

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING
MAY 20, 2020 7:00 PM
NEWMARKET VIRTUAL MEETING**

Approved June 3, 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, Environmental Services Director Sean Greig

AGENDA

Chairman Toni Weinstein welcomed everyone to the May 20, 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 1-877-568-4016, access code 795596269; or via web at <https://www.globalgotomeeting.com/join/795596269>. Problems with access during meeting call: 603-292-1221.

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

Councilor Dumont made a motion to seal the minutes of the Non-Public Session of May 20, 2020, which was seconded by Vice-Chair Burns.

Roll-Call Vote: Councilor Finch-aye, Councilor Sanders-aye, Councilor Dumont-aye, Councilor Kiper-aye, Councilor Matthews-aye, Councilor Burns-aye, Councilor Weinstein-aye
Motion approved by a vote of 7-0

PUBLIC FORUM – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Approval of the Non-Public Meeting Minutes of May 6, 2020

Vice-Chair Burns made a motion to approve the Non-Public Meeting Minutes 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-aye, Councilor Burns-aye, Councilor Weinstein-aye
Motion approved by a vote of 7-0

Approval of the Regular Meeting Minutes of May 6, 2020

Vice-Chair Burns made a motion to approve the Regular Meeting Minutes 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-aye, Councilor Burns-aye, Councilor Weinstein-aye
Motion approved by a vote of 7-0

REPORT OF THE TOWN MANAGER

Update on COVID-19

Town Manager Steve Fournier said they are working on an operations plan to reopen while making sure customers and employees are protected, probably after the first week in June. He said they are still getting guidance from their insurance provider regarding liability, Memorial Day celebrations have been cancelled for this year, and he is now working with local restaurants to make sure they follow State guidelines to reopen. He said guidance came out from the State on how Summer Camps can reopen, and he is working with the Recreation Director to provide a potential plan for this year.

FY2020 Budget

Town Manager Fournier said with 75% of the year complete they have expended 83% of the Operating Budget, which is less than last year at this time (87%). Revenues are still okay with no dip in Motor Vehicle registrations. After the Governor declared a State of Emergency, Police Chief True significantly reduced parking enforcement on Main Street, and as things start to reopen parking will again be enforced to make sure it is available for Downtown businesses.

Update on Elections

Town Manager Fournier said Supervisors of Checklists would like to meet in Town Hall on June 2 and they are working to make it safe. He said he also met with the Town Moderator and Town Clerk to discuss the upcoming State primary in September and the general election in November, and how to hold them with social distancing guidelines in place. He said people can vote by absentee ballot if they do not feel safe and are encouraged to make requests as soon as possible; acrylic barriers will be installed between voters and staff to ensure safe distancing.

Town Manager Fournier said he has been in discussions with the Secretary of State, the Town Attorney, and the Municipal Association to try to have more than 1 polling place open, and are proposing to split the checklist in half alphabetically; looking at Town Hall and the Beech Street Community Center for the September primary and using the Elementary School and the High School for the presidential election in November.

New Draft Permit for Wastewater Treatment System

Town Manager Fournier said the EPA & Department of Environmental Services (DES) has issued a new Draft Permit for the Wastewater System to address issues with nitrogen in Great Bay, and Newmarket would have to make significant improvements to achieve this. Newmarket also entered into an Administrative Order of Consent 8 years ago to do what we are doing now. The Coalition of Communities would need to make approximately \$800 Mil in improvements and success is questionable; Newmarket is working with Exeter to submit comments on the Draft Permit to the EPA.

Capstone Riverwalk Study

Town Manager Fournier said he attached a report from the Capstone Project by engineering students at UNH to study the feasibility of an extended Riverwalk in Newmarket and ideas to address the waterfront. He said he would try to convene the Riverfront Advisory Committee to review the study.

Town Manager Fournier said he received a request for use of a public location from Jonny Boston's to use the Pocket Park for additional outdoor dining space. He suggested allowing a number of tables to be lined up against the building, as the park is a public space. He said he wanted to check with the Council first and said the application had not yet been received.

Discussion: Vice-Chair Burns said she had no issue with the outdoor dining request, but that similar requests should be considered in the same way. Town Manager Fournier said the Town requires a \$1-\$2 Mil rider for insurance, and the temporary permit is only good until July 1st unless extended by the Emergency Manager. Chairman Weinstein said it makes sense due to circumstances but she would not want the Pocket Park to become a permanent part of Jonny Boston's, and if alcohol is served the area should be clearly cordoned off. Town Manager Fournier said the Code Enforcement Office will review to make sure it still complies.

Town Manager Fournier said the ADA requirement on sidewalks is 36 inches and the Town Ordinance is 48 inches, and said they will use ADA due to the pandemic. He said all outdoor eating permits sunset on July 1st, but businesses can apply regular café licenses. Councilor Matthews asked what has been done as far as parking lots for businesses. Town Manager Fournier said he is open to any plan as long as it complies, and said written permission may be needed from the actual land owner.

Councilor Kiper said he sent an application yesterday with attached documents, and said he will have tables next to benches to allow more pedestrian space. Councilor Dumont said he supports expanding outdoor dining for restaurants, and asked if the Town would be open to publicizing the use of absentee ballots for the elections if people do not feel safe voting. Town Manager Fournier said they are putting more information on the website and will film some PSAs for Channel 13. He said the Secretary of State said to post the Warrant as is and if they are allowed another polling place it can be amended later.

Councilor Sanders said she downloaded the application for an Absentee Ballot but “not feeling safe” is not listed as a reason. Chairman Weinstein said to check the disability box on the form, and said she forwarded some information to the Town Clerk and Town Manager today which will need to be edited. Councilor Matthews asked if the Town Manager had any concerns about the 83% expense rate for this year. Town Manager Fournier said the percentage is not off-base, the Finance Director is monitoring the situation, and they are eligible for \$223,000 for non-FEMA expenses. He said they are booking items against the Budget to be reimbursed later by State money. He said tax bills will go out shortly and they would see the percentages there.

Town Manager Fournier said the Governor has a Main Street program for small businesses to pay their property taxes; the form asks what the revenues were last year and what they anticipated them to be this year. He said there is half a billion in the fund with 3,000 applications so far. Councilor Dumont said it is called the Main Street Relief Fund. Councilor Kiper asked who owns the riverfront for the Riverwalk project. Town Manager Fournier said part is owned by Rivermoor, part by Chinburg, and part by the Town, and the State Coast Guard may have rights on the water. Councilor Kiper asked how the Town Manager anticipated funding the Riverwalk, and he said he would look at any grant possibilities out there and try to do fund raising.

Councilor Matthews asked if there had been any discussion about reopening the parking lot at Rockingham Rail Trail. Town Manager Fournier said the Town does not own the parking lot and it is open, but they do not allow parking on Ash Swamp which will not change as Emergency Vehicles cannot get through safely. Chairman Weinstein asked about the potential reopening of Town Hall and Council meetings. Town Manager Fournier said he still wants to follow guidelines of a limit of 10 people and the 6-foot distancing. He said the Chair and staff could possibly meet with councilors attending virtually, and said at this time he is still planning on meeting virtually for their June meeting.

Town Manager Fournier said reopening Town Hall does not mean all offices would be open, just basic public functions in the building, and appointments would be needed for his office, Finance, etc. He said he is working with the Town Clerk and the Health Inspector. He said masks will be required and someone will meet you at the door and provide one if needed. He said they are going to have to reopen eventually as some of the waivers will start running out. He said some places are suggesting a switch to a 4-day work week and having people working shifts.

Town Manager Fournier said they have also developed an internal system using Microsoft Teams which was rolled out for all Department Heads and staff; makes it easier to ask questions and see the history of a conversation and they can also be set up as projects; they are also signing documents digitally. Chairman Weinstein asked what actions the Town Council will need to take for the elections. Town Manager Fournier said Town Council would need to vote to approve dividing the polls; Help America Vote (HAV) funds will be available for this.

Chairman Weinstein asked about the possibility of doing Town Council Goals remotely with Primex, and Town Manager Fournier said he would contact them. She commended Police Chief True and the Fire Department for going above and beyond, and the Recreation Director for trying to keep things going while

working on summer programming. Town Manager Fournier said also the Department of Public Works for student graduate recognition and work with Police and Fire to come up with a different type of graduation. Councilor Matthews asked why Department of Public Works department costs are approximately \$19,000 over. Town Manager Fournier said he will double check those figures.

COMMITTEE REPORTS

Councilor Matthews said the *Planning Board* did meet virtually and discussed the Impact Fee Subgroup. From the Council side Jon Kiper and himself, and from the Planning Board Val Shelton with Diane Hardy. Town Manager Fournier said sub-committees of groups need to notice meetings and provide minutes.

Chairman Weinstein said the *Energy & Environment Advisory Committee* will meet virtually in June to elect a chair and vice-chair and organize things. She said she also reached out to the School Board Chair for the annual joint meeting with the Council.

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

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

Vice-Chair Burns made a motion to approve Resolution #2019-2020-30 – MacIntosh/Tucker Well Water Treatment Plant Project which was seconded by Councilor Dumont.

Environmental Services Director Sean Greig said this project is to add treatment to the MacIntosh Well Blending Facility which will increase the Town water supply and meet safe drinking water standards for arsenic for the MacIntosh and Tucker Wells. He said current arsenic levels are above the new maximum of 5 micrograms/L and water suppliers have until July 2, 2021 to meet the new standard. He said this facility will be able to treat arsenic and manganese levels and reduce them to about zero.

Environmental Services Director Greig said the project is estimated to be approximately \$5.7 Mil including construction and engineering, funded through the NH Drinking Water/Ground Water Trust Fund at a rate of 67% and approximately 33% grant for a total of \$1.9 Mil in grants. Lowest bidder on the project Kinsmen Corporation at \$4,735 Mil; voted on by the Town to move forward on this as part of Capital Improvement Projects for the Water Department; impact to water rate looks like 50 cents/year for the next 4 years and increases will cover project costs.

Discussion: Councilor Dumont asked about the differences in the bids, and Environmental Services Director Greig said the Kinsmen bid was close to the engineering bid estimate. Councilor Matthews said the estimated annual increase in water bills would be \$24/year and asked if that included operations and maintenance costs for the facility. Environmental Services Director Greig said that was just his forecasting the Budget out to what our expenses are and our revenues over the next 4 years. Chairman Weinstein asked when the project would start and the timeline for completion. Environmental Services Director Greig said the letter of intent has to be done by June 9th, and once approved by the Council he expected the project to be under way in July or August with 18 months for completion.

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Roll-Call Vote: Councilor Finch-aye, Councilor Sanders-aye, Councilor Dumont-aye, Councilor Kiper-aye, Councilor Matthews-aye, Councilor Burns-aye, Councilor Weinstein-aye
Motion approved by a vote of 7-0

ITEMS LAID ON THE TABLE – None

NEW BUSINESS /CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Ad Hoc Arts & Tourism Commission

Candidate: *Nichole Jones – Term to expire April 2023*

Vice-Chair Burns made a motion to approve the nomination of *Nichole Jones – Term to Expire April 2023* as a member of the *Ad Hoc Arts & Tourism Commission*, which was seconded by Councilor Dumont.

Roll-Call Vote: Councilor Finch-aye, Councilor Sanders-aye, Councilor Dumont-aye, Councilor Kiper-aye, Councilor Matthews-aye, Councilor Burns-aye, Councilor Weinstein-aye
Motion approved by a vote of 7-0

Conservation Commission

Candidate: *Ellen Snyder – Term to expire April 2023*

Vice-Chair Burns made a motion to approve the nomination of *Ellen Snyder – Term to Expire April 2023* as a member of the *Conservation Commission*, which was seconded by Councilor Dumont.

Roll-Call Vote: Councilor Finch-aye, Councilor Sanders-aye, Councilor Dumont-aye, Councilor Kiper-aye, Councilor Matthews-aye, Councilor Burns-aye, Councilor Weinstein-aye
Motion approved by a vote of 7-0

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2019/2020-31 – Purchase of Portable Police Radios

Chairman Weinstein read Resolution #2019/2020-31 – Purchase of Portable Police Radios in full.

Resolution #2019/2020-32 – Ordinance Oversight Committee

Chairman Weinstein read Resolution #2019/2020-32 – Ordinance Oversight Committee in full.

CORRESPONDENCE - None

CLOSING COMMENTS

Councilor Dumont asked if the Arts & Tourism Commission was at capacity and if they would be meeting soon. Councilor Sanders said the Commission was now filled.

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Councilor Kiper asked if any more picnic tables might be available from the Rec Department for restaurants to set up for outdoor dining, perhaps at Schanda Park, as only 3 restaurants have outside seating. Town Manager Fournier said he would find out what could be done.

Councilor Matthews said on Thursday, May 28, 2020 from 7:00-8:30 pm the NMBA, Stone church, Four Rivers Project, Freedom Café, NM Rec Committee, Cheney Property, and the Town of Newmarket will be hosting “Let’s Hear it for our Heroes” virtual concert and fund raiser for local charities. More information available on NMBA Facebook page or search the event to register.

Chairman Weinstein said the Rec Department would be following the same route as first responders over the next few Fridays.

Town Manager Fournier said he heard back from Primex and they could do a virtual Goal-Setting Session. He said it is traditionally done on an off Wednesday starting at 6:00 pm.

NEXT MEETING: Wednesday, June 3, 2020

ADJOURNMENT

Chairman Weinstein adjourned the meeting at 8:15 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary