

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

October 7, 2020 7:00 PM

NEWMARKET AUDITORIUM

Approved October 21, 2020

PRESENT: Council Chairman Toni Weinstein, Council Vice Chairman Amy Burns, Councilor Zachary Dumont, Councilor Jon Kiper, Councilor Helen Sanders; Councilor Megan Brabec

ALSO PRESENT: Town Manager Steve Fournier, Environmental Services Director Sean Greig

AGENDA

Chairman Toni Weinstein welcomed everyone to the October 7, 2020 Town Council Regular Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

The first individual spoke against the resolution to reaffirm the Ordinance to wear face coverings under certain conditions in the Town of Newmarket, and said she sent an email to the Council on September 17, 2020. She said she does not believe there should be a law to require wearing masks.

(Note: The name and most of the comments were inaudible and impossible to follow.)

Phil Nazarro said he does not want a mask ordinance as only 0.36% of our State population currently has COVID-19, though he would not argue about the efficacy of wearing masks. He questioned the assumed authority of the Council to issue a mask ordinance to private property, and said emergencies do not legislate or allow legislative bodies to assume they have that power, and as well-intentioned as it is it is misguided. He said finally the Council should look the precedent they continue to set that the legislative body of this Town can tell a private business owner they cannot serve someone who does not comply, and said he is concerned about unintended consequences that may arise.

Chairman Weinstein closed Public Forum at 7:07 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Approval of the Regular Meeting Minutes of September 16, 2020

Vice-Chair Burns made a motion to approve the Regular Meeting Minutes of September 16, 2020, which was seconded by Councilor Dumont.

Town Manager Fournier polled the Council and the Regular Meeting Minutes of September 16, 2020 were approved by a vote of 6-0.

Approval of the Non-Public Meeting Minutes of September 16, 2020

Vice-Chair Burns made a motion to approve the Non-Public Meeting Minutes of September 16, 2020, which was seconded by Councilor Dumont.

Town Manager Fournier polled the Council and the Non-Public Meeting Minutes of September 16, 2020 were approved by a vote of 6-0.

REPORT OF THE TOWN MANAGER

Town Manager Steve Fournier said **Southeast Land Trust** that they is working to secure funding for the Epping portion of the easement for the Clark Property of 175 acres with 150 acres in Newmarket. The original price was dropped from \$90,000 to \$75,000 with the remainder coming from Epping. He reviewed **Upcoming Dates:** October 24, 2020 Budget Work Session 9:00 am to 1:00 pm, October 14, 2020 Joint Planning Board/Town Council Virtual Meeting at 6:00 pm via Zoom.

Town Manager Fournier said the Emergency Management Team and Recreation Director met to discuss **Trick or Treat in Town**. After a presentation from NHMA and guidelines from NH Department of Health & Human Services (DHHS) and CDC, the Town decided to move forward with a scaled-back version to be held Friday, October 30, 2020 from 5:00 pm to 8:00 pm. Masks will be required in accordance with the Town Mask Ordinance, and parents should encourage social distancing and frequent hand washing. COVID-19 cases will be monitored and the situation reviewed in the event of a spike.

Town Manager Fournier said on the Agenda for review is an extension of the **Mandatory Mask Ordinance** in accordance with Town Ordinance Section 12-12: Emergency Powers & Duties. An Emergency Order was submitted to the Town Clerk last Monday to extend the Ordinance until Council acts on rescinding or extending the Ordinance at their next regular meeting (tonight). He said with cold weather approaching members of the **Sunrise-Sunset Center** will be invited into the large function room only for safe social distancing programs.

Town Manager Fournier said as of September 30, 2020 the water level at the **Macallen Dam** was approximately at the draw-down level of ± 15.2 feet; cranes are lowering steel beams, cofferdam installation is in preparation, forms installed for corner retaining walls and concrete staircase walls. He said the Town and School have come to an understanding for the shared **Facilities Director** and have revised the MOU. The position will now be a School Employee and after the first year they will determine how the Town will pay based on number of hours worked for each. The MOU will be approved at a future meeting.

Town Manager Fournier said at the next meeting an individual from a **Parking Enforcement** company is coming to talk to the Town Council about the possibility of using meters in Downtown, and said it is one proposal from the Police Chief.

Questions: Councilor Dumont asked if the Macallen Dam is moving on track to be completed on time. Town Manager Fournier said it seems to be going as planned, but with a project of this size issues will come up. He said the lack of rain helped the project and they are trying to wrap up as much as possible. Chairman Weinstein asked for an update of the turning over of South Main Street from the State to the Town. Town Manager Fournier said according to the Town Engineer, if they accept it they would also accept the railroad bridge. All bridge reports were received from the State which the Town Engineer is reviewing as well as doing a site inspection.

COMMITTEE REPORTS

Chairman Weinstein said the *Energy & Environment Advisory Committee* met last night and the focus was on the *Electric Aggregate Committee* they are also serving as. Chairman Peter Nelson as put together a thorough database of solar projects in communities and obtained data from Eversource.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2020/2021-07 – Tideflex Valve Purchase

Vice-Chair Burns made a motion to approve Resolution #2020/2021-07 – Tideflex Valve Purchase which was seconded by Councilor Dumont.

Environmental Services Director Sean Greig said in 2000 the Wastewater Treatment Plant (WWTP) put in a mandatory outfall pipe to convey the water back into the environment with 20 diffusers to evenly disburse the water. In 2018 during a major rain event the outfall pipe experienced a backup during a peak flow event and it was determined that the Tideflex valves were not all functioning properly as a result of the inability of the pinch valve to close. Red Valve recommended replacement of all 20 diffuser valves as 12 out of 20 were not working properly at a price of \$29,000 to be withdrawn from the Sewer Department Capital Reserve Fund, which has a current balance of \$1,819,098,

Discussion: Councilor Dumont asked if the backflow in 2018 cause the problem or whether it was ongoing. Environmental Services Director Sean Greig said we were one of the first to have them, and we are in brackish water which has more impact on materials.

Town Manager Fournier polled the Council and Resolution #2020/2021-07 – Tideflex Valve Purchase was approved by a vote of 6-0.

Resolution #2020/2021-08 – Enter into Lease with the SAU-31

Vice-Chair Burns made a motion to approve Resolution #2020/2021-08 – Enter into Lease with the SAU-31 which was seconded by Councilor Dumont.

Town Manager Fournier said the Town has been trying to build a Splash Pad at Leo Landroche Field. The land is owned by the School to be leased by the Town. As part of the Grant from the Land & Water Conservation Fund the Town must adhere to a lease of 25 years and renew for another 10 years in perpetuity, to ensure the land will be used for Recreation and the Splash Pad at a cost of \$1.00 annually.

Town Manager Fournier polled the Council and Resolution #2020/2021-08 – Enter into Lease with the SAU-31 was approved by a vote of 6-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING – None

Items Laid on the Table – None

NEW BUSINESS /CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Town Council Candidates

Chairman Weinstein said there are three (3) candidates for Town Councilor, one of which has withdrawn their name. The remaining candidates are Scott Blackstone and Ned Carpenter. She explained the process of inviting each candidate to speak, answer any questions, and councilors would vote for their preferred candidate.

Scott Blackstone said he has a Ph.D. in Physics, started a company which he took public. He said he has run companies big and small and has been involved in a lot of business, and knows a lot about contract law and worked as a School Business Administrator; he has lived in a number of countries overseas, spent a lot of time in Japan and China, and has a broad background.

Questions: Chairman Weinstein said the position will only go through March, and asked if Mr. Blackstone is interested in pursuing a position past March. Mr. Blackstone said he was interested in continuing and said he currently serves as a Trustee of the Trust Funds.

Ned Carpenter said he has lived in Newmarket for 2 ½ years and his history in New Hampshire goes back to the mid-1980s when he fell in love with the area but was unfortunately taken away for 30 years to other states working for Genuine Parts Company; he decided to move back to Northern New England and found a career opportunity with Aramak Refreshment Services; he and his wife currently serve on the Parent Council for James Madison University as parent liaisons. He said for him it is about the service, and he is also interested in continuing the position in March.

Chairman Weinstein said in March there will be two 3-year positions and two 2-year positions available on the Town Council. Vice-Chair Burns thanked both candidates for putting their names in to take this position and said she looked forward to their running in March.

Town Manager Fournier said councilors will state the last name of their preferred candidate when I call your name: Councilor Sanders-Blackstone, Councilor Dumont-Blackstone, Councilor Kiper-Blackstone, Councilor Brabec-Carpenter, Vice-Chair Burns-Blackstone, Chairman Weinstein-Blackstone.

Scott Blackstone was elected Town Councilor by a vote of 5-1.

Town Manager Fournier recessed the meeting briefly to get the Oath of Office to swear in the new councilor. He then administered the Oath of Office to Scott Blackstone and congratulated him on his appointment.

Zoning Board of Adjustments (ZBA)

Candidate: *Al Zink – Alternate Member – Term to Expire April 2023*

Vice-Chair Burns made a motion to approve the appointment of *Al Zink – Term to Expire April 2023* as an *Alternate member of the ZBA, which was seconded by Councilor Dumont.*

Chairman Weinstein commented that it is great when someone who has served in multiple capacities continues to stay involved, and said Al Zink has a lot of institutional knowledge.

Town Manager Fournier polled the Council and the nomination of *Al Zink as an Alternate Member of the ZBA* was approved by a vote of 7-0.

Energy & Environment Advisory Committee

Candidate: *Anders Holm – Term to Expire April 2023*

Vice-Chair Burns made a motion to approve the appointment of *Anders Holm – Term to Expire April 2023* as a *member of the Energy & Environment Advisory Committee, which was seconded by Councilor Dumont.*

Councilor Dumont said he noticed Mr. Holm has only been a resident in Newmarket for one year and said he appreciates it when new residents step up. Chairman Weinstein said there is one more position on the *Energy & Environment Advisory Committee* if anyone is interested.

Town Manager Fournier polled the Council and the nomination of *Anders Holm as a member of the Energy & Environment Advisory Committee* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2020/2021-09 FD Lifepak

Chairman Weinstein read *Resolution #2020/2021-09 Purchase of two LIFEPAK 15 Monitors/Defibrillators* in full.

Ordinance #2020/2021-02 Reaffirming Wearing Face Coverings in Town

Town Manager Fournier said since this is an Emergency Ordinance, in accordance with the Town Charter, no second reading is required and it is appropriate to act on it this evening.

Vice-Chair Burns made a motion to approve Ordinance #2020/2021-02 Reaffirming Wearing Face Coverings in Town which was seconded by Councilor Dumont.

Town Manager Fournier said procedurally this is exactly the same as the Ordinance adopted 61 days ago and this is just to reaffirm it for an additional 61 days. Chairman Weinstein asked if this Ordinance would expire if the Governor's Emergency Order were to expire, and Town Manager Fournier said you will have to repeal it and according to the Governor his Emergency Order will continue until there is a vaccine or a vast change in the pandemic; the Emergency Order also allows for application for Federal funding.

Discussion: Councilor Kiper said personally the point at which he would vote to not continue the mask ordinance is when surrounding towns have shown no increases for 21 days. He said as a restaurant owner he has not had any issues, but a safe situation is needed for his employees who have to work, and said he would vote for the Ordinance. Councilor Sanders said it is not just for people who have COVID but for others who are at risk of catching anything, and said she wears a mask to protect others and will also vote to extend the Ordinance.

Chairman Weinstein said her stance has not changed and she absolutely supports this Ordinance. She said it is also important to point out where they are required and where they are not. She said members of the public using public sidewalks or other public ways or areas are *strongly encouraged*, but not required, to wear a face covering. She said it is important that they have not mandated people to wear masks except when going into businesses to protect people in closed spaces.

Councilor Sanders said if this Ordinance passes again it is mandated for public buildings and for Election Day at the polls. Town Manager Fournier said Election Day falls under the rule that if you do not wish to wear a mask, we will provide you with an alternative location to vote. Chairman Weinstein said Durham adopted this first and Exeter and Portsmouth have as well. Councilor Brabec reminded people that voting by Absentee Ballot is always an option.

Town Manager Fournier polled the Council and Ordinance #2020/2021-02 Reaffirming Wearing Face Coverings in Town was approved by a vote of 6-1

Town Manager Fournier said he also has the Warrant for the General Election for the Council to sign.

CORRESPONDENCE – None

CLOSING COMMENTS

Councilor Kiper thanked the Police Chief and his officers for their diligent work enforcing parking in Downtown, and for their interaction with the public. He said he feels Newmarket is different from other places in the country with their Police.

Chairman Weinstein agreed with Councilor Kiper and said it is not usual to just see a Police Officer walking in Downtown. She said there will be a few meetings before Election Day and said there are options for voting and Absentee Ballots are encouraged to protect individuals voting as well as volunteers at polling locations. She said for this election Ward 1 will vote at the High School and Ward 2 at the Elementary School; Ward lists are available on the website.

Town Council Regular Meeting
October 7, 2020

Chairman Weinstein welcomed new Councilor Scott Blackstone, and congratulated Councilor Dumont on his impending nuptials this weekend.

Next Meeting: October 21, 2020 at 7:00 pm; Joint Planning Board-Town Council Meeting October 14, 2020 at 6:00 pm via Zoom; Budget Workshop Saturday, October 24, 2020 from 9:00 am to 1:00 pm.

ADJOURNMENT

Chairman Weinstein adjourned the meeting at 7:59 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary