

**TOWN OF TUFTONBORO
BOARD OF SELECTMEN
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www.tuftonboro.org**

Selectmen's Emergency Meeting
8:30 am – Town House

Friday March 27, 2020

The official video of this meeting can be found on the Town of Tuftonboro's YouTube channel at:
<https://www.youtube.com/channel/UCCUmJqZvFTS23RMEFSDQzmw>.

MINUTES

Present: Chairman Lloyd Wood, Selectman Bill Marcussen, Selectman Chip Albee and Administrative Secretary Karen Koch.

CALL TO ORDER

Chairman Wood called the Selectmen's meeting to order at 8:30 am and led the pledge of allegiance.

The Selectmen met to discuss Governor Sununu's stay-at-home order effective at 11:59 pm on 3/27/2020 for non-essential businesses (order attached). Chairman Wood read aloud the attached prepared statement to summarize the reasoning for calling the emergency meeting. Selectman Marcussen summarized the details of the Governor's Order and concluded that most of the functions that Town government performs are implicitly included in the inclusions list of essential businesses. Discussion included how to best continue Town employees' work functions while limiting the risk of Covid-19 exposure, including the potential to perform these functions while working remotely. Karen Koch explained the Logmein service available for employees to be able to work remotely. Selectman Marcussen shared concern for computer and internet availability at employees' homes and suggested that Chromebooks could be purchased inexpensively if needed. Discussion followed. Employees in attendance (Diane Falcey, Chief Shagoury, Chief Thompson, and Jack Parsons) were asked for their input. The Selectmen clarified that they don't wish to reduce employee hours. They wish to reduce exposure to the virus. Obstacles involved with working remotely were discussed, such as anticipated increased welfare cases, payroll/accounts payable functions, etc. as well as back-up personnel for these functions. Selectman Marcussen will work with Karen Koch for setting up remote working functions. The Selectmen spoke of cash control, security concerns with employees working at home, etc. The Board will allow employees to decide whether or not they would like to work remotely. They will also have employees determine the best protocol to collect mail, approve of invoices, handle deposits, etc. Karen Koch and Selectman Marcussen will put together some sort of schedule and summary of how remote access will be handled.

Chief Thompson raised the concern of how the Town plans to respond in the event that this order changes to a shelter-in-place. As today's meeting reached the maximum capacity of 10 attendees, there was much discussion regarding Chief Shagoury's suggestion that other means of public access to meetings be considered. Chairman Albee added that the Board should also consider what constitutes "essential business". For example projects that can/will be put on hold, department heads submitting written departmental updates instead of attending meetings, etc. The Board agreed to Selectman Marcussen working with Karen Koch to provide real time access to meetings, understanding that there will more than likely be a cost associated with doing so.

Chief Shagoury shared that as of April 1, if anyone is ordered to self-quarantine, they are to receive two weeks pay (without affecting their sick leave). The Town's current personnel policy doesn't include sick pay for part-time employees. Chief Shagoury suggested loosening up the Town's sick leave policy particularly for part-time employees so they don't feel required to come in to obtain pay. He also suggested not requiring a note for 3 days absence. The Board agreed that they don't want employees to be concerned about losing pay. Selectman Marcussen noted that the Federal package that is going out may include relief for town/cities for these types of payments so this type of compensation should be tracked. Selectman Albee moved to extend FMLA to part-time employees, to include a two-week leave in the event they need to self-isolate or come down with the virus, seconded by Chairman Wood for discussion. Chairman Wood read aloud an excerpt from the Families First Coronavirus Response Act to clarify the Board's motion. The excerpt

from the act states: *“Mandatory Paid Sick Leave. This Act requires covered employers to provide employees with two weeks of paid sick leave in the following circumstances: 1. The employee is subject to federal, state, or local quarantine or isolation related to Covid-19; 2. The employee has been advised by a health care provider to self-quarantine due to concerns related to Covid-19”*. The Board’s motion includes regularly scheduled part-time employees for the hours that they normally work. This includes the Planning Board Secretary, Conservation Commission Secretary, Assistant Town Clerk, Fire Department Secretary and the Police Department Secretary. Per Diem employees, such as on-call firefighters, would not be included. They would fall under worker’s compensation if they end up with work-related exposure while on duty. Vote passed with all in favor. Selectman Marcussen moved to amend the motion for payment of sick time for “regularly scheduled” part time employees, seconded by Selectman Albee with all in favor.

Karen Koch will send out a memo to boards and committees that they should be utilizing the Town House rather than the Town Offices meeting room in order to limit traffic through Jack Parson’s office. The Fire Department is closed for meetings. The general public can come into the lobby and work with staff through the window. Chief Thompson spoke of precautions that are being used on calls as well.

The Transfer Station will follow the protocol established at Monday’s meeting. They will only accept household waste and glass recyclables at this time. Per Chairman Wood’s request, Karen Koch will provide Clay Gallagher with the information for NCT to have them clean the Transfer Station. NCT has a 90 day guarantee against virus disinfection. Further discussion ensued regarding disinfection processes in place as well as limitation to people entering the Town Offices.

Chief Shagoury shared that 91-A requirements aren’t waived in light of the virus. He shared that Wolfeboro put out a notice stating how they are going to handle meetings with call-in capabilities, etc.

SIGNATURE FILE

Selectman Marcussen moved to approve a notice of intent to excavate for PID 32-2-12, seconded by Selectman Albee with all in favor. Selectman Marcussen moved to approve a notice of intent to excavate for PID 3-1-24, seconded by Selectman Albee. This approval is contingent that taxes are paid to date. Vote passed with all in favor. Selectman Marcussen moved to approve a notice of intent to excavate for PID 32-2-4, seconded by Selectman Albee with all in favor. Selectman Marcussen moved to approve a notice of intent to excavate for PID 32-2-6, seconded by Selectman Albee with all in favor. Selectman Marcussen moved to approve a gravel tax levy for PID 32-2-6, seconded by Selectman Albee with all in favor.

Selectman Albee moved to approve Karen Koch’s continuing education request for \$960 plus books, seconded by Selectman Marcussen. This approval is for one class. Mrs. Koch will give a proposed schedule for future classes and the personnel policy will be revisited to incorporate tuition reimbursement. Vote passed with all in favor.

The Selectmen agreed to continue being the Selectmen’s Representative for their current board/committee assignments.

ADJOURNMENT

At approximately 9:41 am, Selectman Marcussen moved to adjourn, seconded by Selectman Albee with all in favor.

Respectfully submitted,
Karen Koch, Administrative Secretary

EXHIBIT A to Emergency Order #17

State of New Hampshire – Governor Chris Sununu

Pursuant to Emergency Order #17 issued under Section 18 of Executive Order 2020-04, the State of New Hampshire has compiled a list of industry sectors that provide essential services and support to COVID-19 and the core missions of the State. Entities that fall under this guidance shall continue to operate with necessary staff to complete critical and essential functions. This information is based on federal guidance and amended to reflect the interest of New Hampshire's citizens and economy.

Those deemed essential will continue to have the ability to cross state borders for work related travel (e.g., traveling to and from work/home, transporting products to distribution facilities, etc.).

While the below Sectors are designated as essential, they are urged to follow social distancing protocols for employees in accordance with guidance from the Department of Public Health, including but not limited to:

1. Prohibiting all gatherings with more than 10 individuals
2. Keeping all personnel six feet apart
3. Encouraging employees to stay home when sick, and sending home those who report feeling ill or display symptoms

Businesses and organizations, essential or not, are encouraged to continue their operations through a remote means (ie., telework) that will not require employees, customers, or the public to report to the company or organization's physical facility.

The President of the United States has invoked the Defense Production Act. Under this act, the product line organizations and businesses may change to support the nation's mission in the fight against COVID-19.

The below list of sectors deemed essential and the supporting criteria will be reviewed throughout the length of the COVID-19 pandemic. This document is a living document. This information when reviewed and changed, will be re-disseminated and available on <https://www.nheconomy.com/covid19>.

Law Enforcement, Public Safety, First Responders

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, and corrections, including front line and management required to maintain operations
- Emergency Medical Technicians
- 911 call center employees, including telecommunicators, dispatchers and managers
- Information and Analysis Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors -- who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

Food and Agriculture

- Workers supporting groceries, pharmacies, florists, and other retail, including farmers markets and farm stands, that sells food and beverage products, including liquor stores
- Restaurant carry-out and quick serve food operations, including beer and wine curbside and takeout - Carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities, including breweries, wineries, and distilleries; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, distribution, and retail; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops, beekeeping; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Workers supporting the seafood and fishing industry
- Commercial and residential landscaping services, including golf courses.
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and blockchain managers
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees; food service workers in residential schools with students who are unable to leave campus
- Workers in food testing labs in private industries and in institutions of higher education
- Food banks
- Nurseries, greenhouses, garden centers, and agriculture supply stores
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids

- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Organizations and workers responsible for the care and custody of animals, pets and livestock
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

Health Care/ Public Health / Human Services

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Medical Professionals and caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists, other providers of mental and behavioral health care, personal care attendants, home health aides and home care workers)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Medical Clinics, Community Mental Health Centers, Methadone/OBOT Clinics, 24 hour Diversionary and Residential Behavioral Health Providers, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Nursing Facilities, Rest Homes, Assisted Living Residences, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Residential Treatment Schools, Rural Health Clinics and Federally Qualified Health Centers and Community Health Centers, State Hospitals)
- Workers in other 24/7 community resident services serving children and youth, and individuals with developmental, intellectual, physical and/or cognitive disabilities
- Workers in recovery centers and sober homes
- Manufacturers, technicians, logistics and warehouse operators, and distributors of or necessary to the supply chain of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information

- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services and workers at funeral homes, crematoriums, and cemeteries
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident

Energy

Electricity industry:

- Workers who maintain, ensure, or restore the reliable generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations, and road transport
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers
- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

Steam workers:

- Workers who support steam distribution companies' provision of district heating and any electric generation
- Workers who support steam distribution companies' dispatch and control rooms and emergency response and customer emergencies, including steam leak calls
- Workers who support steam distribution companies' service maintenance and restoration, including call centers
- Workers who support steam distribution companies' storage, transmission, and distribution centers

Waste and Wastewater

Employees needed to operate and maintain public and private drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

Transportation and Logistics

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use
- Mass transit workers, including contracted vendors providing transportation and maintenance services to public transit authorities
- Workers critical to operating rental car companies and Transportation Network Companies (TNCs) that facilitate continuity of operations for essential workforces, and other essential travel
- Workers responsible for operating dispatching passenger, commuter and freight trains and public transportation and buses and maintaining rail and transit infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Bicycle repair shops
- Automotive sales, repair and maintenance facilities
- Workers who respond to and clear traffic crashes, including contracted vendors and dispatchers
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Workers who support moving and storage services
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers

- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management and other workers – including contracted vendors – providing services for air passengers
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

Public Works

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including roads and bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers – including contracted vendors – involved in the construction of critical or strategic infrastructure including public works construction, airport operations, water, sewer, gas, electrical, nuclear, oil refining and other critical energy services, roads and highways, public transportation, solid waste collection and removal, municipal transfer stations, and internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services)
- Workers such as plumbers, electricians, exterminators, inspectors and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, construction sites and projects, and needed facilities
- Support, such as road and line clearing and utility relocation, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste
- Licensed site clean-up professionals and other workers addressing hazardous spills, waste sites, and remediation.
- Workers who support the operation, maintenance and public safety of state parks, forests, wildlife management areas, water supply protection lands, and other critical natural resources.
- Workers who support storm clean-up operations (e.g., foresters).

Communications and Information Technology

Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment

- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure
- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

Other Community-Based Essential Functions

- Workers to ensure continuity of building functions, including local and state inspectors and administrative support of inspection services who are responsible for the inspection of elevators, escalators, lifts, buildings, plumbing and gas fitting, electrical work, and other safety related professional work

- Security staff to maintain building access control and physical security measures
- Residential and commercial janitorial and cleaning services
- Elections personnel
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers including holders of Commercial Drivers Licenses
- Workers who are critical to facilitating trade in support of the national, state and local emergency response supply chain
- Educators and staff supporting public and private emergency childcare programs, including remote learning and facilitating distance learning among residential schools for students with disabilities, K-12 schools, colleges, and universities, provision of school meals, or performing other essential student support functions, if operating under rules for social distancing
- Workers at hotel and commercial lodging facilities
- Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)
- Workers that provide services for or determine eligibility for public benefits such as subsidized health care, food and feeding programs, residential and congregate care programs, shelter, in-home supportive services, child welfare, juvenile justice programs, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members)
- Professional services (such as legal and accounting services) and payroll and employee benefit services, when necessary to assist in compliance with legally mandated activities and critical sector services or where failure to provide such services during the time of the order would result in significant prejudice
- Commercial retail stores that supply essential sectors, including convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, and home appliance retailers
- Laundromats, dry cleaning, and laundry services
- Workers and instructors supporting academies and training facilities and courses for the purpose of graduating students and cadets that comprise the essential workforce for all identified critical sectors
- Workers at places of worship

Manufacturing

- Manufacturing companies, distributors, and supply chain companies producing and supplying materials and products for industries that include, but are not limited to, pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, construction, gun and related products (including

associated retail), operations of dams, water and wastewater treatment, national defense, communications, as well as products used by other essential businesses and operations

Hazardous Materials

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

Financial Services

- Banks, financial services institutions, credit unions, insurance, payroll, regional development corporations, and accounting services
- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

Chemical

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

Defense Industrial Base

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

Special Note

If the function of your business is not listed above, but you believe that it is essential or it is an entity providing essential services or functions, you may request designation as an essential business.

Requests by businesses to be designated an essential function should only be made if they are NOT covered by the guidance.

These requests should be submitted to essential@nheconomy.com and include basic contact information and a brief justification.

BOS EMERGENCY MEETING

26 March 20

EMERGENCY MEETINGS may be called by the Chairman of the BOS per RSA 91-A:2 without notice for situations where immediate and undelaying action is deemed to be imperative.

Attached is a copy of the memorandum issued by the Governor and Attorney General dated 16 March 20.

Re: Compliance with New Hampshire's Right to Know Law (RSA 91-A) in light of COVID-19 Concerns and issuance of Executive Order 2010-04.



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

MEMORANDUM

TO: New Hampshire Municipal Officials, State Boards and Commissions

FROM: Governor Christopher T. Sununu and Attorney General Gordon MacDonald

RE: Compliance with New Hampshire's Right to Know Law (RSA 91-A) in light of COVID-19 Concerns and issuance of Executive Order 2020-04

DATE: March 16, 2020

We are providing this memo in response to questions that the State has received over the past several days regarding State and local councils, boards, and commissions' options for compliance with the requirements of New Hampshire's Right to Know Law (RSA 91-A) in light of concerns regarding the spread of COVID-19 and the issuance of Executive Order 2020-04, which declared a State of Emergency in New Hampshire due to COVID-19. Specifically, some communities have asked whether their boards, councils and commissions have any flexibility under RSA 91-A to allow for members to attend meetings by telephone or other electronic means. In addition, communities have asked whether RSA 91-A's requirement that a quorum be physically present may be suspended or altered given concerns regarding COVID-19 and the issuance of Executive Order 2020-04. Various State Boards and Commissions have made similar inquiries.

These questions can be answered by a careful review of the provisions of RSA 91-A, and as such we think it prudent to provide communities and State boards and commissions with the following general guidance¹:

1. Local councils, boards and commissions, such as a city council, a board of alderman, board of selectman, a town council, a zoning board of adjustment, a planning board, a conservation commission, or others, are all considered public bodies that are subject to the provisions of RSA 91-A. The same is true for State boards and commissions.
2. Under RSA 91-A:2, I, all meetings of a public body must be noticed at least 24 hours in advance and must be open to the public.
3. Under RSA 91-A:2, III, a public body may allow one or more members to participate in a meeting by electronic or other means of communication. Under normal circumstances a

¹This memo is being provided as general guidance and not as legal advice. Public bodies should consult with their own counsel if they have further questions regarding the requirements of RSA 91-A.

quorum of the members of the public body must be physically present in order for the meeting to take place. However, under RSA 91-A:2, III(b) if the chairman or presiding officer of the public body determines that an emergency exists, then the chairman or presiding officer may waive the requirement that a quorum be physically present at the meeting. For purposes of this provision, an “emergency” means that “immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action.” Each individual chair or presiding officer should make their determination as to whether an emergency exists based on the specific facts related to their public body and their community. For example, a chair or presiding officer might determine that an emergency exists because a body needs to conduct its regular meeting to continue to move business forward, but enough board members may be sufficiently high risk individuals for purposes of COVID-19 (and thus unable to attend a public meeting) that the physical presence of a quorum is not practical. Even in cases where a majority or all of the board is participating in a meeting electronically, the meeting must still be properly noticed at least 24 hours in advance unless the chair or presiding officer has concluded that an emergency necessitates waiving the notice requirement. Where the rationale justifying the emergency meeting is the risk of exposure to COVID-19 by physical attendance, there should generally not be a need to waive the notice requirement.

4. In cases where the requirement of a physically present quorum is waived, a meeting of a public body may be conducted with most or all members participating electronically. However, the meeting must still be conducted in a manner that allows for public access. There must be a physical location specified in the notice where the public can attend at which any members physically present are located, and the remote members must participate in a manner that allows for their statements to be audible to any members of the public who are in attendance. If all members are participating electronically, then the public body must still provide a physical location to allow for public access to the meeting (even if such location is, for example, merely a room with a speaker phone), although in addition to providing physical access they could also provide the public with a call in number for meetings that are conducted entirely by telephone.
5. In all cases where the chair or presiding officer determines that an emergency exists, the facts and circumstances that are relied upon in making such determination should be recorded in the minutes of the meeting.
6. All votes taken at a meeting at which any member participates electronically must be by roll call vote.