

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

November 4, 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, Councilor Larry Pickering

ALSO PRESENT: Town Administrator Steve Fournier

AGENDA

Chairman Phil Nazzaro welcomed everyone to the November 4, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:04 pm and asked if anyone from the public wished to speak.

Mr. Leo Filion of Lafayette Avenue addressed the Council saying he was somewhat concerned about the situation with the Eagles property. He stated that in 2006 the Newmarket Community Development Corporation (NCDC) had finally come up with a plan for the development of the Mills, which included the purchasing the Eagles property. He said a committee comprised of the NCDC, the Town Administrator, and the Town Councilors had met several times in an attempt to purchase the building, but that it had taken a long time to reach an agreement with the sellers. He said that many promises were made at the meetings, including help relocating, but that the commitments were not upheld. Mr. Filion said when the Eagles purchased a new property it took them a great deal of time and revenue before they could reopen, and that they were now financially sound except for back property taxes. He recommended that the Town Council put the resolution to sell the Eagles property on hold and approve a committee to seek resolutions and keep the commitments originally made.

As no one else from the public came forward, Chairman Nazzaro closed the Public Forum at 7:08 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of October 21, 2015

Councilor Thompson made a motion to accept the minutes of the regular meeting of October 21, 2015, and Councilor Weinstein seconded.

Corrections/Discussion: Councilor Pike recommended corrections to the discussion under *Resolution #2015/2016-20 Engineering Contract for Construction Administration and Oversight for the MacIntosh*

Well Project, on pages 5-6 of the minutes, with respect to questions by Vice Chair Levy about the liability of the engineering firm with regard to the quality of the construction under their supervision. He felt it was not clearly stated that the firm, as overseers, would be responsible to ensure the construction was done properly and that they would also be named in a lawsuit. Chairman Nazzaro agreed that something explicit regarding the admission of the responsibility of the engineering firm for overseeing the project needed to be added. The tape was reviewed and the discussion was rewritten to more exactly represent the comments of the engineer and the Councilors.

Councilor Thompson asked that Educational Development Committee be corrected to *Economic Development Committee*, on page 6.

Town Administrator Fournier polled the Council and the minutes of the regular meeting October 21, 2015 were approved, as amended, by a vote of 7-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier first informed the Council about upcoming **Town Meeting** dates. He stated that *Town Election Day* would be on Tuesday, March 8, 2016 at the High School, with polls open 7:00 am to 7:00 pm, if the Council voted to approve the resolution this evening. He stated that *Deliberative Session* would be held at the High School on Saturday January 30, 2016 at 9:00 am, and that unless some petition warrant article or bond article came up between now and then, the only ballot question would be the budget. He said he was scheduling the School Session for 10:00 am, and said he had also provided a list of all official deadlines for the next year in his report, along with the Town Council schedule for next year. He stated that as of 5:00 pm this evening he had received the **Tax Rate** from the Department of Revenue Administration (DRA), and that the rate would be \$24.96 per thousand. He said the Town was dropping 20 cents, the Local School was down 59 cents, the State School up 3 cents, and the County down 3 cents. He said Tax Bills would be due December 15th and would be going out by the end of the week. He said he also wished to commend ASAP for their **Substance Abuse Forum**, which was held last week. He said the Newmarket Recreation Center had been full of people wanting to learn about the opioid abuse issue and ways to prevent it.

Town Administrator Fournier also addressed the issue of the Eagles property and stated that they were currently in court with the Eagles regarding eviction, and as it was past the time due for the payment of back taxes the deed had been turned over to the Town per State Law. He said notification had been sent with regard to the deed being taken and that the Town had not yet received any money. Chairman Nazzaro asked how many years of back taxes were considered according to RSA, and at what point the Town claimed the deed. Town Administrator Fournier said over a period of six (6) years, with three (3) years of liening, and three (3) years after that. Vice Chair Levy asked for a quick overview for all the Councilors of what had transpired. Town Administrator Fournier said he had just learned about this as the deal was made in 2007, and said they had not paid any property taxes at all since moving to the new property. Councilor Pike asked if any representative of the Eagles had been to the Town since 2007 and raised the issue of Town promises, and Town Administrator Fournier said they had not. He said the Eagles were now past the point of being able to pay their last outstanding taxes and that the Town was now the owner of the property.

Councilor Weinstein commended the Substance Abuse Forum and said the approximately 135 people had attended the event and that the group had only been in existence for a few months. She said they were also the first Community Distribution Center for a Narcan kit, and that 18 kits had been distributed to people of all demographics. She said a Parenting Workshop was also being held at the High School on November 16th and there would be a live panel in the Town Hall Auditorium on November 17th. She said the forum had also provided funding to the Junior-Senior High School to start a prevention program, and she was appreciative of everyone who had attended.

COMMITTEE REPORTS

Councilor Weinstein reported on the *Capital Improvement Program (CIP) Committee* meeting of the prior evening, and said they had basically discussed the School CIP requests. She said that they had previously discussed a request for a security system for the Town Hall which was not approved, and said the School had also made a request for a security system. She said that request was also voted down, partly because the Town and the School should work together on the issue.

Vice Chair Levy asked about a possible conference on the *Economic Development Committee (EDC)* zoning request and an update on the Elderly Housing Ordinance, saying he assumed there would be a joint meeting between the Planning Board and the EDC. Town Administrator Fournier said it was his understanding that the EDC representative would be bringing up the issues at the next Planning Board meeting to get approval to move forward and draft the ordinance, which would then go back to the Planning Board for review and then to the Town Council.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2015-2016-21 Setting Polling Hours for all 2016 Elections

Councilor Weinstein made a motion to approve *Resolution #2015-2016 Setting Polling Hours for all 2016 Elections*, which was seconded by Councilor Burns.

Discussion: Councilor Weinstein stated that she was pleased that they would have uniform hours for all elections and that they would be held at the High School.

Town Administrator Fournier polled the Council and *Resolution #2015/2016-21 Setting Polling Hours for all 2016 Elections* was approved by a vote of 7-0

Resolution #2015-2016-22 Disbanding the Advisory Heritage Commission

Councilor Pike made a motion to approve *Resolution #2015-2016 Disbanding the Advisory Heritage Commission*, which was seconded by Councilor Weinstein.

Discussion: Chairman Nazzaro pointed out that before they voted on disbanding the committee, they should be aware that five (5) individuals had signed up to participate in the Advisory Heritage Commission. Councilor Thompson asked for a review of the reason the commission was originally set up and why people were signing on. Town Administrator Fournier stated that the Council had requested looking at committees that were dormant and perhaps disbanding them, and said this committee had only met once in 2012 for an organizational meeting. He said the purpose of the committee had been to survey and inventory all cultural resources for the Town of Newmarket and publish the findings. He said the Planning Board had requested preparation of those sections of the Master Plan which addressed cultural and historic resources, which included coordination of activities with appropriate service organizations, hiring consultants, and holding meetings at least 4 times per year. He said that they had only met for the Mills application and a subsequent application had gone directly to the Council. Councilor Pike felt that the people who had signed up for the committee should appear before the Council to explain what they were planning to do. Vice Chair Levy asked if the purpose of the committee had been solely for the Downtown to create a Historical District, and if so he did not see the point in keeping the committee due to the controversy that arose over the issue in 2006-2007. Town Administrator Fournier explained that the resolution was copied verbatim from the RSA, and that the purpose was also to advise land-use boards and other boards on heritage and cultural issues in the community.

Chairman Nazzaro said that several Councilors wanted to hear from the individuals who had recently signed up before they voted on the resolution, and asked the Councilors if they wanted to wait or vote on the issue tonight. It was brought up that none of the individuals had come to the meeting and Town Administrator Fournier stated that all the applicants had been informed about the issue. Councilor Pike asked Chairman Nazzaro to communicate what he had been told by the two (2) people who had contacted him before the Council held the vote. Chairman Nazzaro said that one person had protested that people were already signed up for the committee, and the other person had felt they were being railroaded and kept off the agenda on purpose. Town Administrator Fournier stated this was not the case, and that they had been discussing this issue for a long time. He said they always had two (2) readings of the resolutions so that first the people could be informed, and then the Council could vote. The Councilors agreed to make the decision at this meeting and not wait, and Town Administrator Fournier clarified that the vote tonight was just to approve the resolution for the record.

Town Administrator Fournier polled the Council and *Resolution #2015/2016-22 Disbanding the Advisory Heritage Commission* was approved unanimously, 7-0.

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Conservation Commission – Patrick Reynolds, Alternate Term Expires March 2018

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Councilor Weinstein made a motion to approve the nomination of *Patrick Reynolds* as *Alternate* to the *Conservation Commission, Term to Expire March 2018*.

Mr. Patrick Reynolds addressed the Council briefly saying he would like the opportunity to serve on the Conservation Commission and he appreciated their vote tonight.

Town Administrator Fournier polled the Council and the nomination of *Patrick Reynolds* as *Alternate* to the *Conservation Commission, Term to Expire March 2018*, was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution 2015/2016-23 Town Budget FY2017 (TA requests Suspending the Rules)

Chairman Nazzaro read *Resolution 2015/2016-23 Town Budget FY2017* in full, with the General Budget at \$6,880,668, Special Funds at \$1,005,493, and Enterprise Funds (Water & Sewer) at \$2,110,781 for a total FY17 Budget of \$9,996,942. He asked for a motion to suspend the rules so they could vote tonight.

Vice Chair Levy made a motion to suspend the rules and Councilor Pike seconded.

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

Councilor Weinstein made a motion to approve *Resolution 2015/2016-23 Town Budget FY2017*, which was seconded by Vice Chair Levy.

Discussion: /Councilor Pike asked for the amount of increase of this budget over 2016, and Town Administrator Fournier replied that overall expenditures increased 3.53%, net appropriations by 2.92%, and taxes by 1.44%. Vice Chair Levy asked what the Town increase would be without Water & Sewer and Chairman Nazzaro said it would be 13 cents or \$6.44.

Town Administrator Fournier polled the Council and the motion to approve *Resolution 2015/2016-23 Town Budget FY2017* passed by a vote of 7-0.

Resolution 2015/2016-24 Historical Society – Stone School

Chairman Nazzaro read *Resolution 2015/2016-24 Historical Society – Stone School* in full.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Pike responded to an earlier question by Vice Chair Levy regarding the EDC and stated that it was on the agenda for the next Planning Board meeting on Tuesday to discuss matters related to the Joint Planning Board and the Economic Development Committee, and for zoning recommendations from the EDC. Vice Chair Levy asked if the EDC was invited to attend, and Town Administrator Fournier said it was not a joint meeting but it was a public meeting.

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NEXT MEETING

Chairman Nazzaro stated that the next Town Council meeting was scheduled for Wednesday, November 18, 2016. He said he also wanted to wish a Happy Veterans Day to everyone in the community. Councilor Pickering said he would not be attending the next meeting as he would be on vacation.

ADJOURNMENT

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at 7:51 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary