

# TOWN OF NEWMARKET, NEW HAMPSHIRE

## TOWN COUNCIL REGULAR MEETING

April 7, 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.

Councilors Present: Councilor Toni Weinstein and Councilor Zachary Dumont. Present Virtually: Councilor Helen Sanders, Councilor Jonathon Kiper, Councilor Megan Brabec, Councilor Scott Blackstone, and Councilor Katanna Conley.

Staff Present: Town Manager Stephen Fournier, Police Chief Kyle True, Environmental Services Director Sean Greig and Wendy Chase, Recording Secretary.

Others Present: Amy Burns

Councilor Weinstein called the meeting to order at 7:00 PM.

Town Manager Fournier read the Virtual Meeting Guideline Preamble.

Recording Secretary Chase called the roll.

Councilor Weinstein led the Pledge of Allegiance.

## AGENDA

APPROVED APRIL 21, 2021

### 1. Election of Officers, Adoption of Town Council Rules and Committee Assignments

#### a. Election of Chair

Councilor Dumont made a motion to Approve *the nomination of Toni Weinstein as Council Chair*, which was seconded by Councilor Sanders.

Chair Weinstein thanked everyone for their vote of confidence.

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

#### b. Election of Vice Chair

Councilor Sanders made a motion to Approve *the nomination of Zachary Dumont as Council Vice-chair*, which was seconded by Councilor Kiper.

Councilor Dumont thanked the Council.

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

**c. Adoption of Town Council Rules for 2021/2022**

Councilor Dumont made a motion to Approve *amending the rule to reduce the Council Meeting time to 9:00 PM instead of 10:00 PM*, which was seconded by Councilor Conley.

Councilor Dumont pointed out that the Council rarely meets later than 8:00 PM and suggested amending the time from 10:00 PM to 9:00 PM.

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

Councilor Dumont made a motion to Approve *the Adoption of the 2021/2022 Town Council Rules*, which was seconded by Councilor Brabec.

Town Manager Fournier explained that there were two errors in the Rules that will need to be corrected. "Town Administrator" will be changed to reflect the correct title "Town Manager". The second amendment is to correct the allowed time for public comment from 5 minutes to 3 minutes. Both corrections were amendments passed by the Council last year.

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

**d. Committee Assignments**

Chair Weinstein is the current Council Rep to the Energy & Environment Committee and offered the position to any other Councilor interested in taking over that role.

Councilor Brabec is the current Council Rep to the Conservation Commission and offered the position to any other Councilor interested in taking over that role.

Councilor Conley pointed out that she would have a conflict of interest serving on the Conservation Commission because her husband is on the Commission.

The following Council Committee Assignments were made:

Highway Safety: Councilor Kiper

Budget Committee: Vice-chair Dumont; Councilor Brabec, Alternate

Energy & Environment: \*Chair Weinstein

CIP: Councilor Conley; Councilor Kiper, Alternate

Conservation Commission: \*Councilor Brabec

Economic Development/Liaison Business Association: Councilor Sanders

Planning Board: Councilor Blackstone; Chair Weinstein, Alternate

Ad hoc Riverfront Advisory Committee: Councilor Brabec

Ad hoc Arts & Tourism: Councilor Sanders

Ordinance Oversight Committee: Chair Weinstein, Vice-chair Dumont, and Councilor Brabec

Parking Commission: Councilor Kiper

\*The Committee Assignments to the Energy & Environment Committee and the Conservation Commission will be addressed again at the April 21st meeting.

## **PUBLIC FORUM**

Chair Weinstein opened the Public Forum at 7:21 PM.

There were no public comments.

Chair Weinstein closed the Public Forum at 7:21:50 PM.

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

### **March 17, 2021**

Councilor Dumont made a motion to Approve *the March 17, 2021 Meeting Minutes*, which was seconded by Councilor Sanders.

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

## **REPORT OF THE TOWN MANAGER**

Chair Weinstein presented Amy Burns with an engraved clock on behalf of the Council for her service to the Town in serving as a Town Councilor for the past 6 years.

Chair Weinstein said it was a pleasure to work with Amy and thanked her for her service.

Mrs. Burns thanked the Community and the Council and said it was an honor to serve the Town.

Town Manager thanked former Councilor Burns for her service and wished her well.

## **Town Manager's Report**

The Town Manager reported on the following:

- **Covid-19 Update:** As of March 31 there are 16 active cases and 465 cumulative cases. There was an increase in cases following February Vacation/Spring Break, but now back to normal levels.
- **Vaccination:** As of April 1, 439,304 people in NH have received their 1st dose of the vaccine, and 222,732 are fully vaccinated. The State has opened vaccination to every adult on April 2. The School Vaccination clinic for the 2nd dose of vaccine will be on April 9th. We are working with Lamprey Health Care to hold a clinic on April 15 at the Beech Street Ext. Building for our Laotian community. NH is leading the Nation in vaccinations.
- **HB111:** The House Judiciary Committee sent to the full house HB111. This bill will eliminate all sovereign and municipal immunity and implicitly repeal the limits on state and

municipal liability for damages. It will subject countless municipal officials and employees to lawsuits for good-faith decisions made in the reasonable exercise of their discretion. This will affect the Police Officers and any municipal employee or official who may innocently take an action that is subsequently determined to have violated someone's rights. The consequences of this legislation will be extreme. Litigation and insurance costs will rise, bringing property tax rates with it.

- **Goal Setting Session:** A Representative from Primex has met with the Council for Goal Setting Sessions in the past. Town Manager Fournier asked if the Council would like him to set up a session with Primex for this year.

It was a general consensus of the Council that the Goal Setting Session with Primex is a helpful exercise, Town Manager Fournier will set it up.

Councilor Conley asked when the Council will go back to full in-person meetings.

Chair Weinstein said there is no specific date set. She said that members that opted to get vaccinated will receive their 2nd shot on April 9th, there will be Plexi-glass dividers installed between the Councilors and everyone will continue to wear masks and be socially distanced. She said that the Governor can change orders at a moment's notice so the Council should be prepared to start meeting in person. She would like everyone to feel comfortable meeting in person.

- **Wildcat Transit:** UNH will terminate service to Newmarket at the end of the academic year 2022 due to a decrease in ridership. FY12, they had approx. 70,000 riders per year and in FY19 they had 15,000. They will be holding a virtual public hearing on April 5 and April 6.

Councilor Dumont said that he worked for Wildcat Transit and these types of decisions are not made lightly. He said that there are other services available for public transportation.

- **Retirement of Chief True:** Chief Kyle True has submitted his intent to retire effective May 29. The Town Manager is working on the transition period and will be advertising for the position shortly.

Chief True addressed the Council. He said that it was not one single factor for his decision to retire; he would like to spend more time with his family. He complimented the Council on their civility and professionalism with each other and each town department. He spoke of public safety in the community and pointed out the important contributions each and every department makes to ensure public safety. Chief True said that it has been an honor serving the Newmarket Community.

Councilor Kiper thanked Chief True for his service and said he was a huge supporter of the substance abuse initiative. He said he hopes the new Chief is someone who lives up to his awesome reputation.

Chair Weinstein said she appreciates Chief True's compassion and thanked him for his service to the community.

## **COMMITTEE REPORTS**

Councilor Kiper said the Parking Commission met and received a presentation from IPS Group regarding parking meters.

Councilor Brabec reported that the Riverfront Advisory Committee met in person outside at Schanda Park with NH DES to discuss the living shoreline project. They will begin the grant application writing process in order to hire a consultant to help navigate the next step. They are also working with UNH to identify students and faculty interested in tackling the riverwalk and bridge construction projects.

Councilor Sanders reminded everyone that the Arts & Tourism Commission Main Street Art Walk opens on April 9th and runs for two weeks. There are 11 Main Street storefronts displaying the works of 14 artists.

Vice-Chair Dumont reported that the Ordinance Oversight Committee met and the Ordinance they developed is on tonight's agenda for a first reading.

## **OLD BUSINESS**

### **RESOLUTIONS/ORDINANCES IN THE 2ND READING**

#### **Resolution #2020/2021-38 - Tucker Well Final Design.**

Councilor Dumont made a motion to Approve *Resolution #2020/2021-38 - Tucker Well Final Design*, which was seconded by Councilor Sanders.

Environmental Services Director Greig explained that Tucker Well is part of the USDA World Development projects that the Town voted on and approved a couple of years ago. The preliminary engineering is finished and approval of this Resolution will move us into the final engineering to construct the waterline, facility, and hydraulic pumps.

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

#### **Resolution #2020/2021-39 - Dewatering Improvements**

Councilor Dumont made a motion to Approve *Resolution #2020/2021-39 - Dewatering Improvements at the Wastewater Treatment Plant*, which was seconded by Councilor Sanders.

Environmental Director Greig explained that this is one of the most important projects on the wastewater side of things. They treat 170 million gallons of wastewater per year; it is important to dry the sludge as much as possible to save money on disposal of it. 750 tons per year is sent to the landfill and it costs \$108.00 per ton, that price is expected to increase to \$160.00 per ton. Director Greig found a small drying unit and did a pilot in 2019 and 2020. The unit has a 20-year life. The payback for the unit will be eight years. There will be a reduction in water, electricity, and

transportation. Director Greig applauds his crew for doing all the piping diagrams, performed all the pilots, and ran all the figures. They presented the entire package to the engineers to review and approve. His crew saved the Town a lot of money in engineering fees.

Chair Weinstein asked where the money (\$400,000) will come from for the remaining part of the project.

Director Greig said that he will take some out of the Capital Reserve Fund and is applying for money from Congressman Pappas' Office this week.

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

## **NEW BUSINESS/CORRESPONDENCE**

### **TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS**

#### **Resolutions/Ordinances in the 1st Reading**

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

Councilor Conley made a motion to Approve *Ordinance NO. 6 - 2020/2021 Reaffirming Wearing Face Covering in Town*, which was seconded by Councilor Sanders.

Councilor Dumont explained that he has consistently voted against this ordinance. He said that he received a call from a citizen who said her friend had a negative interaction with the police for not wearing a mask at a Newmarket business. She voiced concerns over the town's stance on the mask mandate.

Town Manager Fournier said that the Police have issued zero fines during the entire time of the emergency ordinance. He said when the Police get involved it's usually an individual who refuses to leave the premises while not wearing a mask. He said the Police are out educating people; not fining them.

Councilor Dumont did tell the individual to reach out to the Police Chief with any concerns.

Town Manager Fournier stated that if the Governor lifts the mask mandate for the State, the town's ordinance remains in effect until the 61st-day deadline or if the Council rescinds it.

Chair Weinstein pointed out that the Council adopted this Ordinance prior to the Governor's Statewide Mandate.

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

##### **Ordinance No. 7-2020/2021 - Amending Chapter 18 Establishing Live Shows and Events License**

Chair Weinstein read Ordinance No. 7-2020/2021 (title only) into the record without objection.

**Resolution #2020/2021-40- Purchase of 2021 Police SUV(line car 3)**

Chair Weinstein read Resolution #2020/2021-40 into the record.

**Resolution #2020/2021-41- Purchase of 2021 Police Ford Expedition Command Vehicle**

Chair Weinstein read Resolution #2020/2021-41 into the record.

**Resolution #2020/2021-42 - Wentworth Cheswill 275th Birthday Celebration**

Councilor Dumont made a motion to Approve *Suspending the Rules*, which was seconded by Councilor Conley.

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

Councilor Dumont made a motion to Approve *Resolution #2020/2021-42 Wentworth Cheswill 275th Birthday Celebration*, which was seconded by Councilor Kiper.

Councilor Kiper thanked the Town Manager for helping get this Resolution done. He has been working with a State Legislator to get Wentworth Cheswill informally acknowledged but it won't go through the process until after the birthday anniversary. Councilor Kiper said that Wentworth Cheswill was involved in public office every year of his life except one and is a great role model for all of us.

Chair Weinstein thanked Councilor Kiper for his work on this and his work on the Wentworth Cheswill memorial. She said that there is more information on the Historical Society and Library websites.

At 8:30 PM, Town Manager Fournier gave the Council the 30-minute warning to suspend the rules for the Council Meeting.

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

**CORRESPONDENCE TO THE TOWN COUNCIL**

No Correspondence.

**CLOSING COMMENTS BY TOWN COUNCILORS**

Councilor Kiper said "Happy Birthday Wentworth Cheswill".

Chair Weinstein encouraged people to get out this weekend and walk through town to see all the art exhibits.

Councilor Blackstone had a question on Ordinance #7 - 2020/2021. Town Manager Fournier said that procedurally, questions and comments would have to wait until the public hearing and 2nd reading at the next Council Meeting. He offered Councilor Blackstone the opportunity to contact him with his questions prior to the meeting.

**NEXT COUNCIL MEETING**

**April 21, 2021**

**ADJOURNMENT**

Chair Weinstein adjourned the meeting at 8:36 PM without objection.

Respectfully submitted,  
Wendy Chase, Recording Secretary