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

**August 17, 2016 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Minutes Approved September 7, 2016**

PRESENT: Council Chairman Gary Levy, Council Vice Chairman Phil Nazzaro, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Kyle Bowden, Councilor Amy Burns

ALSO PRESENT: Town Administrator Steve Fournier, Town Planner Diane Hardy, Mr. Phil MacDonald of Underwood Engineers

**AGENDA**

Chairman Gary Levy welcomed everyone to the August 17, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:01 pm, followed by the Pledge of Allegiance.

**PUBLIC FORUM**

Chairman Levy opened the Public Forum at 7:02 pm.

Mr. Larry Pickering addressed the Council. He said he had come to the meeting to thank all of the Councilors for their Town service and he also wanted to thank the Police Department, Fire & Rescue, and the Department of Public Works crew. He said they were all lucky to be residents of such a caring community.

Mr. Pickering also brought up the issue of political signs placed in right-of-ways, and said he noticed there were a lot of signs out there and asked if the policy was the same. Town Administrator Fournier said that the law regarding political signs was that no signs were allowed on Town property, although State Law did allow political signs in right-of-ways and signs could not be removed from State roads.

Chairman Levy closed the Public Forum at 7:07 pm.

41 **PUBLIC HEARING** – None

42

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

44

45 **Acceptance of the Minutes of the Non-Public Meeting of July 20, 2016**

46

47 Vice Chair Nazzaro made a motion to approve the minutes of the Non-Public Meeting of July 20, 2016,  
48 which was seconded by Councilor Weinstein.

49

50 As there were no corrections or changes to the minutes, Town Administrator Fournier polled the Council  
51 and the minutes of the Non-Public Meeting of July 20, 2016 were approved by a vote of 6-0, with 1  
52 abstention.

53

54 **Acceptance of the Minutes of the Regular Meeting of July 20, 2016**

55

56 Councilor Pike made a motion to approve the minutes of the Regular Meeting of July 20, 2016 which was  
57 seconded by Councilor Bowden.

58

59 Councilor Pike requested a clarification in the last paragraph under Committee Reports on page 4,  
60 specifically to clearly designate the EDC Committee as separate from the Economic Recovery Zone. The  
61 paragraph was rewritten for clarification of the issue.

62

63 Councilor Thompson requested a change one page 2 of the minutes to correct the date of the next Town  
64 Council meeting to August 17, 2016.

65

66 Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of July 20, 2016  
67 were approved as amended by a vote of 6-0, with 1 abstention.

68

69 **REPORT OF THE TOWN ADMINSTRATOR**

70

71 **Road Study**

72 Town Administrator Steve Fournier stated that he had provided the Town Council with a copy of the 6-  
73 year Road Maintenance Plan, completed in conjunction with the UNH T<sup>2</sup> program and the Strafford  
74 regional Planning Commission. He said they intended to fund the plan to about \$300,000 annually using  
75 the general fund and future contributions to the Capital Reserve Fund. He said the next step would be to  
76 solicit proposals for asphalt and road reconstruction for the current year. When bids were received, they  
77 could either adjust the project to meet the funds available or only expend what was needed. He stated  
78 that the Plan recommended the reconstruction of Ash Swamp Road from Route 108 to 1 mile from Route  
79 152, and also recommended the topcoat paving of Grant Road. The total estimated cost would be  
80 \$321,359 with any paving done in the fall. He said they would receive an updated plan next year and felt  
81 it would be a good idea to take stock of the roads every 5 years.

82

83

84 **Organizational Study**

85 Town Administrator Fournier stated that he had also provided the Council with a copy of the draft  
86 Organizational Study from Municipal Resources Inc. (MRI). He said the next step would be for the Town  
87 Council to review the document on their own and then schedule a meeting with MRI to finalize it. He said  
88 for Personnel issues it would be better to meet with them in a Non-Public session. He said he intended to  
89 schedule the Non-Public meeting for 5:30 pm to be held before the next Town Council meeting, or have  
90 the meeting on an off week. He said they could address this matter first and then use the  
91 recommendations for the goal-setting session.

92

93 Discussion: Vice Chair Nazzaro was concerned that having the session before a meeting created an  
94 artificial ceiling which forced them to make quick decisions. He felt it made more sense to hold the  
95 meeting on an off week. Chairman Levy suggested asking MRI how long they thought the session would  
96 take. Town Administrator Fournier said that would also depend on how much the Council agreed or  
97 disagreed with the report. Councilor Thompson agreed that scheduling the session on an off night might  
98 be best. Councilor Pike felt the document was positive and highly complementary of the Town, but that it  
99 was worth going through and getting the sense of the Council after the considerable investment in the  
100 process. Town Administrator Fournier said he would aim to hold the Non-Public session on September 14,  
101 2016 and asked for input from the Councilors within a week.

102

### 103 **Regional Dispatch**

104 Town Administrator Fournier stated that the Council had asked him to speak with the Town Attorney to  
105 see if the Town would have a viable claim against Rockingham County regarding the apportionment of  
106 expenses associated with Regional Dispatch. He said they were told by the County Commissioner that the  
107 Town could not join the Regional Dispatch due to their inability to handle the calls. He said this seemed  
108 unfair and possibly illegal as they were paying for the service and not receiving it. He stated that the Town  
109 Attorney concluded that the Town had a legitimate concern but that they might not be successful in  
110 litigation. He said the attorney did not, however, feel it was frivolous as it might open up discussions,  
111 especially as other communities were in the same situation. He said he would have more information at  
112 the next meeting, and the next step would be to possibly file suit against the County.

113

114 Discussion: Chairman Levy felt the legal opinion was a roller-coaster ride of pros and cons, and asked if  
115 rates would go up if they joined. Town Administrator Fournier said the County would have to rebuild their  
116 system to take on Newmarket and that would mean an increase in County taxes for all communities in  
117 the system. He said that based on the County Budget of \$1.641 million for dispatch, divided by the Town's  
118 contribution to the County of 1.68%, Newmarket paid approximately \$27,000 annually to the County for  
119 dispatch. He said that the municipalities that have dispatch were subsidizing those who do not, paying  
120 62% of the County Dispatch budget. He explained that the County used the assessed value of the  
121 community and the tax revenues coming in to come up with a percentage for each municipality. Vice Chair  
122 Nazzaro felt they should not be subsidizing other communities, and asked who the representatives at the  
123 County level were that they could contact.

124

125 Town Administrator Fournier said there were the State Representatives and the County Commission. He  
126 said he met with the County Commission last year but all meetings with municipalities for this year had  
127 been cancelled. Councilor Thompson asked if strength in numbers would make a point to the County  
128 Commissioners, if other towns went along with them. Councilor Pike felt it would be particularly irritating

129 if the County did upgrade their system and still would not let Newmarket take part. Town Administrator  
130 Fournier said he would speak with his counterparts and probably have a resolution at the next meeting  
131 to go forward with the attorney. Vice Chair Nazzaro asked if the Town Attorney could expand on a  
132 legislative alternative instead of just the legal one.

133

134 **Grant Road Sidewalk**

135 Town Administrator Fournier said the Department of Public Works was presented with a petition of  
136 residents of Piscassic River Village to install a sidewalk from Briallia Circle to Durrell Drive to South Main  
137 Street. He said though this was a good idea, there was no money designated in the FY2017 budget for  
138 sidewalks. He said he would ask the Highway Safety Committee to reconvene and update the 2010  
139 Sidewalk Report for Newmarket.

140

141 **New Website**

142 Town Administrator Fournier stated that the New Town Website had gone live. He said everything was on  
143 the front page and they had tried to make it easier for users to find information and easier for use on  
144 mobile devices.

145

146 **FY2017 Operating Budget**

147 Town Administrator Fournier stated that with one month of the fiscal year completed, the Town was on  
148 track with 7% of the budget expended like last year.

149

150 **Chief Cyr**

151 Town Administrator Fournier said he wanted to take the opportunity to publicly thank Police Chief Kevin  
152 Cyr, who was retiring on August 31, 2016. He stated that he had done a great job for the Police  
153 Department, and there was very little turnover in staff as a result of his leadership. He said he would  
154 personally miss his counsel and his friendship.

155

156 **Route 108 Bike Path Project**

157 Town Administrator Fournier said this was the follow-up to the discussions at the Town Council Meeting  
158 held May 4<sup>th</sup> at which Mr. Bill Watson of the New Hampshire Department of Transportation (NHDOT) met  
159 with the Council to discuss concerns associated with the estimated cost of the Route 108 Bike Path Project  
160 and any potential liabilities. This had come about as a result of the increase of the estimated cost of the  
161 project to \$1.2 million, with only \$809,292 in funding guaranteed by the Federal Highway Administration  
162 and NHDOT toll credits. Mr. Watson stated that if the project did not go forward, the current DOT policy  
163 required that the funds spent for the engineering study (\$37,600) be reimbursed. Town Administrator  
164 Fournier said they had discussed ways to possibly scale back the project to fit the budget.

165

166 Mr. Watson noted that there were still a few components of the engineering study that needed to be  
167 completed, including further documentation of the National Environmental Policy Act (NEPA) and a  
168 budget analysis of the project. It was agreed at the meeting that Underwood Engineers would follow up  
169 on those items and resubmit the engineering study to NHDOT for approval and that the Town Council  
170 would hold a future meeting to determine an appropriate course of action. Town Administrator Fournier  
171 stated that the revised engineering study was submitted on May 23<sup>rd</sup>, and on July 14<sup>th</sup> the NHDOT  
172 responded that the revised engineering study was satisfactory with a few minor changes. The cost

173 estimate for the revised project included \$133,500 (including the \$37,600 paid for the engineering study)  
174 for the Design Phase, \$16,000 for Right-of-way Acquisition, and \$679,700 for the Construction Phase for  
175 a total project estimate of \$809,200.

176

177 Town Administrator Fournier said that the State had advised the Town to submit a detailed scope-and-  
178 fee for all remaining services, with the Town expected to contribute 20% of any additional costs. He asked  
179 the Town Council to make a policy decision as to whether to move forward with the project to the next  
180 phase for preliminary design or to cancel the project at this point and risk having to repay costs incurred  
181 to date (\$37,600) to the State.

182

183 Discussion: Chairman Levy felt the \$809,200 figure was a lot of money for a lot of unknowns. Councilor  
184 Weinstein said she felt strongly that the project should be done but was concerned they would find a real  
185 shortfall. Vice Chair Nazzaro said that if DOT required the \$37,600 to be paid back, and the DRA  
186 (Department of Revenue Administration) said we could not use tax dollars, was there any way to get the  
187 2 agencies together to figure this out. Town Administrator Fournier replied that agencies do not tend to  
188 get together, and suggested waiting to see what DOT did. Vice Chair Nazzaro said though he was a fan of  
189 the project, he did not feel it was worth pursuing at this point. Councilor Pike felt that sooner or later the  
190 State would need to do something with Route 108, and though he was in favor of the bike path, he felt  
191 the mechanism to get there was problematic.

192

193 Mr. Phil MacDonald of Underwood Engineers pointed out that the agreement for the project, signed by  
194 the prior administration, did not specify that the Town would incur 20% of additional costs and that DOT  
195 had set a project limit of \$809,200. Town Administrator Fournier said DOT had basically set a ceiling and  
196 they did not know what would happen if they went over that and he was trying to get guidance from the  
197 Council. Town Planner Diane Hardy said it was presented at a 2014 workshop that communities would  
198 be expected to pay back any DOT funds for projects that did not go forward. Councilor Thompson said  
199 she was done with the whole conversation and the discussion and requested a vote be held now.  
200 Councilor Bowden felt it did not make sense to move forward with the project given all the unknowns  
201 brought up relative to additional costs to the Town. Councilor Burns said she agreed that it was not a  
202 good plan at this point, but felt it was unfortunate that it had taken so long. Chairman Levy asked Town  
203 Administrator Fournier to speak with DOT to make a good faith effort.

204

205 Vice Chair Nazzaro made a motion to authorize the Town Administrator to notify the NHDOT that the  
206 Town of Newmarket was no longer interested in the Route 108 Bike Path Project, which was seconded  
207 by Councilor Thompson.

208

209 Town Administrator Fournier polled the Council and the motion passed unanimously by a vote of 7-0.

210

## 211 **COMMITTEE REPORTS**

212

213 Councilor Pike reported on the *Joint Town Council/School Board Sub-Committee* meeting held in late July  
214 with Town Administrator Fournier and School Superintendent Nadeau. He said that between that meeting  
215 and the MRI Report there was a lot of context for further discussions of efficiencies. Councilor Weinstein  
216 said that the Sub-Committee would be meeting with the School Board next week, and would be at the

217 next School Board meeting in case of questions. Councilor Pike said the Sub-Committee would also be  
218 present at the next Town Council meeting and they would then further develop the proposals being put  
219 together by the Town Administrator and the School Superintendent. He said a full meeting of the School  
220 Board and the Town Council would be held in October or November. Vice Chair Nazzaro said a meeting in  
221 October or November would be post-budget, which meant any combined efficiencies would not happen  
222 in FY2018 but in the FY2019 budget. Town Administrator Fournier said that if they filled the position being  
223 discussed, they would be on board before the budget was submitted, and if they were on board they  
224 could always change the budget.

225

226 Councilor Burns stated that there had been a very short *Planning Board* meeting, and that the Master Plan  
227 Chapter would be filed with the Town Clerk. She said the Town Planner Diane Hardy was getting ready to  
228 draft some zoning ordinances. Councilor Pike said they had ratified the committee that was already in  
229 place. Chairman Levy said that theoretically the committee would make recommendations to the Planning  
230 Board for discussion.

231

232 Vice Chair Nazzaro said there had been a *Conservation Commission* meeting but that he was travelling and  
233 had not had time to review the tape.

234

#### 235 **OLD BUSINESS**

236

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

238

#### 239 **Resolution #2016-2017-01 Resolution Relating to Hazardous Household Waste Collection**

240

241 Vice Chair Nazzaro made a motion to approve *Resolution #2016-2017-01 Resolution Relating to Hazardous*  
242 *Household Waste Collection*, which was seconded by Councilor Weinstein.

243

244 Town Administrator Fournier polled the Council and *Resolution #2016-2017-01 Resolution Relating to*  
245 *Hazardous Household Waste Collection* was approved by a vote of 7-0.

246

#### 247 **ORDINANCES AND RESOLUTIONS IN THE 3<sup>RD</sup> READING - None**

248

249 **ITEMS LAID ON THE TABLE** – *Resolution #2015/2016-52 Authorizing the Designation of a Portion of Route*  
250 *152 as an Economic Recovery Zone.* (This Resolution is tabled from the June 15, 2016 Council Meeting  
251 pending Planning Board action.)

252

#### 253 **NEW BUSINESS/CORRESPONDENCE**

254

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

256

#### 257 **Library Trustee**

258 Candidate: *Amy Nicholson, Term to Expire March 2019*

259

260 Councilor Burns made a motion to appoint *Amy Nicholson* as a *Library Trustee*, with *Term to Expire 2019*,  
261 which was seconded by Councilor Thompson.

262

263 Town Administrator Fournier polled the Council and the motion to appoint *Amy Nicholson* as a *Library*  
264 *Trustee* was approved by a vote of 7-0.

265

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

267

268 **Resolution #2016-2017-02 Resolution Regarding the Increase of Sewer Rates**

269

270 Chairman Levy read *Resolution #2016-2017-02 Resolution Regarding the Increase of Sewer Rates* in full.

271

272 **CORRESPONDENCE**

273

274 Chairman Levy stated that he had received a correspondence with regard to a constituent who had an  
275 issue and had forwarded it to Town Administrator Fournier.

276

277 **CLOSING COMMENTS**

278

279 Town Administrator Fournier asked the Council if there were any objections to his sharing the draft MRI  
280 report with Department Heads at this point in time. There were no objections from the Council.

281

282 Councilor Weinstein said she had spoken with some business owners regarding the Downtown  
283 Improvement Project and the concern that not as many people were going downtown due to the  
284 construction. She said there was plenty of parking and asked the public to go downtown and support the  
285 local businesses.

286

287 Councilor Burns announced that the Splash & Dash Kayak Event would be held Saturday August 20<sup>th</sup> and  
288 participants could register in advance through the Recreation Department and on the day of the event.  
289 She said there would be raffle prizes and that they were looking for a judge for the Kayak Parade if anyone  
290 was interested.

291

292 **NEXT MEETING**

293

294 The next meeting of the Town Council is scheduled for September 7, 2016.

295

296 **ADJOURNMENT**

297

298 Vice Chair Nazzaro made a motion to adjourn the meeting, which was seconded by Councilor Thompson.  
299 The meeting was adjourned at 8:29 pm.

300

301 Respectfully submitted,

302 Patricia Denmark, Recording Secretary