

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

**July 1, 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

**AGENDA**

Vice Chairman Gary Levy welcomed everyone to the July 1, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance.

Councilor Thompson made a motion to seal the minutes of the Non-Public Session of July 1, 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**

Vice Chair Levy opened the Public Forum at 7:05 pm and asked if anyone from the public wished to speak.

As no one from the public came forward, Vice Chair 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 Regular Meeting of June 17, 2015**

Councilor Weinstein made a motion to accept the minutes of the regular meeting of June 17, 2015, and Councilor Burns seconded.

Town Administrator Fournier polled the Council and the minutes of the regular meeting of June 17, 2015 were approved by a vote of 5-0.

**Acceptance of the Minutes of the Non-Public Meeting of June 3, 2015**

Councilor Weinstein made a motion to approve the minutes of the Non-Public Meeting of June 17, 2015, which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of June 17, 2015 were approved by a vote of 5-0.

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

Town Administrator Steve Fournier presented his July 1, 2015 Report. He first addressed **Ordinances Missing** saying that when the Town Code was adopted in early May he had asked the Town Attorney to review all current ordinances. He stated that the staff would be making recommendations on suggested ordinances to the Town Council, and that they were mostly housekeeping in nature. He said that had first reviewed the **Town Seal**, as under RSA 31:92 a seal must be provided by the Town to the Town Clerk/Tax Collector, and that a first read of an ordinance to adopt the Town Seal was on the evening agenda. He next addressed the **Donation from the Town to the Church**, stating that the Town Attorney had advised him that the Town could not donate funds to a church. The Town Attorney had explained that the Town could contribute to an established charity if the charity provided services that the Town would otherwise have to provide. Vice Chair Levy asked if an example would be the church holding a food drive and the Town contributing. Town Administrator Fournier replied that as a Town they could not give to the Catholic Church, but could give to Catholic charities which provided for all. He further explained that the reasoning behind the stance of the Town Attorney was that the Town could always move the clock and were not responsible for the steeple. He next addressed the **Easement for the Cantilevered Deck** over the Newmarket Mills property, and provided the cost of the deck as requested at the last meeting. He stated that the cost was \$1,562 as established by a Market Analysis, and that the Town was responsible to cover 10% and Newmarket Mills 10%, with 80% being reimbursed by the Federal Highway Administration.

Town Administrator Fournier next addressed the **Bikeway Project**, announcing that the second public information session would be held on July 22<sup>nd</sup>. He said that the Town Council would also be holding a more formal meeting in late summer to discuss the results of the feasibility study and decide whether to pursue additional funding to make up the shortfall. He stated that the original cost estimated in 2010 was a preliminary cost analysis, and that construction costs had increased since that time. As a result, he stated that the NH DOT required the Town to conduct an engineering study to update construction costs and provide a more detailed cost analysis, which was currently being done by Underwood Engineering. He said that charges for the study from Underwood Engineering would be covered by a grant from the State and that the Town would be reimbursed, adding that nothing was committed at this time. Councilor Thompson encouraged pushing back on NH DOT as the figures had been brought up so long ago, and said she felt that NH DOT should bring their funding up to today's level as well. Vice Chair Levy pointed out that the increase was a significant amount. Town Administrator Fournier replied that it was based on the difference between 2010 and 2015 prices, and that after the meeting Underwood would come to the Council with a new proposal in late August/early September. Councilor Weinstein asked if the July 22<sup>nd</sup> meeting would be the last public hearing, and Town Administrator Fournier replied that it would but that there would still be the Town Council process. Vice Chair Levy suggested holding the last public meeting after Underwood Engineers had re-evaluated the cost and found ways to tighten the budget, as otherwise people would have no other opportunity for input except to come to the Council. Town Administrator Fournier said that the intent of Underwood was to take more in-depth public input at the meeting on the design as a whole and then come back to the Council with options. He stressed

that the project was still in the design stage, and that this meeting would give the public the opportunity to advocate and then for the Council to vote. Councilor Weinstein felt it was important to have input from the people who would be using the bike path, and felt they should have more meetings rather than fewer. Vice Chair Levy said that a final public input meeting might be needed.

Town Administrator Fournier next addressed the **Town Organizational Study**, for which he provided copies of the proposals as requested at the last meeting. He said that they had received seven (7) proposals ranging from \$14,000 to \$10,800 per week, with an average of \$40,000. He suggested a subcommittee be set up consisting of three (3) Councilors, the Finance Director, and himself to review the proposals. Vice Chair Levy recommended the discussion be held with the full Council present, and Councilor Thompson agreed. Town Administrator Fournier stated that the first meeting on the construction of the **Waste Water Treatment Facility** had been held, with representatives from the Town, Apex Construction, Wright Pierce, and the State all present to discuss preconstruction items. He added that groundwork had already begun. He last addressed **Replacing Directional Signs**, saying that the Department of Public Works was currently working with the State DOT on reducing the number and size of signs in downtown. He said that larger signs were being replaced with smaller directional signs to provide a better line of sight for motorists. He said that the State provided the signs and the Town provided the black coated poles at the State's price, and added that they were also removing signs that were redundant, in bad shape, or in places where they were not visible. Councilor Thompson thanked Town Administrator Fournier for cleaning up the downtown, saying she appreciated his efforts in alleviating confusion.

## **COMMITTEE REPORTS**

Councilor Pike reported briefly on the Macallen Dam Committee meeting of the prior week, saying that the major outcome was to confirm the RFP and vote again after the discussion, which had some elements of disagreement. He said that a quorum was present and they had voted again to work with what the Dam Bureau was expecting in terms of conducting a stability study analysis, adding that he felt it was important to work with them collaboratively.

Vice Chair Levy said that he was not sure whether the Master Plan would be discussed at the next Planning Board meeting or whether they would be holding a special workshop. He said they also needed to discuss the Connery EDC. Town Administrator Fournier said that the Connery EDC had been bumped and that he thought they would be discussing the Master Plan, as the Planning Board might need to have a hearing on the issue. Vice Chair Levy said that they had covered all but two (2) pages of the Master Plan goals, and that they could possibly do one workshop for both and complete them in one night.

## **OLD BUSINESS**

## **ORDINANCES AND RESOLUTIONS IN THE 2<sup>ND</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 said that he had provided a map via email which outlined the project being done. He said that he had spoken with the Public Works Director, and explained that part of sidewalk improvement was to provide connectivity in the Town. He said that they planned to connect Route 108 to Hersey Lane and Route 152 by sidewalking Bennett Way. He said this was a 2-year project with approximately 1,500 linear feet of curbing, doing both sides at the beginning and just the south side further on. He stated that the project would be done in-house with asphalt from road reconstruction for a cost of \$25,200 for the granite curbing.

Discussion: Councilor Thompson asked if documentation could be provided regarding any requirements for the original development, including the approval by the Planning Board as far as any stipulations. Town Administrator Fournier replied that he could look into the matter if the Council wished to table the resolution. Councilor Thompson felt that more information and history should be provided, and asked why granite curbing was needed if asphalt curbing had been looked into. She also questioned why three (3) bids had not been requested and Town Administrator Fournier replied that the third bid had not been received before the deadline. Councilor Weinstein said that she was excited to see the potential for additional sidewalks in Town, especially in that area which was dense population-wise, and that providing paved walking surfaces was important. She asked if there was some way to get an update on overall plans, as this was the first time she was aware of a sidewalk plan. Town Administrator Fournier replied that Bennett Way was next in line for sidewalks, but agreed there should be a sidewalk plan as well as one for roads. Vice Chair Levy felt they should look into asphalt curbing, as Councilor Thompson had suggested. He said he also agreed with remarks made by Councilor Pickering at the last meeting that the developer should have been responsible for providing the sidewalks in the first place and should be required to do the upgrades. Councilor Burns said that she agreed that they should get information on asphalt curbing along with a pro-and-con list on its use. With respect to the sidewalks she felt, regardless of whether the developer had decided not to include them, that in light of the recent tragedy they were no longer a luxury but a safety necessity. Councilor Thompson felt that for her it was more a matter of priorities, and that as the roads had long been deferred due to lack of funds, she preferred to spend the money on the roads instead, although she acknowledged the importance of the issue.

Vice Chair Levy apologized for forgetting to mention that Chairman Nazzaro would be late and the Councilor Pickering had been excused.

Chairman Nazzaro felt that the sidewalk plan and the road plan should be somehow integrated through the CIP process. He said that due to the importance of the issue, the Council needed to be able to make a decision, with input from Administration and Department Heads, as to where they felt their limited resources should be spent. He said that he would love to see an integrated road and sidewalk plan, and felt that asphalt versus granite made sense but that they should also look at useful life. With regard to the Developer versus the Town, he assumed that sidewalks were not part of the original site plan but

that they needed the information to be able to make an assessment, and asked Town Administrator Fournier to hold the resolution over for a 3<sup>rd</sup> reading. Councilor Pike asked when the work would be done, and Town Administrator Fournier replied that it would be done in the summer. Vice Chair Levy said he understood the necessity and connectivity issues but it was practically impossible to put sidewalks throughout the Town, and the matter should be decided judiciously and thoroughly and that the developer should hold some responsibility. Chairman Nazzaro said he would like to see a road plan and felt they needed to develop some standard regarding what the average foot traffic should be. Councilor Pike felt that some routes in Town were heavily traveled and tight, and that in the long term they would need to acknowledge that this was less than ideal.

Councilor Pike withdrew his motion to approve *Resolution #2014/2015-66* and Councilor Thompson withdrew her second.

**ITEMS LAID ON THE TABLE - None**

**NEW BUSINESS/CORRESPONDENCE**

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

**Zoning Board of Adjustments (ZBA) – Regular Member**

**Candidate:** *James Drago – Term Expires March 2018*

Councilor Thompson made a motion to approve the appointment of *James Drago* as a regular member of the *Zoning Board of Adjustments (ZBA)*, Term to expire 2018. The motion was seconded by Councilor Weinstein.

James Drago briefly addressed the Council. He stated that he had moved to New Hampshire four (4) years ago and had purchased a condo in Newmarket in the past two (2) years. He said that he was interested in figuring out the politics of the Town and County and was just starting to get involved in a local setting. He said he was looking forward to working with all the wonderful people in Newmarket and could see how passionate the community was on various topics. He said he wanted to provide input from his perspective as well, and he also recognized the opportunities the Seacoast provided. He said was interested in being involved in how to apply zoning to the community.

Chairman Nazzaro thanked Mr. Drago for his application and interest, saying that it was great to see new faces come forward.

Town Administrator Fournier polled the Council and the motion to approve the appointment of *James Drago* to the *Zoning Board of Adjustments (ZBA)* passed unanimously by a vote of 6-0.

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

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

Chairman Nazzaro read *Ordinance #2015/2016-01 Adoption of the Town Seal*, in Title only.

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

Chairman Nazzaro read *Resolution #2015/2016-01 High Efficiency Heat Pump Installation for Town Hall Auditorium*, in full.

Councilor Pike suggested making it clear for the next reading that the heat pump was only for the Auditorium. Chairman Nazzaro asked Town Administrator Fournier to also provide the bids for the project along with the balance remaining in the Building Improvement Capital Reserve Fund.

**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**

Chairman Nazzaro read *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*, in full.

**CORRESPONDENCE/CLOSING COMMENTS**

Councilor Weinstein said that she wished to send her condolences to the Dearborn family and friends, and said the recent tragedy was felt by a lot of people in Newmarket. She said she also wanted to bring up that according to the Town Charter, the Town Council should invite the School Board to an annual meeting. She added that she would not be present at the next meeting. Chairman Nazzaro said that they were currently working to coordinate a meeting of the chairs of the Planning Board, Conservation Commission, and Budget Committee, and that the School Board would also be invited to that meeting. Councilor Thompson spoke about the tragedy that had recently occurred resulting in the loss of Charlie Dearborn and the tragedy to Newmarket families and residents. She said that she wanted to extend her condolences to all the families and everyone involved and express her appreciation for everyone in Town who had pulled together. Chairman Nazzaro added that all of the Councilors shared that sentiment.

Chairman Nazzaro wished everyone a happy and safe 4<sup>th</sup> of July, and said that the next meeting would be held July 15, 2015.

**ADJOURNMENT**

Councilor Pike made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at approximately 8:04 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary