**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**TOWN COUNCIL REGULAR MEETING**

**JULY 18, 2018 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved August 22, 2018**

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

EXCUSED: Councilor Amy Burns

ALSO PRESENT: Town Administrator Steve Fournier, Public Works Director Rick Malasky

**AGENDA**

Chairman Dale Pike welcomed everyone to the July 18, 2018 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Pike stated that Councilor Amy Burns was excused.

**PUBLIC FORUM**

Chairman Pike reminded everyone that Public Forum was a chance to address items of public interest and residents had one 3-minute opportunity to make a statement. He opened the Public Forum at 7:01 pm.

Daniel Tremano of 7 Church Street said he would like to read a statement by Stacey Mazur of 5 Church Street, who was writing on behalf of herself and her fellow residents on Church Street in Newmarket. He said they were concerned about the recent traffic pattern change on Church Street, and did not agree that it would make their neighborhood safer. He said the June 20, 2018 Town Council meeting did not address their questions or concerns and they had submitted an Initiative Petition regarding the matter, and requested immediate public access to the information gathered by the Highway Safety Committee to reach their decision to reverse the flow of traffic on Church Street.

Mr. Tremano said further that they would like an expedited Public Hearing to be held at the August 22, 2018 Town Council Meeting, and would like the Council to address what caused the request for the Church Street reversal to differ from the same request in 2012. He said they also requested a repeal of *Ordinance 2018/2019-05* to be voted on in August. If the repeal should pass, they would request that the Town Council restore Chapter 30 of the Town Charter to its former wording.

Sarah Low of 3 Church Street stated that she had gone out and taken measurements of some of the street grades, as a result of the discussion of whether Granite Street or Church Street were steeper. At 1 Church Street she found a grade of 18.15% and at 5 Church Street a grade of 22.91%. She said Granite Street was steeper at the bottom with a grade of 27.08%, and had a grade of 20.83% at the point where you would need to back up if someone was coming. She said that at 5 Chapel Street the grade was the same as 1 Church Street and a measurement at 19 Spring Street had an 8.33% grade. She said her driveway sloped up 10 inches over a run of 48 inches which was the same as coming down the hill and taking a 90-degree turn, and it also slanted at a pitch of 14.05% down the hill. She said she did not want to hear she was right after a winter accident on the hill. She said she would rather be wrong than have a friend or neighbor hurt because of the traffic change and urged the Town Council to reconsider.

Chairman Pike closed the Public Forum at 7:09 pm.

**PUBLIC HEARING** – None

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of the Minutes of the Non-Public Meeting of June 6, 2018**

Vice-Chair Weinstein made a motion to approve the minutes of the Non-Public Meeting of June 6, 2018, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of June 6, 2018 were approved by a vote of 5-0, with 1 abstention.

**Acceptance of the Minutes of the Non-Public Meeting of June 20, 2018**

Vice-Chair Weinstein made a motion to approve the minutes of the Non-Public Meeting of June 20, 2018, which was seconded by Councilor Finch.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of June 20, 2018 were approved by a vote of 6-0.

**Acceptance of the Minutes of the Regular Meeting of June 20, 2018**

Vice-Chair Weinstein made a motion to approve the minutes of the Regular Meeting of June 20, 2018, which was seconded by Councilor Bowden.

Vice-Chair Weinstein corrected the spelling of “Stacey Maser” to *Stacey Mazur*.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of June 20 2018 were approved as amended by a vote of 6-0.

**REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Steve Fournier stated that on July 5 at approximately 12:45 pm on **Piscassic Street**, the Newmarket Police Department activated the Seacoast Emergency Response Team (SERT) to respond to an incident of domestic violence with an individual known to have firearms. He said the SERT team came to Newmarket working with local law enforcement and fire and rescue personnel, with approximately 50 officers at the scene. He said the situation was compounded by 90-degree heat, and he wanted to commend the Newmarket Police and Fire as well as SERT for being professional and wanting to end the situation peacefully and safely.

Town Administrator Fournier stated that the Town had been having significant **HVAC Issues** at the Town Hall, with AC breaking down and a condensate leak in the Council Chambers which took down a ceiling tile. He said in winter the boilers were inefficient and failing as well as the AC, and they needed to address the system shortly as some of the boilers were over 75 years old and the AC system over 25 years old. He stated that he had asked the Facilities Director to work with the Town’s performance contractors to come up with a plan to replace the system as soon as possible.

Town Administrator Fournier said that a ceremony would be held on July 28, 2018 at 10:30 am at 10 North Main Street to dedicate **Schoppmeyer Park**, with the Council and public invited to attend

Town Administrator Fournier addressed the current **Water Levels** in Newmarket and stated that the NH Department of Environmental Services recommended that municipalities institute water restrictions allowing lawn watering between the hours of 7:00 pm and 8:00 am. He said he had spoken with the Director of Environmental Services for the Town, and that the MacIntosh Well coming online had allowed the wells to replenish and water levels were in good shape. He said the Town remained at Stage II, odd-and-even watering days.

Town Administrator Fournier said he had been in discussion with the Police and Fire Chiefs and the Director of Public Works that the improvements to **Main Street Sidewalks** would result in increased pedestrian traffic. He said he was concerned that a number of years ago a lot of the lights had been removed, and said the Public Works Director was working with Affinity Lighting, who installed the LED lighting, for prices to install more lights when the sidewalks are completed.

Town Administrator Fournier addressed the **Emergency Operations Plan** for the Town, which was almost finished. He said it outlined what to do in certain events and he would bring an executive summary to the Town Council shortly for approval. He said they were applying for a COG (Continuation of Governance) Plan detailing what to do after a disaster happens. He said the cost would be approximately $4,000 and was covered by the Department of Homeland Security.

Discussion: Councilor Kast asked if the underground fuel storage tank listed in the Environmental Services Report was removed as part of regular maintenance. Town Administrator Fournier said the leak was found and he had let the Council know they would be removing it. Councilor Kast also asked about the Creighton Street Pumping Station, where grease and debris had been found in the sewer system. Town Administrator Fournier said it was difficult to determine where the grease was coming from, and said it was illegal dumping, possibly from a restaurant, and they were working to figure that out now. Councilor Dumont asked if this was a one-time dumping rather than multiple people.

Vice-Chair Weinstein commented on the water levels and said over the last few years Newmarket had been pretty conservative with watering restrictions, and people should continue to conserve water. She said under the Police Department she wanted to thank Lieutenant Jeffrey Simes for his 29 years of service on the Newmarket Police Force. She also addressed the heroin/opiate-related ODs and deaths reported and said they had gone down drastically, helped by the widespread distribution of Narcan and State interventions. Chairman Pike asked if resuscitation with Narcan was also considered an OD, and Vice-Chair Weinstein said that it was.

Vice-Chair Weinstein said that people on Facebook were talking about crime in Newmarket, and she had gone back 6 months to see if anything had changed. She said calls for service had increased drastically from 2016 to 2018 but that arrests had not gone up and offense reports only a little. She said tickets had gone up but that the Police worked very hard and crime in Newmarket had not gone up.

Councilor Dumont asked about the July 5th incident and asked how the process was organized and managed. Town Administrator Fournier explained that Newmarket was part of a greater Seacoast Emergency Response Team called SERT, commonly considered a SWAT team. He said the State Police assisted in those calls as well. He said the Chief of Police was in command at the scene and had determined going up to the next step was needed. He then activated SERT and officers responded from around the region.

**COMMITTEE REPORTS**

Councilor Finch stated that the *Conservation Commission* met July 12th for a short meeting, and they talked about the Schoppmeyer Park opening on July 28th at 10:30 am. He said they briefly discussed the chance for the Rockingham County Conservation District to come in and give some assistance with invasive species. He said the *Conservation Commission* had voted to approve funding the installation of an automatic gate at the Heron Point Sanctuary, with the project starting next week. Vice-Chair Weinstein said the resolution of the situation at Heron Point was exciting. She said she had walked the trail with members of the Senior Center and felt some signage or trail markers might be put up and added that the trail needed some minor cleanup.

Councilor Kast said the *Planning Board* had met to finalize the Joint Meeting on September 19, 2018 and asked for an agenda. Chairman Pike said the date was official at this time.

Vice-Chair Weinstein stated that the *Energy & Environment Advisory Committee* met last week and the main topic was municipal composting. She said a representative from Mr. Fox Composting came to talk about some of their programs in the Seacoast. She at this point they intended to reach out to some of the communities currently working with Mr. Fox at a municipal level and review the options, and they were working with Facilities Director Greg Marles to figure that out.

**OLD BUSINESS**

**ORDINANCES AND RESOLUTIONS IN THE 2ND READING** – None

**ORDINANCES AND RESOLUTIONS IN THE 3RD READING** – None

**Items Laid on the Table** – None

**NEW BUSINESS /CORRESPONDENCE**

**Town Council to Consider Nominations, Appointments and Elections** – None

**ORDINANCES AND RESOLUTIONS IN THE 1ST READING**

**Resolution #2018/2019-01 Water System & Wastewater Pumping Station Supervisory Control and Data Acquisition (SCADA) System Improvements**

Chairman Pike read *Resolution #2018/2019-01 Water System & Wastewater Pumping Station Supervisory Control and Data Acquisition (SCADA) System Improvements* in full.

**Resolution #2018/2019-02 WiFi Improvements to Town Hall**

Chairman Pike read *Resolution #2018/2019-02 WiFi Improvements to Town Hall* in full.

**Resolution #2108/2019-03 Purchase of Town Servers**

Chairman Pike read *Resolution #2108/2019-03 Purchase of Town Servers* in full.

**Resolution #20182019-04 Paving Improvements 2018-2019** (*TA requests suspension of the rules to act on resolution this evening*)

Chairman Pike read *Resolution #20182019-04 Paving Improvements 2018-2019* in full. Town Administrator Fournier asked for a motion to suspend the rules and vote this evening as oil prices were fluctuating and predicted to rise due to the beginning of hurricane season.

Vice-Chair Weinstein made a motion to suspend the rules to vote on *Resolution #20182019-04 Paving Improvements 2018-2019*, which was seconded by Councilor Kast. Town Administrator Fournier polled the Council and the motion to suspend the rules to vote on *Resolution #20182019-04* was approved by a vote of 6-0.

Vice-Chair Weinstein made a motion to approve *Resolution #20182019-04 Paving Improvements 2018-2019* which was seconded by Councilor Finch.

Discussion: Councilor Kast asked if there was any overlap between the permit for New Road drainage improvements and this paving project. Public Works Director Rick Malasky said that was just the portion of New Road that was not yet completed and it would be paved after the drainage improvements had been made. Vice-Chair Weinstein spoke about suspending the rules and explained that the Town Council was currently on an abbreviated schedule and with increasing asphalt prices there was a need to get the work done. She asked about Sanborn Avenue, and Public Works Director Malasky said because it was a short road and the tonnage would be close, they would pave it if they could but it was not a guarantee.

Councilor Finch said he was fine with suspending the rules but that they had done the same thing last year and wondered if this resolution could come out earlier in the year. Chairman Pike asked when people were prepared to bid on summer paving work. Public Works Director Malasky said some did it in March or April, but companies are not always ready to guarantee pricing at that time. He said they were expecting a big increase in asphalt costs in August and were trying to book now.

Town Administrator Fournier polled the Council and *Resolution #20182019-04 Paving Improvements 2018-2019* was approved by a vote of 6-0.

**CORRESPONDENCE**

Town Administrator Fournier read two letters received from Sarah E. Low. He said the first was dated June 22, 2018 and expressed her concerns about the lack of Public Notice with regard to Ordinance #2017/2018-05 reversing the flow of traffic on Church Street, and said the property owners of Church and Central Streets should have been notified of the plans. Ms. Low said she was frightened about getting out of her driveway during inclement weather and backing into traffic, and she wished that the Town Council had had the time to think over the public concerns before voting.

Town Administrator Fournier read the second letter dated July 3, 2018. In the letter Ms. Low said the hill was dangerous during winter storms and that many seniors walked up and down the hill. She said upper Church was just as invisible as when going down and should be closed and restored to the old traffic pattern. She said the owner of Stone Church had tunnel vision about getting directions to his potential patrons, and the people on Church Street had tunnel vision about the perceived dangers and lack of any power to change that. She said making Newmarket a better and safer town should be everyone’s goal, and asked that they be able to sit down and share their views.

**CLOSING COMMENTS**

Councilor Finch said he had sent a communication about recycling bins to remind residents that recycling does need to be clean to be processed.

Councilor Dumont said when he first moved to Newmarket 3 years ago, he was sent a Water Quality Report and recommendations on conserving water usage and asked if the Town had plans to put out similar information this year. Town Administrator Fournier said Water Quality Reports were sent out annually. As far as conservation efforts, the Town had numerous ways to notify people through the Town website, via email, and if drastic used Reverse 911. He said due to conservation efforts water usage was going down as well as Town revenues.

Councilor Bowden thanked Lieutenant Simes for his 29+ years of service, and thanked the people speaking about their concerns with regard to the traffic change on Church Street for coming to the meeting.

Vice-Chair Weinstein asked that the Council Goals be put on the agenda for the next meeting. She said it had been 3 months since they met with Primex and they needed to approve the goals. Chairman Pike said it was in the minutes that it would be on the agenda for this meeting.

Vice-Chair Weinstein said she had gone to the Strafford Regional Planning Commission annual luncheon with Diane Hardy, and said they talked about conservation and trail work. She said she would be meeting with Diane again on Friday to talk about some of their ideas.

Vice-Chair Weinstein asked about the Petition process and how it might look going forward. Town Administrator Fournier said the process in Newmarket was not the same as they were a Town Council/Manager form of government and not a Select Board/Town Meeting form of government, and were outlined by their Town Charter and not by State Law. He said the Town Clerk had received a Petition requesting the repeal of *Ordinance No. 2017-2018-05*, which required 100 signatures of registered voters in the Town. He said the Town Clerk reviewed the Petition, which did not have 100 signatures, and was not going forward, and said the Town Clerk notified the Petitioners by letter. He said if it had gone forward, there would have had to be a vote by the Town Council and a Public Hearing within 30 days on whether or not to repeal *Ordinance No. 2017-2018-05*.

Councilor Kast asked if the Petition could be resubmitted and Town Administrator Fournier said he and the Town Attorney were looking into whether they would need *another* 100 signatures or only needed to make up the difference. He said the only way an Ordinance could be repealed was if a councilor introduced legislation amending Chapter 30 of the Town Charter to change the traffic back to the former direction, and it would then follow the same process. He said they were working on pulling the requested documents together. Councilor Kast said the engagement of the residents was admirable and she encouraged them to remain engaged and not get discouraged.

Chairman Pike said he had met briefly with the School Superintendent, the School Board Chairman, and the Town Administrator to try to set the next Joint Town Council/School Board Meeting. He said the meeting was set for the evening of August 23, 2018. He said a time had not been specified and asked the Council for preferences. Councilor Dumont suggested they first see the agenda and Chairman Pike said he did not think the meeting would be longer than 90 minutes. Town Administrator Fournier said they had discussed what type of updates would be useful at this time and the proper procedures for dealing with employees, and said it was primarily a report of the two administrators to the combined body.

Councilor Kast said she attended the ground-breaking at the High School and it was very positive. She said she also attended a presentation organized by a group of Town citizens on the Rights Based Ordinance. She had told them she would ask the Council if they had any interest in hearing more about the issue. Chairman Pike said they had received quite a bit of information from the Public Forum process and printed materials, as well as the opinion of the Town Attorney, and he felt unless it was new information they did not need more time to go over the issue. Councilor Finch said he would like to see the statement of the Town Attorney and reach out to Nottingham as they had a Rights Based Ordinance (RBO) in their town. Town Administrator Fournier said there was no State RSA that authorized the Town to adopt them, and as such they were not allowed.

Vice-Chair Weinstein said she found that some of the towns had adopted RBOs in response to something actually happening in their community, and said though there was not an immediate concern for Newmarket, she would disagree that they had held a conversation about the issue. She felt the group represented a vocal and committed constituency in Town and wanted to have a back-and-forth dialogue about the issue. Councilor Finch asked if councilors could meet with them as a quorum or in groups, and Town Administrator Fournier said that would be illegal and a violation of the Right to Know Law, and it had to be a public meeting. He said if the Council wished they could hold a Workshop Meeting.

Chairman Pike felt the energies were misplaced at the local level and belonged at the State level. Councilor Dumont said the towns were almost completely cut out of discussions between companies and the State, and there was no real recourse for towns or citizens and they felt left out of the decision-making process. Councilor Kast suggested that having this much dialogue about the issue perhaps indicated a meeting would be worthwhile. Town Administrator Fournier recommended that the Town Attorney be at the meeting as well.

Vice-Chair Weinstein felt it was their role as councilors to be able to hear from constituents and have a dialogue with residents. She said one of the frustrating things about what was happening on Church Street was that they did not feel they were heard in the process. Town Administrator Fournier recommended forming a 3-person sub-committee of councilors to find out if the new information rises to the level of a workshop with the full Council. He said it would basically be an investigative committee of 2 or 3 councilors to vet the issue, and said they would need to take minutes and post when they would be meeting.

Councilor Dumont made a motion create a *Water Rights Sub-Committee* consisting of Vice-Chair Weinstein, Councilor Kast, and Councilor Dumont.

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

**Next Meeting:** The next Regular Town Council Meeting will be held on August 22, 2018 in the Town Council Chambers. A Joint Town Council/School Board Meeting will be held on August 23, 2018.

**ADJOURNMENT**

Chairman Pike adjourned the meeting at 8:18 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary