

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING**

November 18, 2015 7:00 PM

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns

EXCUSED: Councilor Larry Pickering

ALSO PRESENT: Town Administrator Steve Fournier, Interim Finance Director Matt Angell

AGENDA

Chairman Phil Nazzaro welcomed everyone to the November 18, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Nazzaro announced that Councilor Pickering was excused as he was out of town.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:01 pm and asked if anyone from the public wished to speak.

As no one from the public came forward, Chairman Nazzaro closed the Public Forum at 7:01 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of October 24, 2015 - Town Budget Review Session I

Vice Chair Levy made a motion to accept the minutes of Town Budget Review Session I held on October 24, 2015 and Councilor Pike seconded.

As there were no corrections or changes, Town Administrator Fournier polled the Council and the minutes of the Town Budget Review Session of October 24, 2015 were approved by a vote of 6-0.

Acceptance of the Minutes of October 28, 2015 - Town Budget Review Session II

Councilor Thompson made a motion to accept the minutes of Town Budget Review Session II held on October 28, 2015 and Councilor Weinstein seconded.

Changes/Corrections: Councilor Weinstein requested a correction to the minutes under *Welfare* on page 5: NCP was changed to *NCEP* (Newmarket Community Education Partnership).

Town Administrator Fournier polled the Council and the minutes of Town Budget Review Session II of October 28, 2015 were approved as amended by a vote of 6-0.

Acceptance of the Minutes of the Regular Meeting of November 4, 2015

Councilor Weinstein made a motion to accept the minutes of the Regular Meeting of November 4, 2015 and Councilor Thompson seconded.

As there were no changes or corrections, Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of November 4, 2015 were approved by a vote of 6-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier first reported on the **Engineering Firm Search**, stating that they had received six (6) proposals for general engineering services. He said that he and the Public Works Director, the Town Planner, and the Water & Sewer Superintendent were narrowing these down to a smaller number for interviews, and that a proposal would be presented to the Town Council by the second meeting in December. He next addressed **Legislation** stating that he had received a communication from Senator Fuller-Clark soliciting for legislative items the Town might have for the coming season. He said he wanted to make the Council aware of enabling legislation he was currently working on with the Town Manager of Newport regarding regionalization and sharing services with other government entities, specifically on an agreement to share a Finance Director between the Town and the School. In his discussion with Newport it was discovered that there was no enabling legislation to allow for this agreement, as municipalities in New Hampshire could only do what was permitted by the State. Town Administrator Fournier stated that both Newmarket and Newport were in contact with their respective Senators in an effort to amend the law to allow the agreement, and said he would keep the Council aware of developments.

Town Administrator Fournier next addressed the **Eagles**, saying he had done some research on their previous property and found they did not pay taxes on their old building, and would have also lost that property if the Town had not had an interest in purchasing it. He said Town records showed that taxes were not paid for 2005, 2006, or 2007, and that the Town's attorney had paid off the lien that had been placed on that property. As part of the agreement, Eagles was to pay \$1,000 per month until the property was vacated, no later than September 30, 2008. He said that they still owed \$500 from a Town lease to develop the Mill, but that the Town no longer had an interest in developing the property. He added that he had made the Town Attorney aware of the situation.

Town Administrator Fournier next addressed the **FY2017 Operating Budget**, stating that with a third of the Fiscal Year completed they had expended 29% of the operating budget. He stated that this was 3% under where they were last year as they had not expended the road paving budget nor done any sidewalk construction, and that the road paving would be in the next monthly budget report. Town

Administrator Fournier gave an update of the **Road Management Program** after a meeting with UNH and Strafford Regional Planning. He said they had completed the collection of all the data, driven all the roads, and broken them into segments according to the status of all the roads. He said they were doing a review and would be providing updates on some private roads and roads not completely in Newmarket that also need correcting. He said that the costs would be determined in the next phase of the program, and the final report should be completed sometime this winter. He said that he had asked them to prioritize, but to allow the Town to pick and choose the roads that best fit their budget.

Town Administrator Fournier announced that with money left over due to a lack of festivals this year, lighting in the Downtown would be enhanced, with the Public Works Department installing ten (10) new lights.

Discussion: Vice Chair Levy asked for the current status of the Eagles, and Town Administrator Fournier said they were waiting for the Court decision. Town Administrator Fournier reminded the Council that they had given him the authority at the last meeting to secure the services of a realtor, and that as soon as the eviction was proceeding, the Town would sell the building. Vice Chair Levy asked if an appraised value was available and Interim Finance Director Matt Angell said it was over \$300,000. Town Administrator Fournier clarified that they would only give back those monies owed for taxes, and the remainder of the profit would go back to the Eagles. He added that he had heard the Eagles intended to purchase the building back from the Town. Councilor Pike said he was glad to hear the law on regionalization was being changed, and asked a question on the paving report. Town Administrator Fournier replied that they were prioritizing the condition of the roads at different levels, and that reconstruction or repaving would be done in ¼-mile sections. Councilor Pike asked for an update on the Bennett and Sewell Wells with regard to water levels, and Town Administrator Fournier said they were still not up to appropriate levels due to lack of sufficient rain.

Councilor Weinstein asked for an explanation with regard to the Legislation, specifically why they needed "legislation" to move forward. Town Administrator Fournier said that Newport was ready to make the agreement with Newmarket but that there was no enabling legislation to move forward. He explained that as New Hampshire did not have home rule they could only do what the State allowed, and that if there was no law in existence one would have to be passed in Concord. Chairman Nazzaro said that municipalities were political subdivisions of the State and not independent entities. He asked that the Town make sure the legislation be as broad as possible to allow them as much authority as possible, and also recommended the Council have a workshop on Roads. Town Administrator Fournier said they could hold a workshop while going through the report to prioritize which roads would be done for the next year. Vice Chair Levy said he assumed a representative would be addressing the Council when the road report was being reviewed, and he asked that they not just prioritize, but also provide some context with regard to making the roads last.

COMMITTEE REPORTS

Councilor Pike said that the *Planning Board* had met last week and approved the lot line adjustment for the Elm Street subdivision, and said that an application for a Site Plan & Special Use Permit was

continued to the next meeting. He said there was also final approval of the Vision Statement chapter, and that a discussion of an excavation permit was in process for a technical review.

Councilor Thompson said that the *Budget Committee* would be meeting the following Monday.

Chairman Nazzaro said that the *Organizational Efficiency Subcommittee* of the Town Council had met before the meeting and gone through set criteria rating the companies in ranked order. He said they now had three (3) potential contractors out of seven (7) and were checking references. He said they planned to meet again before the next Town Council meeting to propose a resolution for the Town Administrator to enter into a contract with one (1) of the companies. Councilor Pike said it was interesting to read that Exeter had recently gone through a similar process, and Town Administrator Fournier said that MRI had provided a critical review of their planning department but that they were moving forward with the changes.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution 2015/2016-24 Historical Society – Stone School

Councilor Thompson made a motion to approve *Resolution 2015/2016-24 Historical Society – Stone School*, which was seconded by Councilor Weinstein.

Interim Finance Director Angell explained that they were basically trying to make the deed on the Stone School property a 50-year lease in the Town's name, and then lease it back to the Historical Society. Town Administrator Fournier said this came up partly because of liability insurance.

Discussion: Councilor Pike asked if there was any reason the Town did not just own it forever. Interim Finance Director Angell said the Town owned it now and that it would revert back to the Historical Society in December of 2016 if the Town did nothing. He explained that they were trying to permanently put the building in the hands of the Town and lease it back to the Historical Society for 50 years. Town Administrator Fournier stated that the Historical Society still wanted to retain some control over the building so they could continue to review it every 4 years, in case the Town changed the use.

Town Administrator Fournier polled the Council and *Resolution 2015/2016-24 Historical Society – Stone School* was approved by a vote of 6-0.

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Town Council Regular Meeting
November 18, 2015

Resolution #2015/2016-25 Amending the Membership to the Economic Development Committee

Chairman Nazzaro read *Resolution #2015/2016-25 Amending the Membership to the Economic Development Committee* in full.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Weinstein commented on the second forum on opiate heroin addiction sponsored by the Newmarket Association for Substance Abuse Prevention, which was held the previous evening. She said the meeting was held in the Town Hall and was well attended. She said they had received incredible support from the Town and thanked Town Administrator Fournier, Police Chief Cyr, and Public Works Director Malasky for their support. She also wanted to specially thank Mr. Kyle True, Mr. Rick Beaudet, Mr. Mike Pelczar, and Mr. Chris Williams. She stated that a parenting workshop would be held Monday at the Junior-Senior High School, and that a 6-part parenting workshop would be starting in January.

Chairman Nazzaro announced the annual Thanksgiving dinner to be held by Jeremy's Pizza at the Junior-Senior High School, and thanked Jeremy and all the volunteers and staff who made it possible. He wished a Happy Thanksgiving to everyone in the town. Town Administrator Fournier said people could sign up or learn more about the event at jeremysthanksgiving.org.

NEXT MEETING

Chairman Nazzaro said that the next Town Council meeting was scheduled for December 2, 2015.

ADJOURNMENT

Councilor Thompson made a motion to adjourn the meeting, which was seconded by Councilor Burns. The meeting was adjourned at 7:35 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary