

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL REGULAR MEETING  
JUNE 17, 2020     7:00 PM  
NEWMARKET VIRTUAL MEETING**

***Approved July 15, 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 June 17, 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, video, and other electronic means.***

***The public may participate by dialing 1-646-558-8656, access code 9117025727; or by Zoom at <https://www.zoom.us/j/911702572>; or via web at [www.newmarketnh.gov](http://www.newmarketnh.gov). Problems with access during meeting call: 603-659-3617, ext. 1321. All motions taken during meeting will be by roll-call vote.***

**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

**PUBLIC FORUM**

No members of the Public present.

## **TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

### **Approval of the Non-Public Meeting Minutes of June 3, 2020**

Vice-Chair Burns made a motion to approve the Non-Public Meeting Minutes of June 3, 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 June 3, 2020**

Vice-Chair Burns made a motion to approve the Regular Meeting Minutes of June 3, 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

### **Seal Minutes of Non-Public**

Vice-Chair Burns made a motion to seal the minutes of the Non-Public Session of June 17, 2020, which was seconded by Councilor Dumont.

Councilor Matthews asked if it was necessary to seal the June 17<sup>th</sup> Non-Public Minutes. Town Manager Fournier said it is the right of the employee involved to say they do not want them shared.

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**

Town Manager Steve Fournier first provided an update on the **COVID-19 Response**. He said Newmarket will be holding a modified Sumer Recreation Program starting July 6, 2020 through August 14, 2020. Masks are required when unable to maintain 6-foot social distancing guidelines. Each program will be divided into small groups of no more than 10 or less including counselors; children will not move between groups in same week; groups will be assigned different home-base rooms in Community Center and use same egress and entry; specific bathrooms will be assigned for each group.

Town Manager Fournier said the Governor issued his "Safer at Home" advisory, and the number of people in a group will no longer be a 10-person maximum. He said he went to Phase 2 on Sports Programs and games can now be played with some rules still in place; games can only be played between Vermont, Maine, and New Hampshire at this time. He said he intends to open Town Hall to very limited traffic on

June 29, 2020 and is developing some standard operating procedures to be in effect until further notice, and is still encouraging use of online services. Certain departments may need to adopt procedures specific to their facilities and services.

Town Manager Fournier said Town Hall will be continuously sanitized and will be cleaned every evening; hand sanitizer and mask stations throughout the building to be used before entering a department; plexiglass guards at all customer service counters; cloth masks provided to Town employees who need them; workstations placed 6 feet apart where possible; demarcation added to access/waiting areas; possible queueing outside building. Town Hall will maintain one public entry on the St. Mary's side of the building, and the Beech Street entrance will be for employees and emergency use only; all visitors must wear masks and masks must be worn in hallways and common areas of building. Microsoft Teams has been implemented for department heads and electronic meetings will continue until further notice.

Town Manager Fournier read a letter that was sent out to the chairs of various boards and committees stating that a date to meet in person again cannot be determined at this time, and boards are still allowed to meet remotely for the duration of the State of Emergency. He said Town Hall cannot insure the proper social distancing at this time for all boards, committees, and councils and said Town Council Chambers is not an option. He said if a meeting were held, public access could not be denied (confirmed by NHMA Legal Counsel), and safe distancing could not be guaranteed and boards should continue remote meetings as much as possible at this time.

Town Manager Fournier said they are still reviewing all their plans for reopening safely. Outdoor dining for restaurants will be allowed through the end of the summer at least, to make sure businesses are able to make up their revenue some way. He said they are looking at opening playground equipment and are working with the Town's insurance carrier. He said he issued an Emergency Order today regarding travel for all Town employees: any travelers by public transport outside of New Hampshire, Vermont, or Maine will have to quarantine for 14 days upon return, using their own earned time or by working remotely, per guidelines from CDC and NH Department of Health & Human Services (DHHS). Guidelines are in line with other municipalities in the State and the area.

Town Manager Fournier said questions are coming in about Police tactics and not all policies can be shared with the public. Chokeholds and neck restraints are prohibited unless use of deadly force authorized; officers shall use de-escalation tactics when possible before resorting to force; use disengagement, area containment, surveillance, and/or call in special unit to decrease need for force. Warning shots are prohibited and officers should announce themselves and issue verbal commands or warnings; officers are trained to use all forms of force continuum before deadly force; if an officer observes other officers who use excessive, unnecessary, or unjustified force they should immediately intervene to stop it and report to immediate superiors.

Town Manager Fournier said Police Policy specifically states officers are prohibited from discharging their firearms at or from moving vehicles unless necessary to prevent imminent use of deadly force; officers are trained to recognize and use all forms of force continuum; department establishes and maintains a use-of-force reporting system that allows for effective review and analysis of all incidents on or off duty, for anything above un-resisted handcuffing. He stated that all guidelines are followed closely and seriously.

Questions on Town Manager Report: Councilor Dumont asked if Newmarket Police had ever needed to discharge their weapon or step beyond medium force, and Town Manager Fournier said he would ask the Police Chief. Chairman Weinstein asked if temperature checks would be used at summer camps, and Town Manager Fournier said he would find out. She asked if there had been any talk of the Governor lifting the State of Emergency, and Town Manager Fournier said not at this time and said lifting the emergency will also lift emergency funding. Councilor Matthews asked about the working from home policy going forward. Town Manager Fournier said if an employee does not feel safe or has certain family situations or health issues they can work from home, and said he is very open for working at home. Chairman Weinstein said the Council may want to consider possibly having a hybrid meeting in future in case someone has to quarantine.

Town Manager Fournier said we have been learning the importance of our technology and are finding we have more deficiencies than we thought, and said the Finance Director is reviewing all of our technology. Chairman Weinstein asked about moving forward with putting bathrooms upstairs in the Fire Station. Town Manager Fournier said they are now getting a price and to see if it is possible to use GOFERR funds, as the Fire Department does not have a decontamination place in their building and has to use Public Works.

Chairman Weinstein asked for an update on Town Permit requests. Town Manager Fournier said he received about 6 requests and approved them, but not were followed through. Chairman Weinstein asked for an update on the Cell Tower, and Town Manager Fournier said construction is pretty much done but he is not sure if it has been turned on. Chairman Weinstein asked where the Town is with any drought. Environmental Services Director Greig said the Town water supply is in great shape, but they will be shutting down the MacIntosh Well on the 29<sup>th</sup> to start putting in treatment. He said they will run on the Bennett and Sewell Wells which are at all-time highs for water levels. He said right now they are in a Stage 1 water emergency but will be changing that to Stage 2 on June 29, 2020.

## **COMMITTEE REPORTS**

Councilor Matthews said the *Planning Board* met last week. He said two important things are that Eversource has contracted Asplundh Tree Experts for trimming and clearing on Bay Road, and the next Planning Board will individually review permitted uses and discuss at the next meeting.

Councilor Sanders said the first meeting of the *Arts & Tourism Commission* will be held next Tuesday at 7:00 pm via Zoom, and said they already had their first resignation and will forward the email to post the opening. She said they still have a quorum and will meet and elect officers.

Chairman Weinstein asked about interest in serving on the *Ordinance Oversight Committee*. Town Manager Fournier said he received 3 names: Councilor Weinstein, Councilor Dumont, and Councilor Matthews.

Vice-Chair Burns made a motion to appoint Councilor Weinstein, Councilor Dumont, and Councilor Matthews to the *Ordinance Oversight Committee*, 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 2<sup>ND</sup> READING**

### **Resolution #2019/2020-34 – Water and Sewer Rate Increases 2020-2021**

Vice-Chair Burns made a motion to approve *Resolution #2019/2020-34 – Water and Sewer Rate Increases 2020-2021* which was seconded by Councilor Dumont.

Environmental Services Director Sean Greig said for **Sewer Rates** when the Wastewater Treatment Facility construction began in 2012-2013 it was decided to do level increases to have least impact on sewer rates, and a rate model was created to raise rates evenly over time so the account would grow, and once the facility was built to deficit spend until revenues met expenses. He said the chart shows the rates are on course, and he is recommending a 60-cent increase this year and 60 cents for the following 3 years. Single-family home water use for sewer users is 35,500 gals/yr at new rate of \$12/750 gals is \$27.60/yr with overall cost for 34,500 gals, \$592/yr or \$148/qtr. He said Newmarket is right in the middle compared to surrounding communities.

Environmental Services Director Greig said **Water Rates** have not changed from 2013-2017, then increases were started due to increased costs to system. Now with water infrastructure projects, they are looking at a 50-cent raise this year and the following 3 years. Average water use is 36,000 gals/yr which makes it \$24/yr at 50 cents increase, and 36,000 gals is \$316/yr or \$79/qtr. Newmarket is again in the middle in comparison to other communities.

Councilor Matthews asked Environmental Services Director Greig how he calculates the average sewer gallons of water for a single-family home. Environmental Services Director Greig said he takes a year's worth of data, everyone's bills, and what a single family home is, and based on their water consumption. He said the numbers differ between water and sewer because there are people with just water, just sewer, and both water and sewer. The data does not include apartments or multi-unit dwellings.

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

### **Resolution #2019/2020-33 – Construction Services for Macintosh & Tucker Well Treatment Project**

Vice-Chair Burns made a motion to approve *Resolution #2019/2020-33 – Construction Services for Macintosh & Tucker Well Treatment Project* which was seconded by Councilor Dumont.

Environmental Services Director Greig said a few meetings ago the Town entered into an agreement with Kinsman to construct treatment for the MacIntosh and Tucker Wells to meet the new 5 parts/billion standard for arsenic, which also removes manganese, and brings them into compliance by July 2021. He

said it is a year-long technical project, with Wright-Pierce selected to perform design and give an estimate to do construction services and administration. The project will start July 1, 2020 with substantial completion by December 2021, done in spring 2022. He recommended they move ahead with Wright-Pierce to perform construction, administration, and oversight services.

Discussion: Councilor Matthews questioned the comments regarding Kinsman in the letter to the Town concerning their management team being at times difficult to work with, and having past problems maintaining schedule. Environmental Services Director Greig said these are the services they are doing.

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 – None**

**ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING**

**Resolution #2019/2020-35 – Establishment of Voting Districts 2020 State and General Elections**

Chairman Weinstein read Resolution #2019/2020-35 – Establishment of Voting Districts 2020 State and General Elections in part.

Town Manager Fournier said he invited the Town Moderator and the Town Clerk to their next meeting.

**CORRESPONDENCE - None**

**CLOSING COMMENTS**

Chairman Weinstein said she had a conversation with the School Board Chair to come up with a date for the Joint Town Council-School Board Meeting, which will be some time in August. She asked if councilors have any specific topics to discuss to please let her know.

**NEXT MEETING:** July 15, 2020 at 7:00 pm.

**ADJOURNMENT**

Chairman Weinstein adjourned the meeting at 8:03 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary