

Public Works Director Malasky explained that the large pipes are gathering the water to recycle and the pumps are located by the mechanical room.

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

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

James Drago - Zoning Board of Adjustment - Term Expiration April 2024

Councilor Dumont made a motion to Approve *the Reappointment of James Drago to the Zoning Board of Adjustment with a term expiration date of April 2024*, which was seconded by Councilor Sanders.

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

Resolutions/Ordinances in the 1st Reading

Resolution #2020/2021-50 - Wastewater Treatment Plant Solids Disposal Contract

Chair Weinstein read Resolution #2020/2021-50 into the record.

Resolution # 2020/2021 - 51 Wastewater Treatment Plant Great Bay Total Nitrogen NPDES Permit

Chair Weinstein read Resolution #2020/2021-51 into the record.

CORRESPONDENCE TO THE TOWN COUNCIL

No Correspondence

CLOSING COMMENTS BY TOWN COUNCILORS

Vice-chair Dumont informed the Council that he purchased a home out of town and due to that he is resigning from the Town Council. He gave his sincerest thanks to Council Chair Weinstein, Steve Fournier, the entire structure, and the Department Heads. He wished everyone luck and said, "Town Government is what you make of it".

Chair Weinstein spoke on behalf of the Council and said that Vice-chair Dumont will be missed and that they wished him and his wife the best.

Town Manager Fournier asked that Vice-chair Dumont provide a letter of resignation to the Town Clerk. He will put out an advertisement for the vacant seat. The appointment will be made until the March Election and then placed on the ballot for a two-year term.

Chair Weinstein commented that she had the opportunity to walk with the Seniors from the Senior Center and encouraged anyone interested to participate. She also noted that there are 3 open seats on the Lamprey River Advisory Committee.

NEXT COUNCIL MEETING

June 2, 2021

ADJOURNMENT

Chair Weinstein adjourned the meeting at 8:20 PM without objection.

Respectfully submitted,
Wendy Chase, Recording Secretary