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

9 **August 17, 2016 7:00 PM**

10 **TOWN COUNCIL CHAMBERS**

11 **Minutes Approved September 7, 2016**  
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14 PRESENT: Council Chairman Gary Levy, Council Vice Chairman Phil Nazzaro, Councilor Dale Pike,  
15 Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Kyle Bowden, Councilor Amy Burns  
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17 ALSO PRESENT: Town Administrator Steve Fournier, Town Planner Diane Hardy, Mr. Phil MacDonald of  
18 Underwood Engineers  
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20 **AGENDA**  
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22 Chairman Gary Levy welcomed everyone to the August 17, 2016 Newmarket Town Council Meeting and  
23 called the meeting to order at 7:01 pm, followed by the Pledge of Allegiance.  
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25 **PUBLIC FORUM**  
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27 Chairman Levy opened the Public Forum at 7:02 pm.  
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29 Mr. Larry Pickering addressed the Council. He said he had come to the meeting to thank all of the  
30 Councilors for their Town service and he also wanted to thank the Police Department, Fire & Rescue, and  
31 the Department of Public Works crew. He said they were all lucky to be residents of such a caring  
32 community.  
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34 Mr. Pickering also brought up the issue of political signs placed in right-of-ways, and said he noticed there  
35 were a lot of signs out there and asked if the policy was the same. Town Administrator Fournier said that  
36 the law regarding political signs was that no signs were allowed on Town property, although State Law did  
37 allow political signs in right-of-ways and signs could not be removed from State roads.  
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39 Chairman Levy closed the Public Forum at 7:07 pm.  
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**PUBLIC HEARING – None**

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of the Minutes of the Non-Public Meeting of July 20, 2016**

Vice Chair Nazzaro made a motion to approve the minutes of the Non-Public Meeting of July 20, 2016, which was seconded by Councilor Weinstein.

As there were no corrections or changes to the minutes, Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of July 20, 2016 were approved by a vote of 6-0, with 1 abstention.

**Acceptance of the Minutes of the Regular Meeting of July 20, 2016**

Councilor Pike made a motion to approve the minutes of the Regular Meeting of July 20, 2016 which was seconded by Councilor Bowden.

Councilor Pike requested a clarification in the last paragraph under Committee Reports on page 4, specifically to clearly designate the EDC Committee as separate from the Economic Recovery Zone. The paragraph was rewritten for clarification of the issue.

Councilor Thompson requested a change on page 2 of the minutes to correct the date of the next Town Council meeting to August 17, 2016.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of July 20, 2016 were approved as amended by a vote of 6-0, with 1 abstention.

**REPORT OF THE TOWN ADMINISTRATOR**

**Road Study**

Town Administrator Steve Fournier stated that he had provided the Town Council with a copy of the 6-year Road Maintenance Plan, completed in conjunction with the UNH T<sup>2</sup> program and the Strafford regional Planning Commission. He said they intended to fund the plan to about \$300,000 annually using the general fund and future contributions to the Capital Reserve Fund. He said the next step would be to solicit proposals for asphalt and road reconstruction for the current year. When bids were received, they could either adjust the project to meet the funds available or only expend what was needed. He stated that the Plan recommended the reconstruction of Ash Swamp Road from Route 108 to 1 mile from Route 152, and also recommended the topcoat paving of Grant Road. The total estimated cost would be \$321,359 with any paving done in the fall. He said they would receive an updated plan next year and felt it would be a good idea to take stock of the roads every 5 years.

**Organizational Study**

Town Administrator Fournier stated that he had also provided the Council with a copy of the draft Organizational Study from Municipal Resources Inc. (MRI). He said the next step would be for the Town Council to review the document on their own and then schedule a meeting with MRI to finalize it. He said for Personnel issues it would be better to meet with them in a Non-Public session. He said he intended to schedule the Non-Public meeting for 5:30 pm to be held before the next Town Council meeting, or have the meeting on an off week. He said they could address this matter first and then use the recommendations for the goal-setting session.

Discussion: Vice Chair Nazzaro was concerned that having the session before a meeting created an artificial ceiling which forced them to make quick decisions. He felt it made more sense to hold the meeting on an off week. Chairman Levy suggested asking MRI how long they thought the session would take. Town Administrator Fournier said that would also depend on how much the Council agreed or disagreed with the report. Councilor Thompson agreed that scheduling the session on an off night might be best. Councilor Pike felt the document was positive and highly complementary of the Town, but that it was worth going through and getting the sense of the Council after the considerable investment in the process. Town Administrator Fournier said he would aim to hold the Non-Public session on September 14, 2016 and asked for input from the Councilors within a week.

#### **Regional Dispatch**

Town Administrator Fournier stated that the Council had asked him to speak with the Town Attorney to see if the Town would have a viable claim against Rockingham County regarding the apportionment of expenses associated with Regional Dispatch. He said they were told by the County Commissioner that the Town could not join the Regional Dispatch due to their inability to handle the calls. He said this seemed unfair and possibly illegal as they were paying for the service and not receiving it. He stated that the Town Attorney concluded that the Town had a legitimate concern but that they might not be successful in litigation. He said the attorney did not, however, feel it was frivolous as it might open up discussions, especially as other communities were in the same situation. He said he would have more information at the next meeting, and the next step would be to possibly file suit against the County.

Discussion: Chairman Levy felt the legal opinion was a roller-coaster ride of pros and cons, and asked if rates would go up if they joined. Town Administrator Fournier said the County would have to rebuild their system to take on Newmarket and that would mean an increase in County taxes for all communities in the system. He said that based on the County Budget of \$1.641 million for dispatch, divided by the Town's contribution to the County of 1.68%, Newmarket paid approximately \$27,000 annually to the County for dispatch. He said that the municipalities that have dispatch were subsidizing those who do not, paying 62% of the County Dispatch budget. He explained that the County used the assessed value of the community and the tax revenues coming in to come up with a percentage for each municipality. Vice Chair Nazzaro felt they should not be subsidizing other communities, and asked who the representatives at the County level were that they could contact.

Town Administrator Fournier said there were the State Representatives and the County Commission. He said he met with the County Commission last year but all meetings with municipalities for this year had been cancelled. Councilor Thompson asked if strength in numbers would make a point to the County Commissioners, if other towns went along with them. Councilor Pike felt it would be particularly irritating

if the County did upgrade their system and still would not let Newmarket take part. Town Administrator Fournier said he would speak with his counterparts and probably have a resolution at the next meeting to go forward with the attorney. Vice Chair Nazzaro asked if the Town Attorney could expand on a legislative alternative instead of just the legal one.

#### **Grant Road Sidewalk**

Town Administrator Fournier said the Department of Public Works was presented with a petition of residents of Piscassic River Village to install a sidewalk from Briallia Circle to Durrell Drive to South Main Street. He said though this was a good idea, there was no money designated in the FY2017 budget for sidewalks. He said he would ask the Highway Safety Committee to reconvene and update the 2010 Sidewalk Report for Newmarket.

#### **New Website**

Town Administrator Fournier stated that the New Town Website had gone live. He said everything was on the front page and they had tried to make it easier for users to find information and easier for use on mobile devices.

#### **FY2017 Operating Budget**

Town Administrator Fournier stated that with one month of the fiscal year completed, the Town was on track with 7% of the budget expended like last year.

#### **Chief Cyr**

Town Administrator Fournier said he wanted to take the opportunity to publicly thank Police Chief Kevin Cyr, who was retiring on August 31, 2016. He stated that he had done a great job for the Police Department, and there was very little turnover in staff as a result of his leadership. He said he would personally miss his counsel and his friendship.

#### **Route 108 Bike Path Project**

Town Administrator Fournier said this was the follow-up to the discussions at the Town Council Meeting held May 4<sup>th</sup> at which Mr. Bill Watson of the New Hampshire Department of Transportation (NHDOT) met with the Council to discuss concerns associated with the estimated cost of the Route 108 Bike Path Project and any potential liabilities. This had come about as a result of the increase of the estimated cost of the project to \$1.2 million, with only \$809,292 in funding guaranteed by the Federal Highway Administration and NHDOT toll credits. Mr. Watson stated that if the project did not go forward, the current DOT policy required that the funds spent for the engineering study (\$37,600) be reimbursed. Town Administrator Fournier said they had discussed ways to possibly scale back the project to fit the budget.

Mr. Watson noted that there were still a few components of the engineering study that needed to be completed, including further documentation of the National Environmental Policy Act (NEPA) and a budget analysis of the project. It was agreed at the meeting that Underwood Engineers would follow up on those items and resubmit the engineering study to NHDOT for approval and that the Town Council would hold a future meeting to determine an appropriate course of action. Town Administrator Fournier stated that the revised engineering study was submitted on May 23<sup>rd</sup>, and on July 14<sup>th</sup> the NHDOT responded that the revised engineering study was satisfactory with a few minor changes. The cost

estimate for the revised project included \$133,500 (including the \$37,600 paid for the engineering study) for the Design Phase, \$16,000 for Right-of-way Acquisition, and \$679,700 for the Construction Phase for a total project estimate of \$809,200.

Town Administrator Fournier said that the State had advised the Town to submit a detailed scope-and-fee for all remaining services, with the Town expected to contribute 20% of any additional costs. He asked the Town Council to make a policy decision as to whether to move forward with the project to the next phase for preliminary design or to cancel the project at this point and risk having to repay costs incurred to date (\$37,600) to the State.

Discussion: Chairman Levy felt the \$809,200 figure was a lot of money for a lot of unknowns. Councilor Weinstein said she felt strongly that the project should be done but was concerned they would find a real shortfall. Vice Chair Nazzaro said that if DOT required the \$37,600 to be paid back, and the DRA (Department of Revenue Administration) said we could not use tax dollars, was there any way to get the 2 agencies together to figure this out. Town Administrator Fournier replied that agencies do not tend to get together, and suggested waiting to see what DOT did. Vice Chair Nazzaro said though he was a fan of the project, he did not feel it was worth pursuing at this point. Councilor Pike felt that sooner or later the State would need to do something with Route 108, and though he was in favor of the bike path, he felt the mechanism to get there was problematic.

Mr. Phil MacDonald of Underwood Engineers pointed out that the agreement for the project, signed by the prior administration, did not specify that the Town would incur 20% of additional costs and that DOT had set a project limit of \$809,200. Town Administrator Fournier said DOT had basically set a ceiling and they did not know what would happen if they went over that and he was trying to get guidance from the Council. Town Planner Diane Hardy said it was presented at a 2014 workshop that communities would be expected to pay back any DOT funds for projects that did not go forward. Councilor Thompson said she was done with the whole conversation and the discussion and requested a vote be held now. Councilor Bowden felt it did not make sense to move forward with the project given all the unknowns brought up relative to additional costs to the Town. Councilor Burns said she agreed that it was not a good plan at this point, but felt it was unfortunate that it had taken so long. Chairman Levy asked Town Administrator Fournier to speak with DOT to make a good faith effort.

Vice Chair Nazzaro made a motion to authorize the Town Administrator to notify the NHDOT that the Town of Newmarket was no longer interested in the Route 108 Bike Path Project, which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the motion passed unanimously by a vote of 7-0.

## COMMITTEE REPORTS

Councilor Pike reported on the *Joint Town Council/School Board Sub-Committee* meeting held in late July with Town Administrator Fournier and School Superintendent Nadeau. He said that between that meeting and the MRI Report there was a lot of context for further discussions of efficiencies. Councilor Weinstein said that the Sub-Committee would be meeting with the School Board next week, and would be at the

next School Board meeting in case of questions. Councilor Pike said the Sub-Committee would also be present at the next Town Council meeting and they would then further develop the proposals being put together by the Town Administrator and the School Superintendent. He said a full meeting of the School Board and the Town Council would be held in October or November. Vice Chair Nazzaro said a meeting in October or November would be post-budget, which meant any combined efficiencies would not happen in FY2018 but in the FY2019 budget. Town Administrator Fournier said that if they filled the position being discussed, they would be on board before the budget was submitted, and if they were on board they could always change the budget.

Councilor Burns stated that there had been a very short *Planning Board* meeting, and that the Master Plan Chapter would be filed with the Town Clerk. She said the Town Planner Diane Hardy was getting ready to draft some zoning ordinances. Councilor Pike said they had ratified the committee that was already in place. Chairman Levy said that theoretically the committee would make recommendations to the Planning Board for discussion.

Vice Chair Nazzaro said there had been a *Conservation Commission* meeting but that he was travelling and had not had time to review the tape.

#### **OLD BUSINESS**

#### **ORDINANCES AND RESOLUTIONS IN THE 2<sup>ND</sup> READING**

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

Vice Chair Nazzaro made a motion to approve *Resolution #2016-2017-01 Resolution Relating to Hazardous Household Waste Collection*, which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and *Resolution #2016-2017-01 Resolution Relating to Hazardous Household Waste Collection* was approved by a vote of 7-0.

#### **ORDINANCES AND RESOLUTIONS IN THE 3<sup>RD</sup> 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**

##### **Library Trustee**

Candidate: Amy Nicholson, Term to Expire March 2019

Councilor Burns made a motion to appoint *Amy Nicholson* as a *Library Trustee*, with *Term to Expire 2019*, which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the motion to appoint *Amy Nicholson* as a *Library Trustee* was approved by a vote of 7-0.

#### **ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING**

##### **Resolution #2016-2017-02 Resolution Regarding the Increase of Sewer Rates**

Chairman Levy read *Resolution #2016-2017-02 Resolution Regarding the Increase of Sewer Rates* in full.

#### **CORRESPONDENCE**

Chairman Levy stated that he had received a correspondence with regard to a constituent who had an issue and had forwarded it to Town Administrator Fournier.

#### **CLOSING COMMENTS**

Town Administrator Fournier asked the Council if there were any objections to his sharing the draft MRI report with Department Heads at this point in time. There were no objections from the Council.

Councilor Weinstein said she had spoken with some business owners regarding the Downtown Improvement Project and the concern that not as many people were going downtown due to the construction. She said there was plenty of parking and asked the public to go downtown and support the local businesses.

Councilor Burns announced that the Splash & Dash Kayak Event would be held Saturday August 20<sup>th</sup> and participants could register in advance through the Recreation Department and on the day of the event. She said there would be raffle prizes and that they were looking for a judge for the Kayak Parade if anyone was interested.

#### **NEXT MEETING**

The next meeting of the Town Council is scheduled for September 7, 2016.

#### **ADJOURNMENT**

Vice Chair Nazzaro made a motion to adjourn the meeting, which was seconded by Councilor Thompson. The meeting was adjourned at 8:29 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary