

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

**July 15, 2015 7:00 PM**

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

ALSO PRESENT: Town Administrator Steve Fournier, Public Works Director Rick Malasky, Building Inspector Mike Hoffman, Town Planner Diane Hardy, Engineer Dr. Robert Roseen of Horsley Witten Group  
EXCUSED: Councilor Toni Weinstein

**AGENDA**

Chairman Nazzaro welcomed everyone to the July 15, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance.

Councilor Thompson made a motion to seal the minutes of the Non-Public Session of July 15, 2015. The motion was seconded by Councilor Pike.

Town Administrator Fournier polled the Council and the motion to seal the Non-Public minutes passed by a vote of 5-0.

**PUBLIC FORUM**

Chairman Nazzaro opened the Public Forum at 7:03 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 7:03 pm.

**PUBLIC HEARING – Ordinance #2015/2016-01 Adoption of the Town Seal**

Chairman Nazzaro opened the Public Hearing on *Ordinance #2015/2016-01 Adoption of the Town Seal* at 7:04 pm, and asked if anyone from the public wished to speak to the issue.

As no one from the public came forward, Chairman Nazzaro closed the Public Hearing at 7:04 pm.

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

### **Acceptance of the Minutes of the Regular Meeting of July 1, 2015**

Councilor Thompson made a motion to accept the minutes of the regular meeting of July 1, 2015, and Councilor Pike seconded.

Town Administrator Fournier polled the Council and the minutes of the regular meeting of July 1, 2015 were approved by a vote of 5-0, with 1 abstention.

### **Acceptance of the Minutes of the Non-Public Meeting of July 1, 2015**

Vice Chair Levy made a motion to approve the minutes of the Non-Public Meeting of July 1, 2015, which was seconded by Councilor Pike.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of July 1, 2015 were approved by a vote of 4-0, with 2 abstentions.

### **REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Fournier first addressed **Cheney v. Town** and provided an update on the court hearing regarding the placement of development restrictions on Lot 13 on Moody Point. The judge indicated that he had already ruled on the matter with his decision being upheld by the State Supreme Court, and he ordered that the development restrictions be put in place. Town Administrator Fournier said that he had personally delivered the document to the Ministry of Deeds and that restrictions on the lot would be monitored. He next addressed the **Year End Budget Figures** saying that due to the end-of-year closing of the books for the previous fiscal year, there would be no report for July. He said that a much more in-depth report would be provided at the August meeting. Town Administrator Fournier next announced the **Arts in the Parks** summer concert series which would be held on Tuesdays in July and August from 6:30 pm to 8:00 pm. He said the events would be held at the Natural Amphitheatre Hill & Stage at Leo Landroche Field and at Schanda Park. He said there would be a series of 5-6 bands performing folk, bluegrass, country, and light rock music, with the first scheduled for July 21, 2015. He said the listings of the events would be provided in an email newsletter and with posters around Town. He next presented **Kudos from Exeter Chamber** regarding a letter from the Exeter Area Chamber of Commerce commending Newmarket on their successful redevelopment of the downtown.

As part of his unwritten report, Town Administrator Fournier said that they had received proposals for the construction of the project on the **MacIntosh Well**. He said that due to the 2-year delay on the project, as well as prior engineering miscalculations, all the proposals came in higher. He stated that the closest bid was \$832,000 higher than the \$2.5 million Bonding Authority. He said that he had met with the Town Attorney and the Water & Sewer Director and they were currently reviewing the proposals and would be addressing this at the August Town Council meeting. Chairman Nazzaro asked that he make sure that the Council receive all the necessary documents. Vice Chair Levy asked for the name of the engineer, and Town Administrator Fournier replied it was currently Hazen & Sawyer. Vice Chair Levy then asked the year the first guesstimate had been made, and Town Administrator Fournier replied 2011-20012. Vice Chair Levy felt it would be nice to know if the increase was in line with the 3 years

since the estimate. Town Administrator Fournier said that the Town Attorney was involved and would provide a full briefing. He said that as a number of the Councilors would not be present at the August 5<sup>th</sup> meeting, they could have the first reading then and have the full discussion at the second Town Council meeting in August. Chairman Nazzaro asked Town Administrator Fournier if it would be possible to get comps for any projects similar to this over the last couple of years.

Discussion/Questions: Chairman Nazzaro asked if the Councilors had any questions for the Town Administrator, including questions on the Monthly Reports. Councilor Thompson said that she appreciated the Police Department Report, and said that Public Works Department numbers from the Spring Cleanup had come with a savings to the Town of \$14,000 as a result of reducing the number of loads of pickup per resident and limiting Transfer Station hours. She asked what the feedback had been from the residents. Both Town Administrator Fournier and Public Works Director Malasky replied that they had not received any feedback from the Town, and Town Administrator Fournier said he was pleasantly surprised that it had gone so well. Chairman Nazzaro asked if the FY15 Personnel Reviews and the FY16 Pay Adjustments were on track, and Town Administrator Fournier replied that the department heads were to provide their reviews to him by Friday and that he would have the Department Head Reviews next week.

## **COMMITTEE REPORTS**

Councilor Pike gave a report of the Planning Board meeting and said that two (2) things had been approved. The first related to the lot revisions and sub-dividing of the land on Elm Street. He said that the second involved the request of a group of landowners on Moody Point who were looking to have straight ownership of the lots. He said that the Planning Board had approved going through the process that would allow straight-deed ownership. He said they had also reviewed the housing chapter for the Master Plan, and that the revision of the process significantly improved the interests of Newmarket and they were now better reflected in the document. Vice Chair Levy, who also attended the meeting, added that the Planning Board was setting up a separate meeting with Mr. John Connery with respect to the Economic Development Committee. He said that a brief overview would be provided and Mr. Connery would go over the recommendations the committee made for Route 152 and the New Road area.

Councilor Burns reported on the Conservation Commission stating that there had been some discussion regarding cleaning up Wiggen Farm so that people could make use of the paths there. She said that the Recreation Center had attended the meeting to obtain approval for the Schanda Park summer concert series, and that everyone was excited about the upcoming events.

## **OLD BUSINESS**

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

#### **Ordinance #2015/2016-01 Adoption of the Town Seal**

Councilor Pike made a motion to approve *Ordinance #2015/2016-01 Adoption of the Town Seal*, and the motion was seconded by Councilor Thompson.

Town Administrator Fournier explained that this was one of the housekeeping ordinances, and said that the Town Attorney had found there was no record of the adoption of the Town Seal on the books. He said this Ordinance named the Town Clerk as keeper of the Seal, by State Law, and specified who could use it. Councilor Pickering asked when the next review of possible missing ordinances would be done, and Town Administrator Fournier replied that once they were on the books they would be all set. He explained that everything would be codified in the new Code Book and that it was available for online reference. Chairman Nazzaro said that the depiction of the seal in the Ordinance was in black and white and asked about various colored versions he had seen. Town Administrator Fournier said that these were just colored versions of the seal, and that technically the seal was the metal instrument used in stamping.

Town Administrator Fournier polled the Council and the motion to approve *Ordinance #2015/2016-01* passed unanimously by a vote of 6-0.

**Resolution #2015/2016-01 High Efficiency Heat Pump Installation for Town Hall Auditorium**

Vice Chair Levy made a motion to approve *Resolution #2015/2016-01 High Efficiency Heat Pump Installation for Town Hall Auditorium*, which was seconded by Councilor Burns.

Building Inspector Mike Hoffman explained that the initiative was born from an energy audit started the previous year, and that it was required in order to obtain a free energy audit from Eversource (formerly PSNH). He said they had evaluated the Town Hall and estimated they were currently paying \$26,000 for heating oil per year. They said that if the Town switched to all high-efficiency heat pumps the cost would drop to approximately \$13,000/year for the whole building. Building Inspector Hoffman said they could take a piecemeal approach, updating areas when renovations were made. He said that the Department of Energy recommended these devices and that they were highly efficient forms of obtaining heat while also including air conditioning as a benefit. He said that though there would be no payback for the AC due to the limited number of cooling days in New Hampshire, there would be a tremendous return on the heating side. He said that the actual savings were hard to assess due to fluctuating fuel costs, but that they should be able to reduce costs/BTU by 50%. Town Administrator Fournier felt that AC was needed to allow the use of the Auditorium throughout the year, as the room was hot from late April to early October. Building Inspector Hoffman pointed out that the system was also much quieter and that there would be a payback in 4-6 years.

Discussion: Vice Chair Levy asked if the AC units were 42,000 BTU, and said he was trying to figure out the size required for the size of the room downstairs. Building Inspector Hoffman said that heat-load calculations had been done by two (2) different companies, and that it was felt the capacity was slightly undersized technically but would keep up and fit 99% of their needs. Vice Chair Levy asked about the location of the units and the compressors, and Building Inspector Hoffman replied that there would be two (2) pumps on two (2) sidewalls and the compressors would be outside in a screened-in area. Vice Chair Levy asked if the continued erosion of oil prices would throw off the calculations and cost benefits, and Building Inspector Hoffman replied that the length of time of the payback might be extended as a result. Vice Chair Levy then asked if they would consider some kind of insulation, at least in the attic ceiling, which should retain a significant amount of heat as there was no insulation in the walls. Building

Inspector Hoffman said that 70% of heat loss was through air infiltration and movement, and that the building currently had a stack effect with the upstairs warmer than below. Councilor Pickering asked if insulating the ceiling in the Auditorium would help protect the heating being installed. Building Inspector Hoffman replied that it would have a minimal effect as it was a hung ceiling and that insulating any exterior walls should be the priority.

Councilor Pike asked if Eversource Electric had looked at heat loss or only heat source. Building Inspector Hoffman replied that they had primarily looked at heat source, as the free audits were not very in-depth. Chairman Nazzaro said that the return on the heating was discussed as approximately 6-7 years, and asked how the cost of the AC would compare to their current window cooler. Building Inspector Hoffman replied that the new systems were twice as efficient as window air conditioners, and that currently there was no AC in the basement. Chairman Nazzaro asked about the frequency of use of the Auditorium and wondered if there was a great need for air conditioning. Town Administrator Fournier replied that it would be used more often if the Auditorium had AC, and that they currently could not schedule larger meetings there in the summer. He said that even in spring the comfort level was very warm due to the volume of people in the room. Chairman Nazzaro asked for the number of hours the room was being used for meetings, and Town Administrator Fournier replied he did not have that number but that the room would be useable more often.

Chairman Nazzaro stated that he was against the resolution as he did not see a Town Building Improvements Capital Reserve plan showing how this fit in with other long-term improvements. He said that he had no ability to weigh this project against other potential Town projects. Vice Chair Levy said that he had attended meetings in the auditorium and that the room was very hot, adding that he would support the resolution. He said he also supported the Capital Reserve Fund plan and wanted to see a more long-range list, clearly annotated for the year. Town Administrator Fournier pointed out that meetings were also held there during the day, and that the School used it extensively for testing. Councilor Thompson said that she would support the resolution conditionally, as she also wanted to see a plan of what was coming up next and how the Town Building Improvements Capital Reserve Fund would be spent. She said she felt that it was a good use of funds as it would benefit a large number of people. Councilor Pickering asked for the vintage of the current heating system in the building, and Building Inspector Hoffman replied that it was quite old. Councilor Pickering felt that issue would also need to be addressed in the very near future. Vice Chair Levy felt that it was worth the \$9,400 to have a room that was comfortable. Chairman Nazzaro said that if they had a full Capital Improvement Plan showing how the funds were being used that included the whole heating system, he could make a better judgement as to whether or not this fit in with the long-term plans. He said that if this were a safety issue, the conversation would be different.

Town Administrator Fournier polled the Council and *Resolution #2015/2016-01* was approved by a vote of 5-1.

**Resolution #2015/2016-02 Contract with Horsley Witten Group to Implement a Coastal Zone Management Grant Related to Building Resilience to Flooding and Climate Change in the Moonlight Brook Watershed**

Councilor Thompson made a motion to approve *Resolution #2015/2016-02 Contract with Horsley Witten Group to Implement a Coastal Zone Management Grant Related to Building Resilience to Flooding and Climate Change in the Moonlight Brook Watershed*, and the motion was seconded by Councilor Pike.

Town Planner Diane Hardy presented an update on the project saying that back in December they had come before the Council requesting authorization for the Town Administrator to enter into a contract with the New Hampshire Department of Environmental Services (NH DES), and that the Town had been pleased to receive a \$57,793 grant from the New Hampshire Coastal Program with funds provided by the National Atmospheric & Oceanic Administration (NOAA). She said that at that time she had presented an overview of the project and introduced Dr. Robert Roseen, former engineer of the UNH storm water center, who assisted the Town in securing the grant and was present to answer any questions. She said that the resolution had been approved by the Town Council, and the contract approved by the Governing Council in March. She stated that they were there to request authority from the Council to enter into a contract with Horsley Witten Group to undertake the scope of services proposed in the grant agreement and move forward with the project. She said that Public Works Director Rick Malasky was also present to answer questions.

Dr. Robert Roseen asked if a review of the project should be provided for new members of the Town Council, and Councilor Burns requested an overview. He explained that he was an engineer with Horsley Witten Group, and that 2 years of effort had gone into putting a project proposal together through NOAA and the New Hampshire Coastal Program. He said that this enabled them to make use of government funding available from NOAA and help support a range of the Town's regulatory needs. He pointed out the new and upcoming Environmental Protection Agency (EPA) requirements regarding nutrient control and upgrading the storm water system, and said that a benefit of this particular program was that it enabled the Town to address multiple issues including analysis of flood risk and providing pollutant load reduction for the Moonlight Brook area. He said they had chosen the Moonlight Brook area due to scale, and that they would be able to make use of models and resources by leveraging two (2) significant previous projects. One of the projects involved the modeling at UNH of the Lamprey River watershed as a whole, and that this was essentially taking the next step in design to prevent future significant flooding. He said that in the study some specific drainage infrastructure had been neglected, and that Public Works Director Malasky had future work planned for the New Road area which would support drainage understanding. Dr. Roseen said that lastly, a major product from this study would be identifying five (5) concept designs of things with beneficial impact for the watershed, and that one of these designs would be selected to produce a design and production bid package, which could be used for future projects. He said that he would then be working with Town Planner Diane Hardy to develop a climate-adaptation plan, which would be appended to the Town's current hazard mitigation plan. He said that part of this study could also assist the Town in meeting some of the upcoming nitrogen control requirements. Town Administrator Fournier highlighted that this was also part of the Administrative Consent from the EPA, that by September 2017 the Town would have to submit a total nitrogen non-point source storm water control plan, and that this would go towards meeting that requirement.

Discussion: Vice Chair Levy questioned the Watershed Model Development, and asked if the Planning Board would theoretically be implementing the findings from the study into future rules for developers. He also asked if there was a guesstimate regarding costs to the Town and what would happen if the

Federal funds went away. Dr. Roseen replied that the Town would need to provide a match to the amount of the grant, and Town Planner Hardy said that the funds were already committed. She also said that with regard to the Planning Board, incentives might be provided if a developer moved forward with implementing some of these projects and this could be a regulatory theme for the Planning Board to look at and possibly come forward with some regulations. She added that this study was the kind of project looked on favorably by the EPA and demonstrated the Town's good faith efforts. Dr. Roseen said that that this was one approach that could be used but the plan would need to be done on a town-wide basis and that certain additional elements were needed to take the Town to full completion of the nutrient control requirements. He said that to truly satisfy nitrogen control, the plan would have to be done on a town-wide basis with a detailed implementation plan incorporated. He said that a financial feasibility assessment was required and the next step would be determining an implementation schedule. He said the study would provide a list of 100 practices, ranked and prioritized in terms of load and performance, which would enable them to determine how to approach the project. He added that he had been able to show an approximate 35% reduction in costs for the Exeter Watershed.

Chairman Nazzaro asked the percentage of non-point source plan requirements that would be done as a result of this project. Dr. Roseen replied that he had not yet looked into the Newmarket watershed in a detailed fashion and was reluctant to provide a number, but said the Administrative Order requirements were essentially identical to those in Exeter. He said that he also had not seen the Newmarket annual reports, and that to meet the Town's requirements the approach would need to be scaled up. Town Planner Hardy said that she felt this question was outside the scope of this project, and that any results would be provided as a co-benefit. Dr. Roseen said that he could get some useable ballpark estimates, but he estimated meeting approximately 50% of the requirements. Chairman Nazzaro asked what part of his work would be leading to that, and Dr. Roseen replied 100%. Chairman Nazzaro asked what the people of Newmarket would get out of this study and what regulations would keep the Town in compliance. Dr. Roseen replied that the Town was getting Federal support for some component of the Town's Administrative Order that would otherwise not be available, and that the Town had a timeline to meet. Town Planner Hardy said that she had put some regulations into subdivisions regarding non-point source pollution but that the Town was not currently under a mandate to do so, and they were waiting for the rules to arrive. Dr. Roseen said that the reductions in Exeter had been largely in MS-4 implementation, and that the new integrative planning initiative by the EPA allowed permits to be overlapped in which the activity in one could also be credited to another.

Councilor Burns said that she understood that the project due in 2017 would have to be done anyway, and that they currently had a grant available for this. Town Administrator Fournier clarified that this would begin the project they needed to finalize by 2017, and that all of this work would go toward it. He said that they had already budgeted the Town's 50% share of the matching funds as Storm Water Management because of the AOC. Dr. Roseen added a caveat that he did not know where the RFQ would end up for the New Hampshire control plan, but presumed it would be going in a similar direction to their approach. Town Administrator Fournier said that the data provided would be used to study other things and achieve their ultimate goal. Vice Chair Levy expressed concern that if a different avenue was pursued in the next step, the information from the study might not actually be used. Dr. Roseen felt that this was unlikely and said he was working with consultant teams to establish a uniform approach. Vice Chair said that he would feel better knowing the work would be consistent as far as

strategy, and they would be working with the company to ultimately reach compliance for 2017. Town Administrator Fournier said that Town Planner Hardy was working with the EPA on the project, and that they would not have approved the grant without knowing the Town was using the study to achieve their AOC as well. Dr. Roseen said that the PTAP process involved making sure products were consistent and engaged lead consultants in the Great Bay Region to develop the process jointly. He added that the EPA had already given tentative approval of the process.

Chairman Nazzaro felt that it was incumbent on the Council that the RFQ mandate this data be leveraged. Dr. Roseen said that studies were going on in other communities that pointed in the same direction, and that multiple approaches were the weight of evidence. He emphasized that different individuals studying similar pieces and coming up with similar outcomes was really important. Vice Chair Levy again asked if this would result in some kind of guesstimate of ultimate costs, and Dr. Roseen replied that they were planning estimates and that detailed costing would come from the Financial Capability analysis. He said that they would be able to break down an expected annual cost to the Town between Capital Improvements and Operations and Maintenance, and that he was pushing for a long implementation schedule of around 30 years. Vice Chair Levy asked about Impact fees, and Dr. Roseen replied that they were not really impact fees and that any new code improvements by owners increased part of the project value and was a good way to distribute the costs across the users. Chairman Nazzaro asked where the money would be coming from and Town Administrator replied from the operating budget. Dr. Roseen thanked the Council for their time.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2015/2016-02* was approved by a vote of 6-0.

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

#### **Resolution #2014/2015-66 Authorizing the Town Administrator to Enter into an Agreement with Tri-State Curb for Installation of Granite Curb Stone for Bennett Way**

Councilor Pike made a motion to approve *Resolution #2014/2015-66 Authorizing the Town Administrator to Enter into an Agreement with Tri-State Curb for Installation of Granite Curb Stone for Bennett Way* which was seconded by Councilor Thompson.

Town Administrator Fournier provided a review of his memo which included Council questions from the July 1<sup>st</sup> Town Council meeting. He said that one of the questions raised was the cost to install asphalt curbing instead of granite, and he reported that asphalt curbing would cost \$4.00/linear foot versus granite at \$16.80/linear foot. He explained that asphalt curbing would need to be tied into the road, where as granite curbing was cemented in place. He said the asphalt would also need a topcoat the width of the road to push it down at cost of approximately \$6,000 which would bring the total cost to \$18,000 for that area. He said that granite was more durable and would last as long as the material, while asphalt would degrade over time, with a cost difference of approximately \$25,000 versus \$18,000. Town Administrator Fournier stated that the second question by the Council was whether the developer should pay for the sidewalks. He said he and the Town Planner had reviewed all plans, minutes, and documents from the early 1980s regarding this area, and said the Planning Board had approved the



project in 1983 and had not required the developer to provide sidewalks on Bennett Way, but rather a 4-foot shoulder. He said the Town had accepted the plan and that he and the Town Planner agreed there was no way to require the developer to install sidewalks after the road had been accepted. He added that the developer had a number of "grandfathered" plans already approved, and that he would only need to obtain a building permit to add more structures. He said that whereas the Town had approved the development and accepted it as a Town road, it fell back on the Town as to whether or not they wanted sidewalks installed in that area.

Discussion: Vice Chair Levy expressed a concern that when the area was originally developed it was somehow determined sidewalks were not needed. He said he felt the incline on Bennett Way was very steep and said he was mostly concerned about the cost of maintenance. He said that people had asked if steps would be put in, who would engineer and design it, and what about snow and ice which could become dangerous in winter. He asked if there was a separate CIP plan for sidewalks, and Town Administrator Fournier said that there was no Capital Reserve Fund set aside for sidewalk improvements. Town Planner Hardy said that there was a sidewalk development fund which did not include paving, but there was no money remaining in the fund. Town Administrator Fournier stated that they had always used a portion of the paving budget to do the sidewalk projects. Councilor Thompson said that her recollection was that a CIP fund for sidewalks did exist, and Town Administrator Fournier said there was no money in the fund and it was supposed to be closed out. Councilor Thompson pointed out that for the last several years there had been \$60,000-\$80,000 in the operating budget for road and sidewalk construction which was not always expended, and that there was money in the budget. Town Administrator Fournier explained that they had always used that line-item for sidewalks. Councilor Pickering asked which fund had paid for the new sidewalks on Elm Street, and Town Administrator Fournier replied it was from the operating budget.

Chairman Nazzaro said he totally agreed that the developer should have been responsible to provide sidewalks at the time of the development. He asked if the project for Bennett Way was included in the operating budget and Town Administrator Fournier said that it was discussed last fall during the budget process, and that Bennett Way was mentioned as a project being considered. Chairman Nazzaro felt it was a safety issue and sidewalks were needed in the area. Vice Chair Levy asked whether there were any standards regarding the steepness of the road. Public Works Director Rick Malasky said that there would be no steps and that it would meet the same requirements as other sidewalks in town, with granite curbing and a 5-foot pavement. He said there would be trackless plowing during storms with sidewalks cleared using a blower, and that this line-item had been in the budget for over 10 years. He said that during the budget process he had specifically spelled out that work would be done on Bennett Way, and as the money was approved he had already put a lot of work into getting the project going. He explained that this would be a connector between two (2) existing sidewalks and that the Bennett area had a high population density. He said the developer had fulfilled his requirements for the area according to Town site/land regulations, and said he felt that sidewalks on Bennett Way were necessary.

Public Works Director Malasky explained that ideally granite is used for the curbing as it lasts forever. He said that if it needed to be taken out it could always be reset at a cost of approximately \$6/foot. He said that after one (1) winter asphalt looked terrible and did not hold up, though there were instances where it was better, though granite was necessary in that area for drainage control. Councilor Thompson said

the Council had repeatedly asked for a list for the road paving plan and that it was just as important to do the same for sidewalks. She said it was important for the Council to know what the priorities and the targeted areas were, and what the traffic was in the area, and that she would like to have some background. Town Planner Hardy said that regarding CIP, she could provide information from a planning perspective. She said that in 2010 the Town Council had asked the Highway Safety Committee to put together a report on sidewalks, and that Bennett Way had been identified as one of their recommendations as a medium-high density residential development that lacked easy access for a large number of residents. She said the report also discussed the type of materials that should be used, and noted that asphalt curbing deteriorates rapidly and many areas in Town were already in need of reconstruction. She added that they also recommended using only granite curbing in projects and to have the Planning Board make it standard. She said the Capital Improvement Committee had repeatedly made a recommendation to put \$25,000-\$50,000 into a special CIP for sidewalks, but that every year it did not make it through the budget process. Town Planner Hardy stressed that planning had been done and the need for sidewalks in the community had not been overlooked. She felt it was a really important plan for a Town that thrives on being walkable, and that Newmarket was one of the highest rated communities in the country.

Town Administrator Fournier thanked Town Planner Hardy for supplying that information, and felt the issue for the Council was that the information should have been provided ahead of time as part of the packet for the meeting. Chairman Nazzaro pointed out that funding had been recommended for the last 2 years and was taken out of the budget. Vice Chair Levy said that another high-density pocket lacking sidewalks was Sleepy Hollow and that New Road merited consideration for Newmarket Fire & Rescue and Public Works. He said that there was a 2-pronged need for sidewalks in Newmarket with one issue being repair and reconstruction. He said the list of sidewalks provided on page 4 of the committee report stated that priorities were not based on a comprehensive evaluation of the Town sidewalk system, but rather on observations by committee members. He said the committee also felt that a sidewalk inventory and rating system would be beneficial in allocating funds, and that neither had been done to his knowledge. He felt he could not support the resolution, and again emphasized his concerns regarding the cost of maintaining the area in winter.

Chairman Nazzaro felt that if they were approving \$10,000, without a building CIP, to be made comfortable during meetings, why not \$25,000 to keep the residents of Newmarket safe while walking. He said he recognized they needed a stronger sidewalk plan which was more based on an assessment of the Town sidewalks, but felt to not do it because there was no CIP plan did not make sense. He stressed that he felt it was a safety issue for bikers and walkers as it was a dangerous curvy road, and said that he would not vote against the resolution. Councilor Thompson pointed out that this was only the cost for the curbing, and not the total cost for the sidewalks. Public Works Director Malasky said the cost in the budget was \$88,000, due one-half at a time over the next 2 years, for a total cost of \$172,000. Chairman Nazzaro asked if he had discussed Bennett Way during the budget process and Public Works Director Malasky said that he had.

Town Administrator Fournier polled the Council and *Resolution #2014/2015-66* failed due to a tie vote of 3-3.

Town Council  
July 15, 2015 - Regular Meeting

**ITEMS LAID ON THE TABLE - None**

**NEW BUSINESS/CORRESPONDENCE**

**TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS**

**Records Retention Committee**

**Candidate:** *Monica Christofili – Term Expires March 2017*

Vice Chair Levy made a motion to nominate *Monica Christofili*, Term Expires March 2017, as a member of the *Records Retention Committee*, and Councilor Thompson seconded.

Town Administrator Fournier polled the Council and the nomination was approved by a vote of 6-0.

**Strafford Regional Planning Commission Representative**

**Candidate:** *Peter Nelson – Term Expires March 2017*

Councilor Thompson made a motion to approve the nomination of *Peter Nelson*, Term Expires March 2017, as a *Strafford Regional Planning Commission Representative*, which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and the motion to approve the appointment of *Peter Nelson* as a *Strafford Regional Planning Commission Representative*, passed unanimously by a vote of 6-0.

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

**Resolution #2015/2016-03 Accepting Harvest Way as a Town Street**

Chairman Nazzaro read *Resolution #2015/2016-03 Accepting Harvest Way as a Town Street*, in full.

**Resolution #2015/2016-04 Awarding Liquid Propane, Regular Gasoline, and Clear Diesel**

Chairman Nazzaro read *Resolution #2015/2016-04 Awarding Liquid Propane, Regular Gasoline, and Clear Diesel*, in full.

**Resolution #2015/2016-05 Authorizing the Town Administrator to Enter into an Agreement for Asphalt**

Chairman Nazzaro read *Resolution #2015/2016-05 Authorizing the Town Administrator to Enter into an Agreement for Asphalt*, in full.

**Resolution #2015/2016-06 Municipal Trash Bags**

Town Council  
July 15, 2015 - Regular Meeting

Chairman Nazzaro read *Resolution #2015/2016-06 Municipal Trash Bags*, in full.

### **Town Organizational Study RFP Sub-Committee**

Chairman Nazzaro asked for a nomination to establish a Town Organizational Study RFP Sub-Committee of the Council. Vice Chair Levy made the motion and Councilor Pike seconded.

Town Administrator Fournier polled the council and the nomination to establish the Council Sub-Committee was approved by a vote of 6-0.

Chairman Nazzaro said the challenge was that all the Councilors except one (1) wanted to be on the Sub-Committee and asked if anyone present would agree to pull their name out. Councilor Pike said he would withdraw his name. Chairman Nazzaro said they now had five (5) individuals and they would have to go through the normal nomination process. They discussed various ways to handle the process and Councilor Pike suggested they just suspend the rules. Town Administrator Fournier said that a 2/3 vote would be required, and Chairman Nazzaro asked for a motion to suspend the rules to allow him to appoint the members of the Sub-Committee.

Councilor Pike made a motion to suspend the rules which was seconded by Vice Chair Levy. Town Administrator Fournier polled the Council and the motion was approved by a vote of 6-0.

Chairman Nazzaro stated that he would email the names of the Councilors chosen and that the information would be part of Public Record.

### **CORRESPONDENCE/CLOSING COMMENTS**

Vice Chair Levy said that he wanted to thank Town Planner Diane Hardy for all her hard work and effort with Strafford Regional on the Master Plan, and that the plan was much more suited to the Town of Newmarket as a result. He said that he also wanted to offer condolences to the family of Mr. Portyrata and said he always appreciated his commentary and input and stressed the importance of involvement in the community. Chairman Nazzaro said that he spoke for the whole Council. He said that the next meeting would be held August 5, 2015, and that he would not be present as he would be on his honeymoon. He added that Councilor Pike would also not be attending.

### **ADJOURNMENT**

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Burns. The meeting was adjourned at approximately 9:11 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary