

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

AUGUST 22, 2018 7:00 PM

TOWN COUNCIL CHAMBERS

Approved September 5, 2018

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

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

AGENDA

Chairman Dale Pike welcomed everyone to the August 22, 2018 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm. He stated that Councilor Amy Burns would be calling in on speaker phone, and started the meeting with the Pledge of Allegiance.

PUBLIC FORUM

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

Stacey Mazur of 5 Church Street said that the new interface for government documents posted online for the agenda and minutes was difficult to navigate through the screens to get to the Town Packet.

Sarah Low of 3 Church Street said the section on the Town Website where information was sent to the Council was being re-routed to old councilors. Town Administrator Fournier said the problem had been fixed.

Chairman Pike ended the Public Forum at 7:03 pm.

PUBLIC HEARING – Public Hearing on the Repeal of Ordinance Chapter 30-3 (5) – One-way Traffic on Church Street (by Petition)

Town Administrator Fournier said the Repeal of Ordinance Chapter 30-3 (5) was a petition submission, and per Town Charter a Public Hearing must be held. He said each person was allowed 5 minutes to speak, and should address why they think the Council was in error for passing the Ordinance. He stated that afterwards the Council may: (1) Pass the repeal without alteration or with an amendment; (2) Deny said measure for stated reasons.

Chairman Pike opened the Public Hearing at 7:04 pm.

Sarah Low of 3 Church Street begged the Council to reconsider the dangerous change to the traffic pattern on Church Street, and said the street had too many blind driveways on a short run and the grade made it dangerous for pedestrians. She said if they decided to change the traffic direction back, she would suggest a stop sign at the corner. She asked if they could have the Rock Street sign returned to the street. She thanked the Council for their reconsideration and urged them to consider the safety of the residents.

Stacey Mazur of 5 Church Street thanked the residents who signed the petition, and said she hoped the Town Council would see reason and listen to the voices of the community. She said the original petitioner did not offer overwhelming evidence that the change would have a positive impact on the safety of the neighborhood, nor did the Highway Safety Committee provide the facts for their decision-making. She said the proposed change in traffic pattern was not well understood by the public, the Council, or the petitioner at the June meeting.

Ms. Mazur said she consulted Newmarket's subdivision regulations which specified the grade and minimum width of pavement for streets and felt these should apply to the traffic pattern on any road in Town. She said Church Street exceeded the maximum 8% grade and did not meet some regulations stated in the Town Code, and it also addressed providing safe pedestrian movement. She felt the change in the traffic pattern on Church Street increased the chance of driver/pedestrian impact and did not address winter drivability.

Gretchen Tuttle of 5 Church Street said she agreed with everything said so far by Ms. Mazur and felt the reasons for changing Church Street were insufficient and did not warrant alterations. She felt it benefitted one business owner and did little for the residents. She asked the Town Council to reconsider their votes and listen to the 140 petitioners.

Mike Hoffman of the Stone Church, 5 Granite Street, thanked the Council for their hard work and reminded them that their Department Heads had looked at all aspects of the change. He said he had noticed a dramatic reduction in traffic going down, and pedestrians had told him the change was better. He said the blind driveways had been worse with traffic going down the hill.

Dave Talmadge of 116 Main Street said as a musician he played frequently at the Stone Church and never heard anyone say they could not find the establishment because of the road direction. He said the problem with the Stone Church was the road going there was not easy to traverse.

Chairman Pike closed the Public Hearing at 7:18 pm.

Town Administrator Fournier made a statement on behalf of the staff, and said that this was not just the recommendation of the Town Administrator but of the Highway Safety Committee. He said he had spoken with the staff and they all stood behind their original recommendation.

Councilor Kast made a motion to repeal *Ordinance Chapter 30-3 (5)* which was seconded by Vice-Chair Weinstein.

Discussion: Councilor Kast said she was the sole vote against the passage of the Ordinance and felt even more strongly now that it should be repealed. She said she was not convinced by the Highway Safety Committee one way or another of a net change in safety. She said her vote was based on the number of residents who expressed their opposition to the change and said it showed a lot of practical experience of the people who lived on Church Street. She said she made the motion to give the other councilors the right to reconsider.

Vice-Chair Weinstein said she appreciated the commitment of the residents on Church Street and their focus on this issue. She said the Council was always trying to find a balance between needs of residents and businesses and said the adjustment would take time. She said she had not seen any evidence to make her change her vote, and felt the issue might be revisited in one year.

Councilor Finch echoed the comments of Vice-Chair Weinstein and said he had walked the street a number of times and had not heard much to change his mind. He said it was his opinion that the change made it safer for the whole Town. Chairman Pike said the way the citizens had approached this was excellent but said he did not feel there was a safety difference one way or the other, and it made more sense from the standpoint of people who used the road. He said he was also open to revisit the issue in one year.

Town Administrator Fournier explained that a vote of “yea” would be to repeal the ordinance, and a vote of “nay” would be to keep the ordinance in place.

Town Administrator Fournier polled the Council and the motion to *Repeal Ordinance Chapter 30-3 (5) – One-way Traffic on Church Street* failed by a vote of 1-5, with 1 abstention.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of July 18, 2018

Vice-Chair Weinstein made a motion to approve the minutes of the Regular Meeting of July 18, 2018, which was seconded by Councilor Bowden.

Town Administrator Fournier found that Councilor Amy Burns was listed as both present and excused. Her name was deleted from those present as she was excused from the meeting.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of July 18, 2018 were approved as amended by a vote of 6-0, with 1 abstention.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier said one of the Town Council goals for the coming year was to improve the **Economic Development** of the community and attract businesses. He said he and the Community Development Director met with Stu Arnett of ADG Consulting about the benefits of hiring an Economic Development Consultant. He said by contracting with a firm they would have the benefit of expertise when needed, similar to the hiring of the Town Attorney. He said he asked Mr. Arnett to attend the Joint Town Council/Planning Board meeting on September 19, 2018.

Town Administrator Fournier said they had begun the **FY2020 Budget Preparation**. He said pursuant to Town Charter he must present his budget to the Town Council by October 15, 2018, and they must adopt a budget by November 15, 2018 to send on to the Municipal Budget Committee. He said there would be a Town Council Workshop on Saturday, October 27, 2018.

Town Administrator Fournier said he would need the assistance of the Council as election monitors on September 11, 2018 for the **State Primary**, and would need a quorum at the end to certify the vote. He said with the **NHDOT Project** almost over, they realized they would need more lighting for pedestrians, and they were working with Eversource and Affinity Lighting to increase the number of fixtures on **North Main Street**.

Discussion: Vice-Chair Weinstein asked who was determining the frequency of the lighting in Downtown. Town Administrator Fournier said it was determined by Eversource and the Public Works Director.

WATER SYSTEM 20-YEAR WATER CAPITAL IMPROVEMENT PLAN

Environmental Services Director Sean Greig said the Water Department was for people on the water system and it was the rate payers who would foot the bill. He said the Town Water System had 27 miles of water main, 4.5 miles of it from 1895. He said the Bennett Well came online in 1974 and the Sewell Well in 1985, and both were on the same aquifer. He said they had been dialed back due to droughts and pumping capacity had been reduced. He said the Packers Falls Surface Water Plant was from the 1920s and was last upgraded in the 1980s. In 2004 the plant could not meet safe drinking water standards and they lost 1 million gallons of water per day. A study advised moving it to another place on the river for a cost of \$11.5 million.

Environmental Services Director Greig said they decided at that time to look for additional ground water and found the MacIntosh and the Tucker Wells. He said the MacIntosh Well has some water quality issues and must be blended with the Bennett and Sewell Wells. He said the Tucker Well had been permitted but there were also issues with contaminants that would require treatment and it was not yet in service. He said another part of the system was the Great Hill Water Tower which was built in 1977 and was stripped of lead paint in 1997 and repainted.

Environmental Services Director Greig said for the 20-year plan they used three different reports: the CIP Update done in 2011, the Asset Management Plan done by Underwood Engineers in 2017, and the 20-Year Water & Wastewater Build-Out Study done by Wright-Pierce in 2017. He said the Water System

Update was to validate some water system improvement recommendations, and they had come up with a list of projects with the Town Council. He said they completed 4 out of 5 projects but did not complete the Bennett/Sewell Well Project as they were needed for blending with the MacIntosh Well, and he said the project was currently under design.

Environmental Services Director Greig said the Water Asset Management Plan was presented to the Town Council to look at asset inventory, determine the most critical areas, determine some life-cycling costs, and do long-term funding strategies looking at the current infrastructure. He said they determined in 2017 dollars that pipe replacements would cost just under \$5 million for the first 10 years (2018-2027) and \$4.5 million in the second 10 years (2028-2037). He said the Build-Out Study looked at the next 20 years to determine if there was enough water and wastewater treatment capacity to serve projected growth. He said the results showed that the sewer had enough capacity but water needed: (1) more safe yield and pumping capacity, (2) to treat the MacIntosh Well and make it a stand-alone well, and (3) to develop and treat the Tucker Well. The total cost in 2018 dollars was \$6.6 million.

Environmental Services Director Greig said the 20-Year Plan combines all the plans together in one to be able to plan ahead and allows the ability to forecast and secure grants and funding. He reviewed the Recommended Water Department 20-Year Capital Improvement Project Plan, and said the Town needed to replace dated pipes, plan for the 20-year build-out, and escalate the costs into the year they would be done. He said the Bennett/Sewell upgrades and water treatment would be done first, and the Water Department had \$600,000 set aside in their Capital Improvement Plan for the Bennett/Sewell Wells to shore up the Town's water supply.

Environmental Services Director Greig said the current Water Rates were \$4.95/100 cubic feet or 0.0066 cents per gallon. He said the average single-family household used 36,200 gallons per year. He said the current rate did not support Asset-Management and Build-Out Study findings and water rates would need to be increased. He reviewed Grants and Loans and said the two major sources of funding were the State Revolving Loan Fund (SRF) and the New Hampshire Drinking Water Groundwater Trust Fund (NHDWTF), and said most loans in the past were through the SRF program. The NHDWTF was a result of a settlement won by the State from Exxon-Mobil and the State had decided to use that money for water infrastructure.

Environmental Services Director Greig said the MacIntosh and Tucker Wells were number one on the list of treatment improvement projects. He said the project cost was approximately \$3.9 million which would mean a \$2.8 million loan plus a \$0.975 million grant from NHDWTF. He said the NHDWTF was looking for large commitments and towns that would make sure they were doing their Asset Management Plans, CIP Plans, preliminary engineering, and investing in and taking care of their water systems. He said it would be a partnership with the Town looking into other areas of funding like Rural Development, SRF, and private partnerships.

Environmental Services Director Greig explained that NHDWTF was a system for getting one large lump sum with a \$12 million loan rather than doing the projects in bits and pieces. He said there was a possibility the Town could get 30-40% funding for all projects, and would save on escalation of project costs over time. He said they would complete both the MacIntosh and Tucker Wells, update the South Street water main, and run a water main to Moody Point as their water was becoming contaminated, and said the

NHDWTF was aggressively trying to distribute the funding. He said once the Town took on debt rate levels would even out, but as the Town currently had no debt the first step would be difficult. He said the current Water & Sewer debt was approximately \$2.6 million, and the debt would impact rate payers with zero impact on the tax rate.

Vice-Chair Weinstein said Environmental Services Director Greig had an incredible record as steward of rate-payer dollars. She asked about the Water Treatment Facility building on Packers Falls Road, and Environmental Services Director Greig said they were moving all control equipment for the Water Department out by November. He provided a list of 2017 water use for single-family homes, and said the average rate came to \$242/year for just water consumption. Councilor Bowden asked about average water costs for apartments, and Environmental Services Director Greig said each apartment building consumed approximately 27,000 gallons/year per unit. Chairman Pike asked if the 3% nitrogen levels were likely to remain, and Environmental Services Director Greig said it would become harder as they added capacity and flow to the system.

Town Administrator Fournier apologized for just having received this information on such a big project this morning. He said they would not bring forth such a plan if they did not think it was best for the community and said it would help Newmarket get ahead of the curve with Water Department projects. He said the next step would be to get more concrete figures to bring forward to the Town Council during budget season and ask for a bond for the Water Department in March. He said the Wastewater Plant had borrowed \$14 million but only had to pay back \$10,000 million because of grants.

Councilor Kast asked about the August 30th deadline for SRF and Environmental Services Director Greig said the deadline was to solidify their list of applications. He said funds from NHDWTF could be appropriated at any time. Vice-Chair Weinstein asked if this could be a potential Warrant Article as well as another for the Macallen Dam, and asked if there was anything else anticipated. Town Administrator Fournier said they were both potential Warrant Articles but said they would be postponing New Road improvements at this point. Environmental Services Director Greig said he and the Town Administrator wanted to get a feeling of how the Council wanted to attack this as discussion needed to begin.

Vice-Chair Weinstein also brought up reports from North Hampton with regard to PFOAS water contamination from a carwash that was also operating in Newmarket. Environmental Services Director Greig said the difference was that North Hampton had a septic system which made contaminants go into the ground, but in Newmarket it went into the sewer and to the Wastewater Treatment Plant. He said the sludge had been tested for PFOAS and none had been found, and they were required by Waste Management to test quarterly and send the results to the State. He said the total Town levels were too low to detect, and said he had also tested the water system and found none there. Councilor Dumont asked if they conducted spot testing and Environmental Services Director Greig said they did not.

COMMITTEE REPORTS

Councilor Kast said the *Planning Board* had a joint meeting with the Town Council coming up on September 19, 2018 and asked if the agenda had been approved. Chairman Pike said they had a general

discussion about what they would talk about and said he would meet with the Planning Board Vice-Chair to determine the agenda.

Councilor Kast said that the *CIP Committee* administration mentioned the Town Planner trying to put together a first meeting for next week or the week after and it was in the works.

Councilor Dumont said he was pretty sure the *Budget Committee* was scheduled to meet Monday, August 27, 2018 but he had not yet heard anything. He said the *Water Rights Sub-Committee* was formed at the last meeting to reach out to people wanting to pursue the Rights Based Ordinance (RBO) from chemical trespass. He said they met August 1st to set a general meeting structure and met August 15th with members of the pro-side coming forward. He said a meeting would be held September 26th for those who were against pursuing the RBO, with a final meeting on October 10, 2018.

Vice-Chair Weinstein said the *Energy & Environment Advisory Committee* met last night and the focus had been on composting. She said a representative from Mr. Fox made a presentation at an earlier meeting, and they had reached out to the towns contracted by Mr. Fox and each town did something different. She said they were putting together a presentation and would talk to the Public Works Director about what they found and eventually the Town Council. She said the programs had not saved money and were cost-neutral but saved landfill usage. Chairman Pike pointed out that purchased compost had at times seen a lot of contamination with plastics and felt quality control should be also be considered.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

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

Vice-Chair Weinstein made a motion to approve *Resolution #2018/2019-01 Water System & Wastewater Pumping Station Supervisory Control and Data Acquisition (SCADA) System Improvements*, which was seconded by Councilor Bowden.

Environmental Services Director Greig said this project was approved by the Town Council several months ago. He said they had started electrical insulation and were building up panels that go into the stations. He said this project would bring Engineering in to check all the systems which might also include a change-order to finish the project.

Town Administrator Fournier polled the Council and *Resolution #2018/2019-01 Water System & Wastewater Pumping Station Supervisory Control and Data Acquisition (SCADA) System Improvements* was approved by a vote of 7-0.

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

Vice-Chair Weinstein made a motion to approve *Resolution #2018/2019-02 WiFi Improvements to Town Hall*, which was seconded by Councilor Dumont.

IT Director Doug Poulin said he had frequently received emails about issues with the WiFi in the Town Hall building, and said the equipment was quite old. He said the project was put out for bid and came back with 3 quotes, of which he recommended RTM, Merrimac (Cisco System), who did a nice site survey and recommended using different channels for some access points and ways to negate interference from the School.

Town Administrator Fournier polled the Council and Resolution #2018/2019-02 WiFi Improvements to Town Hall was approved by a vote of 7-0.

Resolution #2108/2019-03 Purchase of Town Servers

Vice-Chair Weinstein made a motion to *approve* Resolution #2108/2019-03 Purchase of Town Servers, which was seconded by Councilor Bowden.

IT Director Poulin stated that the Town needed to replace some old equipment and would need a new server to handle the new Munis financial software, part of which would store all Town invoices locally. He said the current server for accounting could not take this on as well as new software needed by the Town Clerk. He said the server for the Police Department was currently running 2008 software, and said they had been notified that as of October 2018 they would no longer be CJIS compliant and it was imperative the Police Department maintain that compliance.

Discussion: Vice-Chair Weinstein asked what the typical lifespan was for a server, and IT Director Poulin said he tried not to go much beyond 5 years. Vice-Chair Weinstein asked the status of the other two Town servers and IT Director Poulin said one was shared between Recreation and Fire and the other was used in Assessing. He said they hoped to move assessing to the web next year and the server could be eliminated.

Town Administrator Fournier polled the Council and Resolution #2108/2019-03 Purchase of Town Servers was approved by a vote of 7-0.

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

Conservation Commission

Candidate: **Samuel H. Kenney** - Term Expires March 2021

Vice-Chair Weinstein made a motion to approve the nomination of *Samuel H. Kenney - Term Expires March 2021* as a member of the *Conservation Commission*, which was seconded by Councilor Bowden.

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Town Administrator Fournier polled the Council and the nomination of *Samuel H. Kenney* as a member of the *Conservation Commission* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2018/2019-05 Community Center Gazebo Pad

Town Administrator Fournier read Resolution #2018/2019-05 Community Center Gazebo Pad in full.

Resolution #2018/2019-06 Dedicate Impact Fees for the MacIntosh and Tucker Wells Treatment Project and the Exeter Road Sewer Main Improvement Project

Chairman Pike read Resolution #2018/2019-06 Dedicate Impact Fees for the MacIntosh and Tucker Wells Treatment Project and the Exeter Road Sewer Main Improvement Project in full.

Resolution #2018/2019-07 Total Nitrogen Control Plan

Chairman Pike read Resolution #2018/2019-07 Total Nitrogen Control Plan in full.

CORRESPONDENCE – None

CLOSING COMMENTS

Councilor Gretchen Kast said she wanted to add that the Stormwater Sub-Committee would be resuming. She said she would like to serve on that committee and the Town Planner was currently figuring that out.

Councilor Dumont said he wanted to highlight the large number of people present at tonight's meeting to address the Town's decision on Ordinance Chapter 30-3 (5). He said he was concerned about the Town not being as transparent or forthcoming with town activities, and felt especially with Town Ordinances they should make sure they went forth to talk to the people of the area being affected. He said he wished he had done more to make sure they were heard.

Councilor Dumont said his next comments did not really concern the Town of Newmarket, but that the State had seen an increased number of border patrol checkpoints on New Hampshire roads, some more than 100 miles south of the Canadian Border. He said folks were being detained for significant amounts of time for no just cause except the notion of protecting the border. He said a New Hampshire judge ruled they were not legal and were a violation of the rights of New Hampshire citizens as well as Federal Constitutional rights. He felt it was important for the Town Council to be aware this was occurring and to draw attention to the matter.

Vice-Chair Weinstein said she had asked at the last meeting that the Town Council address their goals, and said this should be on their next agenda. She also reminded people that voting on September 11, 2018 would be held at the Elementary School due to construction at the Junior-Senior High School.

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Councilor Bowden reiterated that he wished more people would come to the Town Council meetings and get involved in other issues.

Councilor Kast stated that in the month of July no drug-related overdoses had occurred in Newmarket.

NEXT MEETING: The next Regular Town Council Meeting will be held on September 5, 2018 in the Town Council Chambers.

ADJOURNMENT

Chairman Pike adjourned the meeting at 8:57 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary