

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

**FEBRUARY 20, 2019 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved March 6, 2019**

PRESENT: Council Chairman Dale Pike, Council Vice Chairman Toni Weinstein, Councilor Zachary Dumont, Councilor Gretchen Kast, Councilor Kyle Bowden, Councilor Amy Burns, Councilor Casey Finch

ALSO PRESENT: Town Administrator Steve Fournier, Environmental Services Director Sean Greig

**AGENDA**

Chairman Dale Pike welcomed everyone to the Newmarket Town Council Meeting of February 20, 2019 and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

**PUBLIC FORUM**

Chairman Pike opened the Public Forum at 7:01 pm.

Joan DeYoreo of 191 Bay Road said she wanted to speak about the Town's use of Roundup as a weed killer. She said she had many questions to which she had not yet received answers, including who did the work, was the product glyphosate based, whether it was financed by taxpayers, were all sidewalks sprayed, and why residents were not notified when the spraying had been done. She said people needed to be notified when spraying was done as glyphosate was a potential carcinogen.

Jess Waters of 147 Main Street said she was strongly against the use of glyphosate and had looked into alternatives by contacting public works departments in other communities. She said Dover was switching to a chemical-free saturated steam-based alternative, Durham did not use chemical pesticides or herbicides for weed control, Portsmouth was currently seeking alternative organic options, and Somersworth was testing alternatives in their community.

Stacy Mazur of 5 Church Street she was against the use of glyphosate as weed control on Town sidewalks and said they should look for non-toxic alternatives before summer started, and urged the Department of Public Works to look at other solutions.

A resident of 351 Wadleigh Falls Road said he was there to urge the Town Council to consider alternatives to glyphosate for use of weed control in Newmarket. He said they did not know conclusively that glyphosate was a carcinogen, but they needed to be concerned about its properties. He urged the Town Council, on behalf of the community, to find and implement an alternative.

Andrew Demeo of 147 Main Street invited the Town Council for the fourth time to adopt the resolution drafted by ANCER in support of NH Community Rights Amendment CACR8 sponsored by Representative Ellen Read. He said the hearing on CACR8 would be held on March 6<sup>th</sup> and they were hoping for a vote by the Town Council on whether to adopt the resolution.

Jamie Duggan said she did not currently reside in Newmarket, and Town Administrator Fournier said Council rules specifically required that speakers be residents unless the Council suspends the rules; the Council agreed to allow her to speak. Ms. Duggan said she lived in Newmarket until last year and she was there to ask that glyphosate be taken out of the Town's equation. She said as an organic farmer she understood the dangers of Roundup and would never spray with anything in the glyphosate family of chemicals. She said the people of Newmarket were asking that something be done and she asked that the Town look into alternatives.

John Kiper of 170 Main Street stated that he was running for Town Council and would be attending Candidates Night.

Chairman Pike closed the Public Forum at 7:15 pm.

**PUBLIC HEARING** – None

## **TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

### **Acceptance of the Minutes of the Town Council Regular Meeting of February 6, 2019**

Vice-Chair Weinstein made a motion to approve the minutes of the Town Council Regular Meeting of February 6, 2019, which was seconded by Councilor Finch.

Councilor Burns made minor corrections to lines 339 and 342 in the minutes. Councilor Kast said the spelling of Joan's last name was incorrect and it was changed to DeYoreo.

Town Administrator Fournier polled the Council the minutes of the Town Council Regular Meeting of February 6, 2019 were approved as amended by a vote of 7-0.

## **REPORT OF THE TOWN ADMINISTRATOR**

Town Administrator Steve Fournier said the School District had discussions on **Shared Services** as it relates to **Finance**, and the Superintendent was concerned that the workload in the departments and for the director was too high and separate directors might be needed. He said he met with the Council Chair, Vice Chair, Chairman of the School Board and the Superintendent to discuss the issue and all were in agreement that they should try to work together to make the project a success. He said he was getting a proposal for Municipal Resources, Inc. (MRI) to analyze the departments and highlight any changes that may need to be made to make it successful before they disband the agreement.

Chairman Pike stated that they had tentatively agreed on the date of April 11, 2019 for the Joint Town Council/School Board meeting.

Town Administrator Fournier said with regard to the **Ordinance Increasing the Age to 21** for purchase or possession of tobacco products, the Health Officer had notified all businesses in Town about the change in the law. He said the law takes effect 30 days after adoption, or March 8, 2019.

Town Administrator Fournier said he was working with Newmarket Main Street Corporation to upgrade the **Historic District Street Signs** along Main Street. He said they would be replacing poles with black decorative bases at Elm, Central, Chapel, Church, and South Main Streets. He said the total project cost was \$1,000 and NM Main Street Corporation would contribute \$675 toward the cost.

Town Administrator Fournier said he would be holding his **Annual Meeting with Moody Point** on Sunday night to discuss the upcoming Town elections and give a State of the Town address. He said the Director of Environmental Services would also be there to discuss the water system upgrades.

#### **COMMITTEE REPORTS – None**

#### **OLD BUSINESS**

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

##### **Resolution #2018/2019-24 Administrative Order by Consent: Lamprey River Sampling**

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-24 Administrative Order by Consent: Lamprey River Sampling, which was seconded by Councilor Burns.

Director of Environmental Services Sean Greig said this was in relation to Wastewater Treatment Plant (WWTP) administration and their agreement to do certain things for the higher limit of 8 mg/L at the facility. He said they built the Wastewater Treatment Plant, did the Total Nitrogen Control Plan, and this was the last piece. He said the 3-year river sampling program would be done to see what kind of changes were happening in the river as a result of the WWTP.

Environmental Services Director Greig said he worked with Wright-Pierce to put together a comprehensive scope from the director of the EPA and 2 bids were received, one from Normandeau Associates and one from UNH. He said UNH was the low bidder and Wright-Pierce recommended UNH to do the sampling.

Discussion: Chairman Pike asked if 3 years would be sufficient to determine the impact. Environmental Services Director Greig said they were trying to see if there was a trend of what is happening in the river. He said they had a 90% reduction in total nitrogen out of the WWTP and they needed data for the report in 2022, and said he was hoping for good numbers that showed nitrogen trending down. He added that the \$147,000 would come from the Wastewater Budget.

Town Administrator Fournier polled the Council and Resolution #2018/2019-24 *Administrative Order by Consent: Lamprey River Sampling* was approved by a vote of 7-0.

**Resolution #2018/2019-25 2020 Elgin Pelican Street Sweeper Purchase**

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-25 *2020 Elgin Pelican Street Sweeper Purchase*, which was seconded by Councilor Finch.

Town Administrator Fournier said for this resolution as well as the following resolution, they had already been approved but without the Capital Reserve Fund wording. He said he had authorization to purchase the equipment but no funds and this would approve the purchase with Capital Reserve Funds.

Discussion: Vice-Chair Weinstein said she appreciated the extra time to get through it, and Town Administrator Fournier said he notified all departments that they would no longer be pushing through resolutions, as it was not fair to the Council, the public, or the department heads. He said the timeline was by noon on the Wednesday before the meeting.

Town Administrator Fournier polled the Council and Resolution #2018/2019-25 *2020 Elgin Pelican Street Sweeper Purchase* was approved by a vote of 7-0.

**Resolution #2018/2019-26 2020 International Dump Truck with Plow Equipment**

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-26 *2020 International Dump Truck with Plow Equipment*, which was seconded by Councilor Bowden.

Discussion: Councilor Kast said she noticed that the cost was only \$13,000 and asked if this would be moving into the operating budget. Town Administrator Fournier said in future, if approved by the Council, they would be leasing instead of buying from Capital Reserve Funds.

Town Administrator Fournier polled the Council and Resolution #2018/2019-26 *2020 International Dump Truck with Plow Equipment* was approved by a vote of 7-0.

**Resolution #2018/2019-27 Relating to Withdrawal of School Impact Fees**

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-27 *Relating to Withdrawal of School Impact Fees*, which was seconded by Councilor Burns.

Town Administrator Fournier said he received a request from the School District to withdraw \$226,783.97 from the School Impact Fees collected from new housing developments, and said the current balance would be closed out. He said the impact fees would be used for renovations to the Newmarket Elementary School.

Discussion: Vice-Chair Weinstein explained for the public that the Town administered the impact fees and either approved or did not approve the expenditure.

Town Administrator Fournier polled the Council and Resolution #2018/2019-27 Relating to Withdrawal of School Impact Fees was approved by a vote of 7-0.

**ORDINANCES AND RESOLUTIONS IN THE 3<sup>RD</sup> READING – None**

**ITEMS LAID ON THE TABLE – None**

**NEW BUSINESS /CORRESPONDENCE**

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

***Library Trustee Appointment –***

Candidate: *Roderick Crepeau – Term Expires March 2022*

Vice-Chair Weinstein made a motion to approve the appointment of *Roderick Crepeau – Term Expires March 2022* as a *Library Trustee*, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the appointment of *Roderick Crepeau* as a *Library Trustee* was approved by a vote of 7-0.

***Conservation Commission Appointment –***

Candidate: *Patrick Reynolds – Term Expires March 2022*

Vice-Chair Weinstein made a motion to approve the appointment of *Patrick Reynolds – Term Expires March 2022* as a member of the *Conservation Commission*, which was seconded by Councilor Finch.

Town Administrator Fournier polled the Council and the appointment of *Patrick Reynolds* as a member of the *Conservation Commission* was approved by a vote of 7-0.

***Zoning Board of Adjustments (ZBA) Alternate Member Appointment –***

Candidate: *Connor Crowley – Term Expires March 2022*

Vice-Chair Weinstein made a motion to approve the appointment of *Connor Crowley – Term Expires March 2022* as an Alternate member of the *ZBA*, which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and the appointment of *Connor Crowley* as an Alternate member of the *ZBA* was approved by a vote of 7-0.

***Conservation Commission Appointment –***

Candidate: *Cris Blackstone – Term Expires March 2022*

Vice-Chair Weinstein made a motion to approve the appointment of *Cris Blackstone – Term Expires March 2022* as a member of the *Conservation Commission*, which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and the appointment of *Cris Blackstone* as a member of the *Conservation Commission* was approved by a vote of 7-0.

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

##### **Resolution #2018/2019-28 Lease Purchase Interest on the Municipal Lease for Energy Improvements in Town Facilities.**

Town Administrator Fournier read *Resolution #2018/2019-28 Lease Purchase Interest on the Municipal Lease for Energy Improvements in Town Facilities* in full.

##### **Resolution #2018/2019-29 Amending the Membership of the Energy and Environment Advisory Committee**

Town Administrator Fournier read *Resolution #2018/2019-29 Amending the Membership of the Energy and Environment Advisory Committee* in full.

##### **Resolution #2018/2019-30 Grants to Reconstruct the Lubberland Creek Crossing at Bay Road**

Town Administrator Fournier read *Resolution #2018/2019-30 Grants to Reconstruct the Lubberland Creek Crossing at Bay Road* in full.

##### **Resolution #2018/2019-31 Asbestos and Boiler Removal**

Town Administrator Fournier read *Resolution #2018/2019-31 Asbestos and Boiler Removal* in full.

#### **CORRESPONDENCE**

Chairman Pike said some correspondence was already referenced as received in the Public Forum.

#### **CLOSING COMMENTS**

Councilor Finch reminded everyone that Election Day was Tuesday, March 12<sup>th</sup>, Absentee Ballots were available, and Candidates Night was Tuesday, March 5, 2019.

Chairman Pike said there were two people present this evening who were running as write-ins for the Town Council. He said it was great to have Candidates Night and have a chance to get out and meet those who were running. He said it was concerning when they did not get people on the Ballot and this was a chance to make their democracy work.

Councilor Burns said she recalled discussing weed control last year and said they should circle back to that conversation. Town Administrator Fournier said they were already doing that but that research would take time.

Councilor Kast said some other towns were also mentioned during Public Forum, and Town Administrator Fournier said that was already being looking into as well.

Councilor Kast said she wanted to write into the minutes her objection to the email discussion formerly read in the minutes. She said per RS A91-A:II paragraph 2-a, she was expressing her objection to that being read into the minutes and requesting her objection to that discussion be read into the minutes.

Councilor Dumont said he was not raising an objection as they all read the email and only one responded. He felt Chairman Pike handled the situation responsibly and was clear about the problem of starting a group message, but he would stand with Councilor Kast that it could be viewed as problematic.

Chairman Pike said that would make the whole email chain a public document at this time. Town Administrator Fournier said it was public because it went to most of the councilors, and because it went to him. He said they could not have contemporaneous communications between councilors in an email as it was a violation of the right-to-know law.

Chairman Pike said people were making statements that verged on the personal in nature, and said there was a blind carbon copy and he did not really know who was receiving that email. He said he felt a little defensive in the way the communication went down, and stated that Councilor Kast's concerns were registered.

Vice-Chair Weinstein said in general it could be really challenging when something was sent to the Council whether or not they should respond. She said sometimes not replying to group emails did not mean the Council did not read the email or that they were not interested. She said she understood how the reply was made and did not disagree with it.

Vice-Chair Weinstein also commented that she understood that the science around glyphosate was not 100%, but if they knew there were safer alternatives, why wouldn't they use them for the health and safety of the community. She said it was asked in the email specifically where exactly it was used, and Town Administrator Fournier said it was used on sidewalks and said he was getting a price for alternatives.

Councilor Kast said she thought there was a possibility and an opportunity for some of the wishes of citizens being expressed in public comments to come together with their correspondence.

**NEXT MEETING:** The next Regular Town Council Meeting is scheduled for March 6, 2019 at 7:00 pm in the Town Council Chambers.

## **ADJOURNMENT**

Chairman Pike adjourned the meeting at 7:49 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary