

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

July 20, 2016 7:00 PM

TOWN COUNCIL CHAMBERS

Approved August 17, 2017

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

EXCUSED: Councilor Amy Burns

ALSO PRESENT: Town Administrator Steve Fournier

AGENDA

Chairman Gary Levy welcomed everyone to the July 20, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance.

Vice Chair Nazzaro made a motion to seal the minutes of the Non-Public Meeting which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the motion passed by a vote of 6-0.

PUBLIC FORUM

Chairman Levy opened the Public Forum at 7:05 pm.

As no one from the public came forward, Chairman Levy closed the Public Forum at 7:05 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Joint Town Council/School Board Meeting of May 31, 2016

Vice Chair Nazzaro made a motion to approve the minutes of the Joint Town Council/School Board Meeting of May 31, 2016 which was seconded by Councilor Bowden.

Discussion: Councilor Pike felt it was a good chance now to review the timing of the process to hold another Joint Town Council/School Board Meeting sometime in mid-August, since this was the last Town Council meeting before then. He said the School Board was meeting tomorrow and they should discuss possible meeting dates. He said they could try to work it out on the Sub-Committee, and Chairman Levy felt that would be appropriate as it was handled that way the first time. Town Administrator Fournier stated that it was the intention of the School Superintendent and himself to reach out to the Sub-Committee when their part was finished so they could pick a date. He said he and Superintendent Nadeau would be meeting again tomorrow and they intended to meet with the Sub-Committee first. Chairman Levy agreed that if they had an agenda and a focus they could pick a few dates with the Sub-Committee.

As there were no corrections or changes to the minutes, Town Administrator Fournier polled the Council and the minutes of the Joint Town Council/School Board Meeting of May 31, 2016 were approved by a vote of 6-0.

Acceptance of the Minutes of the Regular Meeting of June 15, 2016

Councilor Thompson made a motion to approve the minutes of the Regular Meeting of June 15, 2016 which was seconded by Councilor Weinstein.

As there were no corrections or changes, Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of June 15, 2016 were approved by a vote of 5-0, with 1 abstention.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier stated that the **Downtown Pedestrian Improvement Project** was underway, and that to reduce the length of the project and the noise and dust for residents and businesses in the area they would be implementing the same one-way traffic pattern used in the past. He explained that the biggest reason for the change of plan was noise during nighttime work and lengthening of the project. He said they thought the project was approved, but that that DOT had thrown a wrench in the process and he planned to go to Concord tomorrow to request permission from the DOT Transportation Review Committee. He stated that a Public Meeting had been held yesterday to get input and there had been some questions and suggestions of signage. He explained that District 6 had the biggest concerns with regard to an individual who was not here during the last project and did not understand that the Town had already gone through the process. Town Administrator Fournier felt there should not be any issues but there might be a few tweaks to the project. He said it was his intention to start the project next week, with the traffic pattern lasting 4 weeks. He stated that he would alert all residents and he would keep the Council apprised of the progress.

Town Administrator Fournier next addressed the **Summer Schedule** and reminded the Council that the August 3rd meeting had been cancelled, with the next Town Council meeting scheduled for August 17, 2016. He next reported on the **FY2016 Operating Budget** and said they were in the process of closing out FY16. He said the *preliminary* expense and revenue report for June 2016 was included in the packet but the final numbers would not be available until sometime in August. He said they were on track to come in under budget by \$284,355 at this time with 96% of the General Fund Budget expended. He expected the amount to shrink due to the start of the Bennett Way Sidewalk Project and said they did see an overage in Legal due to special cases. He said revenues were coming in higher than anticipated with Motor Vehicle Registrations \$176,088 higher, Building Permits \$6,056 higher, and Ambulance receipts \$47,856 higher than projected.

Town Administrator Fournier said he had been meeting with the Cable Channel Director, the IT Director, and the Building Inspector with regard to **Council Chambers Technology Upgrades**. He said they would be replacing the “press to talk system” with a system specifically designed for meetings and would allow a better control for the Chairman. He said in addition, a new microphone system would replace the current system and they would be upgrading the cameras to HD. He said they also planned to upgrade the look and woodwork of the dais as well. He stated that all funds would come from the Cable Franchise Fees Capital Reserve Fund and that they were now finalizing the costs.

Town Administrator Fournier next addressed an issue not on his written report with regard to an email sent to Councilors relating to a proposal from Primex to facilitate a **Goal-Setting Session for the Town Council**. He recommended that the meeting be set up on an off night to come up with an idea as to what the Town Council goals were for the next 5 years and use that document to set specific goals for the Town Administrator for the next year. He stressed that there would be no cost for the facilitation. He explained that Primex would take the notes for the Council and come back with a final product of what the goals were. He said it was a valuable process to go through and he hoped to schedule it sometime in the coming month of August. Chairman Levy said he understood this to mean that Primex would be present to work in conjunction with the Council to set goals. Town Administrator Fournier said Primex would facilitate what the Council wanted to achieve in the next 5 years and what their priorities were. Once these broad goals were set, the Council could specify what the Town Administrator needed to do to accomplish those goals. He explained that establishing the Council goals would be a public process, but that there would be a non-public meeting for setting his goals as it was part of his evaluation. Chairman Levy suggested it be made part of the agenda during a short meeting night rather than setting up a special meeting.

Discussion: Councilor Thompson asked how Ambulance fees would go against the possible overage in Fire & Rescue due to 64% of calls being EMS calls. Town Administrator Fournier replied that ambulance fees did not go against the budget, as a revenue could not be booked against expenses. Councilor Thompson said that Department of Public Works was 105% expended, street lights 112% expended, and Building & Grounds 103% expended, yet overall the Town projection was to come in under budget. She said she appreciated the cooperation and praised the efforts of the Town Administrator. Vice Chair Nazzaro said he assumed that since the Council technical upgrades were to come out of the Capital Reserve Fund that a Capital Improvement Plan would be provided. He added that he did not feel the upgrade was necessary and felt it was a waste of money.

Councilor Weinstein raised the issue of the Intern who would be working with multiple towns starting August 1st, and asked if they had a specific scope of work and whether an end date was set for the project. Town Administrator Fournier said the end date would be the completion of the project which he anticipated would be late fall, and said they had a broad outline of the scope at this time. Councilor Weinstein also brought up the water issue as wells were still low and Newmarket was currently in a Stage 3 Water Emergency. She asked that an explanation be provided for a Stage 4 Water Emergency should that be required. Town Administrator Fournier said he met with Water & Sewer Superintendent Sean Greig yesterday to discuss the present situation, and they were still 8 to 10 feet below where they should be though they were staying pretty level. He explained that a Stage 4 Water Emergency meant no outside use of water by residents, but said that businesses were not impacted. Chairman Levy said it would be nice to know what percentage of the water used at car washes was recycled in the process. Town Administrator Fournier stated that the regulations read no outside watering of lawns, plants, or cars but did not state car washes. He said as far as golf courses were concerned he had worked with them last year on the same issue suggesting they make use of their ponds.

Chairman Levy asked that break-downs be provided in the department reports showing the amounts remaining as clarification for the Council. He asked about the Cable Franchise Agreement the Town had been working on for years now. Town Administrator Fournier explained that for the first 2 years the attorneys send documents back and forth, and that it was a long tedious process. Chairman Levy stated that after the last meeting on the Bike Path, he had a brief discussion with Bill Watson of the New Hampshire DOT Bureau of Planning and Community Assistance. He said he had asked him if there was anything else the \$809,000 could apply to for the Town so the \$50,000 paid for engineering did not have to be returned if the project was not done. Town Administrator Fournier pointed out that they did not have the authority to pay back the money as the Town stipulated that funds could not be expended. Chairman Levy asked that he reach out to Mr. Watson with regard to other alternatives. Town Administrator Fournier said he just received word back from the State that the engineering plans from Underwood had been reviewed, and the issue would be on the agenda for the next meeting.

COMMITTEE REPORTS

Councilor Pike stated that the *Planning Board* had met last week and that it was well covered in Diane Hardy's report. He stated that the Future Land Use Chapter of the Master Plan had been modified and approved, with the biggest change related to the Coastal Recovery Protection Zone. He said protective language was applied throughout the Master Plan stressing the need for careful planning with regard to protection of their resources and smart development. He stated that the application for the new Sanderson Development between Dame Road and Bay Road, as well as other projects on the agenda, were continued to the August meeting.

Councilor Levy said he understood that the EDC Report was accepted in a separate section of the Master Plan. He felt they should perhaps wait before voting on the resolution currently on the table to designate an Economic Recovery Zone until the Planning Board validated the EDC recommendations. Councilor Pike confirmed that the EDC recommendations had not yet been discussed by the Planning Board, and Town Administrator Fournier explained that the resolution for the Economic Recovery Zone would remain on the table until the Council made a motion to take it off.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING - None

ORDINANCES AND RESOLUTIONS IN THE 3RD READING - None

ITEMS LAID ON THE TABLE – *Resolution #2015/2016-52 Authorizing the Designation of a Portion of Route 152 as an Economic Recovery Zone.* (This Resolution is tabled from the June 15, 2016 Council Meeting pending Planning Board action.)

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Housing Authority Board Commissioner

Candidate: *Kristen Whittier – 5-Year Term*

Councilor Weinstein made a motion to approve the nomination of *Kristen Whittier* as a member of the *Housing Authority Board Commission* for a 5-year term, which was seconded by Councilor Thompson.

Town Administrator Fournier gave a review of the Commission stating that it was a separate government entity in Town that oversaw Public Housing. He said the program was federally funded and required that the local governing body appoint the members, and it also stipulated that one member of the commission must be a resident of the housing. He said Kristen Whittier had expressed interest to the Housing Authority to serve and the request was sent to the Council to be approved. He said the Commission made all financial and housing policies for Federal Housing on Terrace Drive and they were the governing body of Public Housing.

Town Administrator Fournier polled the Council and the nomination of *Kristen Whittier* as a *Housing Authority Board Commissioner* was approved by a vote of 6-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2016-2017-01 Resolution Relating to Hazardous Household Waste Collection

Chairman Levy read *Resolution #2016-2017-01 Resolution Relating to Hazardous Household Waste Collection* in full.

Town Administrator said he wanted to point out that a Staff Report followed the proposed resolution and one would now be attached to all resolutions. He said it would be a standard form which would include the title of the resolution, who prepared it, and his recommendation to the Council. He said it would also include the background, the financial impact, discussion, and any other pertinent documents. He said he

had made it clear to all department heads that no resolution would come before the Council without the document.

CORRESPONDENCE/CLOSING COMMENTS

Chairman Levy said that at the last meeting they had been discussing tanks for fuel, which had prompted him to ask someone from a company in the field about the issue. The individual stated that if the tanks were above-ground, certification occurred every 15-20 years, meaning the contracts were pretty stable. He also said the only way to evaluate it was to look at a 5-year timeline, and that changing companies was very expensive. Town Administrator Fournier said he asked Interim Finance Director Matt Angell to look into that as a cost-benefit analysis could not be done on a 1- or 2-year basis.

NEXT MEETING

The next meeting of the Town Council is scheduled for August 17, 2016.

ADJOURNMENT

Vice Chair Nazzaro made a motion to adjourn the meeting, which was seconded by Councilor Thompson. The meeting was adjourned at 7:42 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary