

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

MARCH 20, 2019 7:00 PM

TOWN COUNCIL CHAMBERS

Approved April 3, 2019

PRESENT: Council Chairman Toni Weinstein (by speakerphone), Council Vice Chairman Amy Burns, Councilor Zachary Dumont, Councilor Gretchen Kast, Councilor Jon Kiper, Councilor Casey Finch, Councilor Helen Sanders

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

AGENDA

Town Administrator Steve Fournier welcomed everyone to the March 20, 2019 Town Council meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Town Administrator Fournier stated that Councilor Weinstein was unable to attend the meeting and would participate by speakerphone. The Council was in agreement

ELECTION OF OFFICERS, ADOPTION OF TOWN COUNCIL RULES AND COMMITTEE ASSIGNMENTS

Election of Council Chairman

Town Administrator Fournier recommended that a nomination and a second be made for each candidate; if more than one (1) nomination, councilors would state their preference.

Councilor Dumont made a motion to nominate Councilor Toni Weinstein as Chairman, which was seconded by Councilor Finch.

Town Administrator Fournier polled the Council and the nomination of *Councilor Weinstein as Council Chairman* was approved by a vote of 7-0.

Election of Council Vice Chairman

Councilor Dumont made a motion to nominate Councilor Amy Burns as Vice Chairman, which was seconded by Chairman Weinstein. Councilor Kiper made a motion to nominate Councilor Casey Finch as Vice Chairman, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and *Councilor Burns* was elected as Vice Chairman by a vote of 4-3. Vice-Chair Burns ran the meeting in Chairman Weinstein's absence.

Adoption of Town Council Rules for Proceedings

Councilor Dumont made a motion to adopt the Town Council Rules for 2019/2020, which was seconded by Councilor Finch.

Town Administrator Fournier stated that a change had been made under Section 13 – Permission to Address the Council under Public Forum. He said each speaker would have one opportunity to speak for three (3) minutes and Public Forum would be limited to 15 minutes total.

Chairman Weinstein said she had a question under Section 8 – Filing with the Town Clerk, and felt the first paragraph sounded dated and it was not the way they operated anymore. Town Administrator Fournier said the Charter had been adjusted and they could change the wording to Filing with the Town Administrator's Office.

Councilor Kast asked if the Town Council Rules were only agreed upon annually, and Town Administrator Fournier said they could be amended at any time.

Town Administrator Fournier polled the Council and the Town Council Rules for 2019/2020 were approved as amended by a vote of 7-0.

Committee Assignments

Town Administrator Fournier said he had the list of prior Committee Assignments. He stated that the Macallen Dam Committee no longer existed since the approval of the warrant. He said updates would be provided by staff.

The following *Committee Assignments* were agreed upon by the Council:

Councilor Finch – *Conservation Commission and Alternate to the Budget Committee*
Councilor Sanders – *Economic Development Committee/Business Association Liaison*
Councilor Kiper – *Highway Commission and Alternate to the CIP*
Councilor Dumont – *Budget Committee and Alternate to Planning Board*
Councilor Kast – *Planning Board*
Councilor Burns – *CIP Committee*
Councilor Weinstein – *Energy & Environment Advisory Committee*

PUBLIC FORUM

Vice-Chair Burns opened the Public Forum at 7:17 pm.

Town Administrator Fournier clarified that the Council rules had changed, and each speaker was allowed three (3) minute with 15 minutes total for the Public Forum.

Adam of 6 Central Street read a letter from Sonke Dornblut of 351 Wadleigh Falls Road. Mr. Dornblut asked that the Town Council explain to the citizens of Newmarket why they were continuing to pursue a weed control program using a proven carcinogen. He further asked why the Town would use a substance on their municipal sidewalks judged to contribute to cancer, and said the Town Council had a duty to protect the health and welfare its citizens.

Joan DeYoreo of 191 Bay Road said she had heard that the Town would continue to use Roundup, and cited the successful trial of a school groundskeeper in his suit against Monsanto. She said a man from San Francisco also developed cancer from exposure to Roundup, providing further proof that glyphosate causes cancer. She said documents from Monsanto which were allowed at the trial showed they knew about the dangers and tried to cover it up. She asked that if the Town of Newmarket continued using the substance, they notify the people of the community and put up signs where spraying occurred.

Cindy of Ham Street said she thought the Town should stop spraying chemicals and plant more flowers, because if the bees died they would die too.

Peter Sawtell of 18 Bay Road, owner of Seven Rivers Paddling, said he was to raise concern about the cancer-causing agents being used in weed control. He said it was important that they take care of their community and not use those agents when safer alternatives were available. He said he did not think they could put a price-tag on the well-being of their children and the community resources, and they needed to make the effort to find solutions that would make them all safer.

Monica Christofili of 6 Central Street said that information in the packet showed that the Town had looked into this already, and reports from the currently contracted company explained that alternatives to glyphosate are expensive and labor-intensive. She said they did not have to use the same contractor, and suggested a survey about glyphosate be sent out to the community. She said the people of Newmarket did not want the chemical used in their community and something needed to happen.

Maggie Shire of 39 Exeter Road said she was the coordinator of Community Gardens on Dame Road. She said she echoed everything that was said and said she was strongly opposed to the use of glyphosate and there was plenty of research and evidence showing they should no longer be using the substance. She said as a beekeeper she was hopeful that the Town would stop using the chemical and said there were other ways to get rid of weeds on streets. She said it was harmful to their ecosystem and to themselves.

Vice-Chair Burns closed Public Forum at 7:28 pm. She said her understanding was that they were still talking about this, and Town Administrator Fournier said he was just giving information.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Town Council Regular Meeting of March 6, 2019

Councilor Dumont made a motion to approve the minutes of the Town Council Regular Meeting of March 6, 2019, which was seconded by Councilor Finch.

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

TOWN COUNCIL ORIENTATION

Town Administrator Fournier stated that the Town Council served as the legislative and governing body of the Town, and in the corporate world would be the Board of Directors and the Town Administrator the Chief Executive Officer. He said councilors shared authority with the Town Administrator, and per Town Charter had the power of City Councils except to adopt the budget. He said by State Law the Town Council has all powers of selectmen, city council, and aldermen, and all actions of a city apply to a Town Council. He said Newmarket was a council/manager form of government.

Town Administrator Fournier said the Town Council cannot get involved in the day-to-day operations of the Town. He said the Town Administrator had the authority of a town manager and appointed, with Council approval, all Department Heads and employees and proposed the budget Town Council. He said the Town Council makes policy and the Town Administrator and staff carry the policies out. He said the Town Council must always act as a body and must deal with employees through the Town Administrator, violation of which resulted in forfeiture of office.

Town Administrator Fournier said the Council must adopt all laws of the Town and had budgetary control, and he had to come before the Town Council to request permission to move money from one account to another. He said the Town Administrator had the financial responsibility, approved all manifests for payment, established the purchasing code, and appointed the Town Treasurer. He said councilors should realize they were on a team, represented the community at all times, and were doing this for public service.

Town Administrator Fournier said councilors should work out long and short-term goals together, treat everyone with respect, and make decisions after all material was presented, avoiding snap judgements. He said they should also realize that the actions of the Council as a whole were binding and no one councilor could act alone. He said the Council Chair had no more or less authority than other councilors, but ran the meetings, acted as a liaison between the Council and the Town Administrator, and helped resolve conflicts.

Town Administrator Fournier said as far as the Town Council relationship with staff, they should recognize and support the administrative chain of command. He said if they have issues with staff they should tell

the Town Administrator, and they should try to get answers to any questions before the meetings. He said in communicating with Department Heads they did not want any one councilor to have more or less information than another, and all government matters should be funneled through the Town Administrator.

Town Administrator Fournier said as far as general information, the Town Council met on the first and third Wednesdays of the month, and the agenda closed at noon on the Wednesday before a meeting. He said the Town Council should not accept items at meetings that staff does not have the time to review, and said Council Packets were available the Friday before. He said the Town Council mainly voted on Resolutions and Ordinances.

Town Administrator Fournier said he would have more documents for new councilors, with information about the State and local Right-to-Know Law. He said in addition, both new councilors were members of the New Hampshire Municipal Association (NHMA) which offered training for officials and councilors. He said he also encouraged new members to make appointments to tour the Town Departments.

REPORT OF THE TOWN ADMINISTRATOR

Weed Control Options. Town Administrator Fournier said the Director of Public Works worked with their weed control company to look at options. He said they currently used a product that has glyphosate in it, and it was the most commonly used herbicide in the world and was still registered with the EPA as an herbicide that could be used on pavements. He said it would be applied once in July 2019, August 2019, September 2019 and June 2020. He said all designated areas were sprayed in one day at \$995.00 per application for a total of \$3,980.00. He said only one other option was viable that contains diquat dibromide which only controls the leaves and not the roots.

Town Administrator Fournier recommended that if the Council wanted to pursue other options they could forward this to the Energy & Environment Advisory Committee. He said he did not like the misconception that staff made a decision, and said they were providing information and were continuing to look into it as well. He stated that Dover and Portsmouth had already tried other methods and were going back to the glyphosate.

Discussion: Councilor Kast asked if he could speak about notifying residents of the spraying, and Town Administrator Fournier said he could put the information on the website. He said as far as signs, the weed control company was just driving down the street and spraying small patches. Councilor Kast asked that he incorporate a plan with some options. Councilor Kiper asked if the amount being sprayed was known, and Town Administrator Fournier said he did not know the amount but the company they work with was more than willing to look at other options.

Chairman Weinstein thanked Town Administrator Fournier for looking into the issue and said no decision has been made at this point. She said notifying residents about anything the Town does is a good practice moving forward. She said one of the members of the Energy & Environment Advisory Committee had volunteered to do some research on the issue and look at other solutions. She asked if they were contracted to spray in June 2019, and Town Administrator Fournier said he would double check. Chairman Weinstein asked what the next steps of the Council would be.

Town Administrator Fournier said their current contractor could do all of the other methods available and he did not want to break the contract. Councilor Sanders said she understood the company would be able to do an alternative method if the Council asked them. Town Administrator Fournier said he would just have to find the money in the budget. Councilor Dumont asked what was meant by “viable” in this case, and Town Administrator Fournier said the current product kills the plants at the root whereas others only kill the plant at the leaves. Vice-Chair Burns said she thought they should send this on to the Energy & Environment Advisory Committee, and Town Administrator Fournier said he would have the company representative meet with the committee.

Town Administrator Fournier said Newmarket would once again be welcoming throngs of runners to the community on April 8, 2019 with the annual running of the **Great Bay Half Marathon** and the **Beyond the Rainbow 5K Road Race**. He said there would be some road closures and delays during the event, and said Downtown would be closed from 11:00 am to 3:00 pm after the race was completed. He provided a list of roads in Town which would be impacted.

Town Administrator Fournier stated that MRI would be conducting a **Finance Shared Services Review** for the Town and the School. He said an experienced municipal finance manager and an experienced school business administrator would review and critique the shared Town/School Finance Management structure with 3 steps. In the first step phone consultations would be conducted to get a sense of the issues, concerns and problems, after which they would prepare a list of focus areas and specific questions to be addressed in their final report. He said he and the Superintendent would then review and edit this as a final list.

Town Administrator Fournier said in the second step the consultants would meet with the shared Finance Director and others involved in the financial operations of the Town and School District to gather data, invite input and observe operations in order to understand the current organizational and operational structure and approach, address the concerns, and answer the questions identified in step one. Finally, the consultants would meet with the Superintendent and the Town Administrator to review findings and observations and answer questions. Upon conclusion of the critique, and any needed supplementary work, the consultants would prepare and submit a final written report.

Town Administrator Fournier stated that the MRI project would begin as soon as it was reviewed by the School Board.

COMMITTEE REPORTS

Councilor Kast stated that the *Planning Board* met last night and approved the application for a minor site plan and special use permit for the 150-foot Monopole being installed next to the Fire Department, with a lease from AT&T. Town Administrator Fournier said once approved by the Planning Board, the lease would come to the Council for approval. He said this was for expansion of the FirstNet Program to improve cellphone communications with local towns. Councilor Kast said it would also bring opportunities for additional revenue to the Town with other carriers. She said the Planning Board also resolved a situation for acquisition of land next to the Nature Conservancy to be used for conservation, and were also creating the committee that would decide the order of chapters to be worked on.

Councilor Finch said the *Conservation Commission* would be hosting the cleanup of Heron Point on Saturday, April 20, 2019, and said this should coincide with the opening of the gate.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2018/2019-32 South Main Street & Bay Road Water Mains Replacement Project

Councilor Dumont made a motion to approve Resolution #2018/2019-32 South Main Street & Bay Road Water Mains Replacement Project, which was seconded by Councilor Finch.

Environmental Services Director Sean Greig said this was to deal with the South Main Street Water Main and the Bay Road Water and Sewer Mains, as part of the newly approved \$12Mil bond for water system projects. He explained for new councilors that his department used an RFQ qualification rather than an RFP which made them available for the most grant funds. He said they direct-mailed engineers qualified from the State, and 3 proposals had been received, with Fuss & O'Neill selected as the best team for Newmarket. He said the contract was reviewed and compared to previous water projects and also sent to the State for review. He said he was asking the Town Council to approve Fuss & O'Neill for these projects and authorize the Town Administrator to sign the contract.

Town Administrator Fournier polled the Council and Resolution #2018/2019-32 South Main Street & Bay Road Water Mains Replacement Project was approved by a vote of 7-0.

Resolution #2018/2019-33 Withdrawal from the Downtown TIF Capital Reserve Fund

Councilor Kast made a motion to approve Resolution #2018/2019-33 Withdrawal from the Downtown TIF Capital Reserve Fund, which was seconded by Councilor Dumont.

Town Administrator Fournier said at one point the Downtown TIF had enough money to pay the outstanding bond related to the construction in the 2000s. As the bond is not allowed for pre-payment, funds from the Capital Reserve Fund are withdrawn annually to make the bond payment.

Town Administrator Fournier polled the Council and Resolution #2018/2019-33 Withdrawal from the Downtown TIF Capital Reserve Fund was approved by a vote of 7-0.

Resolution #2018/2019-34 Withdrawal from the Town Cemeteries Capital Reserve Fund

Councilor Dumont made a motion to approve Resolution #2018/2019-34 Withdrawal from the Town Cemeteries Capital Reserve Fund, which was seconded by Councilor Kast.

Town Administrator Fournier said this resolution was just to transfer \$415.00 to reimburse the General Fund for cemetery repairs done.

Chairman Weinstein said she appreciated all the work the Pelczars had done at the Riverside Cemetery to repair and restore the monuments there.

Town Administrator Fournier polled the Council and Resolution #2018/2019-34 *Withdrawal from the Town Cemeteries Capital Reserve Fund* was approved by a vote of 7-0.

Resolution #2018/2019-35 In Support of CACR8 and Local Self-Government

Councilor Dumont asked that the resolution be held over for a 3rd reading, and there were no objections from the Council. He said he wanted to give the two new councilors time to review the documents which he would be sending out from the Water Rights Sub-Committee to help them understand why this resolution was being brought forward.

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

Zoning Board of Adjustments (ZBA) –

Candidate: *Wayne Rosa – Term Expires March 2022*

Councilor Dumont made a motion to approve the appointment of *Wayne Rosa – Term Expires March 2022* as a member of the ZBA, which was seconded by Councilor Kast. Town Administrator Fournier polled the Council and the appointment of *Wayne Rosa* as a member of the ZBA was approved by a vote of 7-0.

Zoning Board of Adjustments (ZBA) –

Candidate: *Christopher Hawkins – Term Expires March 2022*

Councilor Dumont made a motion to approve the appointment of *Christopher Hawkins – Term Expires March 2022* as a member of the ZBA, which was seconded by Councilor Finch. Town Administrator Fournier polled the Council and the appointment of *Christopher Hawkins* as a member of the ZBA was approved by a vote of 7-0.

Zoning Board of Adjustments (ZBA) Alternate Member–

Candidate: *Jonathan Sack – Term Expires March 2021*

Councilor Dumont made a motion to approve the appointment of *Jonathan Sack – Term Expires March 2021* as an *alternate* member of the ZBA, which was seconded by Councilor Sanders. Town Administrator Fournier polled the Council and the appointment of *Jonathan Sack* as an *alternate* member of the ZBA was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING – None

CORRESPONDENCE – None

CLOSING COMMENTS

Councilor Dumont asked if any steps had been taken to address why the *Correspondence to the Town Council* section was on the agenda and to further define that. Town Administrator Fournier said it was used occasionally for letters/email input from the School Board or other government entity, but letters of importance were usually reviewed during his report. He said it could be removed from the agenda if the Council wished.

Councilor Dumont also asked that the statement at the end of the agenda be updated to include the changes approved for Public Forum. He thanked everyone who had volunteered for the elections, and said he personally thought Newmarket was a model for the way the State of New Hampshire should run all of its elections.

Councilor Finch congratulated the two new Council members and said it was good to see people step up.

Chairman Weinstein said she echoed Councilor Dumont as far Newmarket being a model for the State, and said Town Meeting day was her favorite day of the year. She said she did not think the correspondence section on the agenda should be removed, but that they needed to have a discussion about what it should be so there would be some uniformity. She said she did not want the perception that they “pick and choose” some items and not others.

Councilor Kast said she was not at Councilor Pike’s last meeting and she wanted to thank him for his service. She said she found over the last 2 years with him as Chairman that he led by example and helped her to understand what the Council was all about and how to set a good tone on all the topics on which they had to make decisions. She thanked Councilor Pike and Councilor Bowden for their service, and congratulated Councilor Weinstein and Councilor Burns.

NEXT MEETING: The next Regular Town Council Meeting is scheduled for April 3, 2019 at 7:00 pm in the Town Council Chambers.

ADJOURNMENT

Vice-Chair Burns adjourned the meeting at 8:14 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary