

Mask Review Committee
Meeting Minutes
August 17, 2020

1. Call to Order

The meeting of the Mask Review Committee was called to order at 12:00 PM by Mayor Bouley.

Mayor Bouley welcomed everyone to the August 17, 2020 Electronic Meeting of the Mask Review Committee, indicating the Committee was meeting electronically due to the COVID-19/Coronavirus pandemic, in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04. Mayor Bouley noted that, in accordance with the Governor's Emergency Order, the Committee provided public notice of the necessary information for accessing this meeting. He noted that instructions are provided on the City of Concord's website at:

<http://www.concordnh.gov/Calendar.aspx?EID=11130&month=8&year=2020&day=17&calType=0>. He further noted that the Committee was utilizing the Zoom platform for this electronic meeting. All members of the Committee have the ability to communicate contemporaneously during this meeting, and the public has access to listen to this meeting via the following website address: <https://us02web.zoom.us/j/88030466858>. If any member of the public does not have website access, they may dial the telephone number 929-205-6099 or from a landline 877-853-5257 and enter the password 880 3046 6858. Anyone having a problem accessing the meeting was advised to call 603-225-8505 or send an email to: vdiaz@concordnh.gov. All votes to be taken during this meeting will be done by roll call vote. Mayor Bouley asked members of the Committee, when stating their presence at the meeting, to please also state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

2. Roll Call

Present: City Councilors – Mayor Jim Bouley, Fred Keach, Byron Champlin, Amanda Grady Sexton, Nathan Fennessy

In accordance with the Right-to-Know law, all members of City Council who were present at the meeting indicated they were alone.

3. Presentation

Mayor Bouley briefly explained the purpose of the Mask Review Committee meeting.

He explained that a proposed ordinance was submitted by the City's Legal Department for the Committee's review with the goal of recommendation to the City Council for a public hearing.

Attorney Kennedy reviewed the proposed ordinance with the Committee and explained that the baseline position in the proposed ordinance is to reduce the spread of the virus.

Councilor Fennessy inquired whether the term “business” should be defined to include for profit, not for profit businesses, and state or federal buildings.

Mayor Bouley asked the Committee on thoughts for the defining of “business.”

Attorney Kennedy noted that Keene, New Hampshire, defined the term “business” in its ordinance, which could be used as a sample for the proposed ordinance.

Councilor Keach asked whether masks must be worn in churches and whether that is already covered by the Governor’s Order.

Councilor Grady Sexton asked whether the proposed ordinance applies to fitness centers. She noted that the ordinance as proposed exempts the wearing of masks when engaging in sporting activities.

Attorney Pacik explained that the Governor’s Orders provide guidance for fitness centers. Attorney Pacik further explained that fitness center staff are required to wear masks, as well as customers when not actively working out.

Mayor Bouley stated that he is comfortable with the way the proposed ordinance reads. Councilor Fennessy stated that the language used by Keene in its ordinance relative to the definition of businesses would be helpful.

Attorney Pacik explained that the requirements of face coverings while in places of worship are addressed in the Governor’s Order.

Mayor Bouley noted that paragraph #8 of the proposed ordinance does not clarify whether a person needs a doctor’s note in order to be exempt from wearing a face covering. This issue was further discussed by Councilor Grady Sexton and Mayor Bouley. Councilor Champlin suggested a revision to clarify that a face covering will not be required to be worn by any person for whom wearing a face covering may pose a risk for health-related reasons.

Mayor Bouley suggested that paragraph #10 of the proposed ordinance be revised with respect to penalties. Mayor Bouley noted that he would prefer if the penalties were similar to those of parking tickets. Mayor Bouley noted that he is not looking to punish, but instead to change behavior.

Mayor Bouley noted that the proposed ordinance has an expiration date of January 2021, and that the matter would be revisited at the end of the year.

Councilor Champlin asked whether the City has a plan for posting signage about face covering requirements throughout the City, such as parking garages or downtown Main

Street. Mayor Bouley noted that a public campaign, such as banners on light poles, would be helpful to disseminate information to the public. Mayor Bouley suggested the City create signs for posting, but noted that the City parking garages already have many signs. Councilor Grady Sexton added that the use of social media and local media could be utilized to spread the word. Councilor Champlin stated that he encourages a positive message to the public.

Councilor Keach commented that, should the proposed ordinance be presented to the City Council, he would like to emphasize that the Committee has already reviewed and worked on the proposed ordinance. Mayor Bouley noted that the City Council will accept comments from the public. Mayor Bouley also noted that amendments by the City Council are always possible. Councilor Keach agreed.

Attorney Kennedy stated that the Committee may want to exempt restaurants from the proposed ordinance and simply refer to the Governor's Orders. The committee unanimously agreed.

Attorney Kennedy reviewed the revisions to the proposed ordinance that were discussed by the Committee.

Councilor Fennessy noted that he expected further guidance from the Governor as the fall season approaches.

Mayor Bouley asked whether there were further questions or comments. The Committee members had no further questions or comments.

Mayor Bouley moved to vote to forward the proposed ordinance, as revised, to the City Council for a hearing. The motion was duly seconded by Councilor Fennessy.

Mayor Bouley clarified that the vote by the Committee members is not a vote for or against the proposed ordinance.

The motion was duly seconded by Councilor Fennessy and passed unanimously with a roll call vote.

Yes: Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach,

Mayor Bouley requested that Attorney Kennedy finalize the revisions to the proposed ordinance and forward the final draft to the City Clerk for posting to the City Council agenda. Attorney Kennedy confirmed that he would forward the final draft of the proposed ordinance to the City Clerk.

The meeting of the Mask Review Committee was adjourned at 12:52pm.