



TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the TOWN ADMINISTRATOR

TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING 7:00 PM
FEBRUARY 5, 2020
TOWN COUNCIL CHAMBERS

Approved February 19, 2020

PRESENT: Council Chairman Toni Weinstein, Council Vice Chairman Amy Burns, Councilor Zachary Dumont, Councilor Gretchen Kast, Councilor Casey Finch, Councilor Helen Sanders

EXCUSED: Councilor Jon Kiper

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

AGENDA

Chairman Toni Weinstein welcomed everyone to the February 5, 2020 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

As no one from the public came forward, Chairman Weinstein closed the Public Forum at 7:01 pm.

PUBLIC HEARING – Ordinance No. 01-2019/2020 – Indemnification of Officials

Town Administrator Fournier said a board member from another community was being sued and the question came up of whether the board would cover their legal fees. He said without the adoptions of the RSA 31:105 provision, reimbursement would not be automatic and a vote of the Town Council would be needed to indemnify them. He said he and the Town Attorney looked at the policy in the Charter for indemnifying individuals and thought it would be safe for the Town Council to adopt the provisions of RSA 31:105 to protect individuals for actions they take.

Chairman Weinstein closed the Public Hearing at 7:03 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Town Council Meeting of January 15, 2020

Vice-Chair Burns made a motion to approve the Minutes of the Regular Town Council Meeting of January 15, 2020, which was seconded by Councilor Dumont.

Changes/Corrections: Councilor Kast asked that "Facilities" be corrected to *Facilities Director* on line 89. Councilor Dumont asked to strike the word "not" on line 192.

Town Administrator Fournier polled the Council and the minutes of the Regular Town Council Meeting of January 15, 2020 were approved as amended by a vote of 6-0.

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Fournier said the Department of Environmental Services (DES) with EPA has released a new draft for **Wastewater Facilities along Great Bay**. He said it would impact Newmarket seriously as they entered into an Administrative Order of Consent. He said instead of looking at individuals there would be a blanket policy with a certain amount for all municipalities along the Bay, and if the amount is used up by one community it will impact all the others. He said Newmarket and Exeter will work together to hire new legal counsel; written testimony must be submitted by March 9, 2020 and there will be a Public Hearing on February 19, 2020.

Town Administrator Fournier said he attended the **Nature Conservancy** annual meeting on Friday, January 31, 2020, to accept a Conservation Partner award on behalf of the Town for the Lubberland Creek culvert reconstruction. He said they were very impressed by Newmarket's Planning and Public Works departments and acknowledged them publicly.

Town Administrator Fournier said he reviewed the **FY2020 Expense and Revenue Report**, and said after completing half the year they are on track with 55% of the Budget expended. He said areas of concern are Finance and IT due to contracting with Municipal Resources Inc. (MRI) for a fulltime combined Director CFO/IT. He said revenues are on schedule with 52% collected; motor vehicle permits up 54% and building permits up 50%.

Town Administrator Fournier said they have been notified by Comcast that they would like to begin renegotiation of the Town's **Cable Franchise Agreement** set to expire in 2022. The Town Attorney was notified and they will begin ascertaining Town needs, though very little can be legally negotiated. Chairman Weinstein asked about funds for Channel 13, and Town Administrator Fournier said they are allowed to charge a Cable Franchise Fee to cable companies up to 5% of the total cable portion of the bill for use of our right-of-way.

COMMITTEE REPORTS

Councilor Kast said the *Water Resources Chapter Subcommittee* of the *Planning Board* met on January 23rd and completed the first part of the Chapter review, and will review the 2nd half at the next meeting. She said the direction is to refine focus on drinking water, add pertinent data, and include related references.

Councilor Kast said she was approached as a Councilor by a resident couple wishing to build an ADU (Accessory Dwelling Unit) in a detached building, but Newmarket has not adopted that option. She said the Planning Board is open to revisiting the issue and asked if the Council was open to allowing detached buildings and under what circumstances. She said the *Planning Board* asked her whether the Council would be in support before they go forward. Town Administrator Fournier said he did not want to commit to something without seeing it, and said it is the role of the Council Representative to the Planning Board to bring back reports and keep the Council updated. Chairman Weinstein said the first step is to educate the Council and provide background information. Councilor Kast said she is also interested in serving on the *Coastal Resiliency Committee*, and Town Administrator Fournier said the committee has not met.

Chairman Weinstein said the *Energy & Environment Advisory Committee* met last night and will have 3 vacancies. She said they talked about structure and said she has been Chair since the beginning and felt a change would make more sense. Town Administrator Fournier asked if it would be helpful for that committee to have a "how to run a meeting" session. He said they need to be organized and take minutes as a municipal committee, and there are rules for meetings. He said technically if you do not have a rule that the Chair sets the agenda, the committee will adopt the agenda at the beginning of each meeting. He said the Town Council rule is that the Town Administrator sets the agenda.

Chairman Weinstein said the *Energy & Environment Advisory Committee* also finalized a letter to area businesses with information about installing EV Charging Stations. She said the Committee also has documents ready for Town Meeting Day. Councilor Dumont asked if she had any data on Composting, and she said she did not.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2019/2020-19 – Macallen Dam Rehabilitation Project

Vice-Chair Burns made a motion to approve Resolution #2019/2020-19 – Macallen Dam Rehabilitation Project, which was seconded by Councilor Finch.

Town Administrator Fournier stated this Bond was approved by voters in March 2019 to rehab the Macallen Dam. It went out to bid in the spring with no bids received, and in the fall with 3 bids received, all over the Bond limit of \$2,000,000. He said they were able to renegotiate with the lowest bidder SumCo to get below the bonding amount, reducing it by \$350,581 to \$1,831,182. He said he recommended awarding the bid to SumCo to begin this spring/summer to do the work.

Discussion: Councilor Sanders asked about the differences in the second SumCo bid for item 5 (Left Abutment Temperature Control & Cofferdams) and item 6 (Right Abutment Temperature Control & Cofferdams), and said the biggest reduction is on item 6. Public Works Director Rick Malasky said they are using a sand-bagging system rather than driving sheet metal, which they clarified could be used on this system. Councilor Kast said the original recommendation came from the former Facilities Director,

and Town Administrator Fournier said yes with the Public Works Director. He said it is now under his authority and Public Works will be overseeing the project.

Councilor Dumont asked about item 13, the Pneumatic Gate, which SumCo now listed as \$362,000, NE Infrastructure listed as \$600,000, and T Ford Company at \$234,000. He said there are significant differences between the companies and asked what that was including. Town Administrator Fournier said there were no red flags. Chairman Weinstein asked if GZA GeoEnvironmental will continue to work on the project, and Town Administrator Fournier said a contract was signed over the weekend and they take responsibility for everything.

Town Administrator Fournier polled the Council and Resolution #2019/2020-19 – Macallen Dam Rehabilitation Project was approved by a vote of 5-1.

Ordinance No. 01-2019/2020 – Indemnification of Officials

Vice-Chair Burns made a motion to approve Ordinance No. 01-2019/2020 – Indemnification of Officials, which was seconded by Councilor Dumont.

Town Administrator Fournier said it is increasingly difficult to get people to run for public office, and it is really important to insure that they continue to have public servants in the community.

Town Administrator Fournier polled the Council and Ordinance No. 01-2019/2020 – Indemnification of Officials was approved by a vote of 6-0.

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

Ad hoc Arts & Tourism Commission

Candidate: Anna Visciano – Term to Expire December 2020

Vice-Chair Burns made a motion to approve the nomination of Anna Visciano – Term to Expire December 2020 as a member of the Ad hoc Arts & Tourism Commission, which was seconded by Councilor Dumont.

Town Administrator Fournier polled the Council and the nomination of Anna Visciano as a member of the Ad hoc Arts & Tourism Commission was approved by a vote of 6-0.

Newmarket Housing Authority Commissioner

Candidate: Andrew Berggren – Term to Expire March 2023

Vice-Chair Burns made a motion to approve the nomination of Andrew Berggren – Term to Expire March 2023 as a Newmarket Housing Authority Commissioner which was seconded by Councilor Dumont.

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Town Administrator Fournier polled the Council and the nomination of *Andrew Berggren* as a *Newmarket Housing Authority Commissioner* was approved by a vote of 6-0.

Ad hoc Arts & Tourism Commission

Candidate: *Deborah Janelle – Term to Expire December 2021*

Vice-Chair Burns made a motion to approve the nomination of *Deborah Janelle – Term to Expire December 2021* as a member of the *Ad hoc Arts & Tourism Commission*, which was seconded by Councilor Dumont.

Town Administrator Fournier polled the Council and the nomination of *Deborah Janelle* as a member of the *Ad hoc Arts & Tourism Commission* was approved by a vote of 6-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2019/2020-20 – Wastewater Treatment Facility Maintenance Building Roof Replacement

Chairman Weinstein read *Resolution #2019/2020-20 – Wastewater Treatment Facility Maintenance Building Roof Replacement* in full.

Resolution ##2019/2020-21 – Moody Point Water Main Extension Project

Chairman Weinstein read *Resolution #2019/2020-21 – Moody Point Water Main Extension Project* in full.

CORRESPONDENCE – None

CLOSING COMMENTS

Town Administrator Fournier said in councilors' boxes tonight is a letter from him to the Commission of the Department of Transportation on looking to do improvements to South Main Street (Route 152). He said as part of a Bond last year he had discussions with the Head Engineer of District 6 for DOT who oversees our area, and they agreed it is probably better for the State and the Town that the Town take care over control of South Main Street (Route 152) from the intersection of Route 108 to Grant Road as well as Jersey Avenue.

Town Administrator Fournier said he also expressed their interest in creating an Urban Compact with the Town of Newmarket, and the Engineer said Main Street may be an issue as part of Route 108. He said he explained that Route 108 is also the main street for Rochester and Dover, who have Urban Compacts, and that Newmarket already does the maintenance.

Councilor Sanders reminded everyone about the New Hampshire Primary on February 11th and encouraged everyone to make their voices heard.

Chairman Weinstein said they now have a slate of candidates for their Municipal Elections on March 10, 2020.

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Councilor Dumont said being on the Budget Committee is incredibly important, and he encouraged anyone interested in helping to shape the community to step forward,

NEXT MEETING: The next Regular Town Council Meeting will be held on Wednesday, February 19, 2020 at 7:00 pm in the Town Council Chambers.

ADJOURNMENT

Chairman Weinstein adjourned the meeting at 7:45 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary

