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

**September 21, 2016 6:30 PM**

**TOWN COUNCIL CHAMBERS**

**Approved October 5, 2016**

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

ALSO PRESENT: Town Administrator Steve Fournier, Environmental Services Director Sean Greig, Public Works Director Rick Malasky

**AGENDA**

Chairman Gary Levy welcomed everyone to the September 7, 2016 Newmarket Town Council Meeting and called the meeting to order at 6:34 pm, followed by the Pledge of Allegiance. He said the meeting had started earlier and a Non-Public meeting would follow.

**PUBLIC FORUM**

Chairman Levy opened the Public Forum at 6:35 pm.

As no one from the public came forward, Chairman Levy closed the Public Forum at 6:35 pm.

**PUBLIC HEARING – None**

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of the Minutes of the Non-Public Meeting of September 7, 2016**

Councilor Thompson made a motion to approve the minutes of the Non-Public Meeting of September 7, 2016 which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of September 7, 2016 were approved by a vote of 7-0.

**Acceptance of the Minutes of the Regular Meeting of September 7, 2016**

Councilor Thompson made a motion to approve the minutes of the Regular Meeting of September 7, 2016 which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of September 7, 2016 were approved by a vote of 7-0.

**REPORT OF THE TOWN ADMINSTRATOR**

Chairman Levy stated that there would not be a Town Administrator Report this evening and asked if there were any questions from councilors.

Discussion: Councilor Weinstein asked if the Public Works Department charts in the packet were year-to-date figures, and Town Administrator Fournier confirmed that they were. Councilor Pike asked that the last sentence in the report under *Town/School Shared Finance Director* be clarified to state that the Town Administrator would present the Town/School agreement to the Council.

**COMMITTEE REPORTS**

Councilor Burns reported that the *Planning Board* met but everything had been pushed to the next meeting.

**OLD BUSINESS**

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

**Resolution #2016/2017-03 Relating to the Relocation and Replacement of Water and Sewer Utilities within the State Right-of-Way as Part of the NHDOT Bike Lane Project**

Councilor Thompson made a motion to approve *Resolution #2016/2017-03 Relating to the Relocation and Replacement of Water and Sewer Utilities within the State Right-of-Way as Part of the NHDOT Bike Lane Project*, with was seconded by Councilor Bowden.

Discussion: Councilor Thompson stated that she had asked for clarification as to why they were paying anything since this was a NHDOT project. Town Administrator Fournier explained that these were Town utilities and NHDOT had asked they be replaced while the road was open and agreed to do both projects at the same time. Chairman Levy expressed concern that this would deplete the \$600,000 currently in the Sewer Capital Reserve Fund. Environmental Services Director Sean Greig stated that the \$600,000 had been set aside solely for this project as part of the CIP Plan. He said he would be asking for approximately

\$274,000 for repairs to pump stations for next year, for which he had been putting aside \$100,000/year over a 3-year period. Vice Chair Nazzaro requested that when asking for money from a Capital Reserve Fund, the Council be provided with a copy of the CIP Plan.

Town Administrator Fournier polled the Council and *Resolution #2016/2017-03 Relating to the Relocation and Replacement of Water and Sewer Utilities within the State Right-of-Way as Part of the NHDOT Bike Lane Project* was approved by a vote of 7-0.

**Resolution #2016/2017-04 Relating to Accepting Gifts for the Christian Shoppmeyer Park**

Chairman Levy stated that *Resolution #2016/2017-04 Relating to Accepting Gifts for the Christian Shoppmeyer Park* would be held off for a 3<sup>rd</sup> reading at the next meeting.

**Resolution #2016/2017-05 Relating to the Paving Improvements for 2016-2017**

Councilor Thompson made a motion to approve *Resolution #2016/2017-05 Relating to the Paving Improvements for 2016-2017* which was seconded by Councilor Bowden.

Discussion: Councilor Thompson pointed out that the price was a result of paving at 1 ¼ inches rather than the more customary 1-inch depth, and asked why they were spending the extra money. Town Administrator Fournier said the UNH T<sup>2</sup> Study recommended the 1-inch topcoat, but that the contractors recommended 1 ¼ inch to smooth out some of the bumps in the road which added \$19,000 to the cost. Public Works Director Rick Malasky explained that because there were areas of rutting, it would be difficult to maintain a consistent 1 inch over the mile and a half of road without the extra ¼ inch. He said he may not spend the \$19,000 but he wanted to ensure consistent 1-inch coverage for the length of the road. Chairman Levy asked if the \$340,000 cost was consistent with last year, and Public Works Director Malasky said it was a reduction in price. Town Administrator Fournier said that the UNH study had taken oil prices into consideration by using the State DOT formula.

Town Administrator Fournier polled the Council and *Resolution #2016/2017-05 Relating to the Paving Improvements for 2016-2017* 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**

**Chief of Police**

Candidate: Kyle D. True

Vice Chair Nazzaro made a motion to approve the nomination of Kyle D. True as the new Chief of Police for the Town of Newmarket, which was seconded by Councilor Bowden.

Town Administrator Fournier announced that pursuant to Section 4.8 of the Newmarket Town Charter, he hereby appointed Kyle D. True as Chief of Police. He said that Kyle was a law-enforcement veteran with over 24 years of experience and had been serving Newmarket since 1997, rising through the ranks from Patrol Officer to Master Detective and then Lieutenant. Town Administrator Fournier said it was his honor to appoint Kyle D. True as Chief of Police, and asked the Council to approve the appointment and the contract agreement and offered his congratulations.

Town Administrator Fournier polled the Council and the motion to approve the appointment of *Kyle D. True as Newmarket Chief of Police* was approved by a vote of 7-0.

Police Chief Kyle True thanked the Council and said he looked forward to working with everyone. He said he felt confident that he would do a good job for the Town and continue the excellent service provided by Chief Kevin Cyr.

#### **Capital Improvement Plan (CIP) Committee**

Candidate: Judith Ryan – Term Expires 2019

Councilor Weinstein made a motion to approve the nomination of *Judith Ryan – Term Expires 2019* as a member of the *Capital Improvement Plan (CIP) Committee*, which was seconded by Councilor Thompson.

Judith Ryan of 125 Main Street thanked the Council for their consideration. She said she viewed the CIP as a tool with consultation to departments to pass on to the Town Administrator and the Town Council for future planning of Newmarket's long-term Capital Improvements, and it was a global picture of where they were today.

Town Administrator Fournier polled the Council and the nomination to appoint *Judith Ryan – Term Expires 2019* as a member of the *CIP Committee* was approved by a vote of 7-0.

#### **ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING - None**

#### **CLOSING COMMENTS**

Councilor Weinstein stated that she and Councilor Bowden had attended a Training Session on Saturday through the New Hampshire Municipal Association. She said there would be a Gubernatorial Candidate Forum held on October 7<sup>th</sup> from 10:00 am to 12 noon, and she would forward other information to the Council.

Councilor Bowden said he had met with the Newmarket Business Association with regard to downtown traffic, and had tried to calm the worries of small business owners impacted by the roadwork being done for the Downtown Project.

**NEXT MEETING:** The next regular meeting of the Town Council is scheduled for October 5, 2016.

**Non-Public Meeting Minutes of September 14, 2016**

Vice Chair Nazzaro made a motion to seal the Non-Public Minutes of September 14, 2016 which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and the motion to seal the Non-Public Minutes of September 14, 2016 was approved by a vote of 7-0.

**NON-PUBLIC - PURSUANT TO RSA 91-A:3 II – PERSONNEL**

Vice Chair Nazzaro made a motion to move into *Non-Public Session Pursuant to RSA 91-A:3 II Personnel*, which was seconded by Councilor Pike.

Town Administrator Fournier polled the Council and the motion to move into Non-Public Session was approved by a vote of 7-0.

The Council moved into Non-Public Session at 7:01 pm.

**Non-Public Meeting Minutes of September 21, 2016**

The Council moved out of Non-Public Session at 9:32 pm.

A motion was made by Vice Chair Nazzaro to seal the Non-Public Minutes of September 21, 2016. The motion was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of September 21, 2016 were approved by a vote of 7-0.

**ADJOURNMENT**

Chairman Levy made a motion to adjourn the meeting, which was seconded by Councilor Thompson. The meeting was adjourned at 9:34 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary