

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

**April 19, 2017 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved May 3, 2017**

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

EXCUSED: Councilor Amy Thompson

ALSO PRESENT: Police Chief Kyle True, Water & Wastewater Superintendent Sean Greig

**AGENDA**

Chairman Dale Pike welcomed everyone to the April 19, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Pike stated that the first two items on the agenda were the Public Forum and the Public Hearing on Ordinance 02 parking violations. As no one from the public was present, Chairman Pike closed both the Public Forum and the Public Hearing at 7:02 pm.

**PUBLIC FORUM**

**PUBLIC HEARING** – *Ordinance #2016/2017-02 – An Ordinance Amending Chapter 30 of the Administrative Code of the Town of Newmarket, NH: Increasing Parking Violations and Allowing Permitted Parking in Certain Lots.*

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of the Minutes of the Organizational Meeting of March 30, 2017**

Vice-Chair Weinstein made a motion to approve the minutes of the Organizational Meeting of March 30, 2017 which was seconded by Councilor Bowden.

Changes/Corrections: Councilor Burns corrected an error on page 4 of the minutes to change the Alternate Member of the Planning Board from Chairman Pike to Councilor Kast.

Police Chief True polled the Council and the minutes of the Organizational Meeting of March 30, 2017 were approved as amended by a vote of 6-0

Chairman Pike stated that Councilor Thompson was excused and had sent some comments for the record.

### **Acceptance of the Minutes of the Regular Meeting of April 5, 2017**

Councilor Burns made a motion to approve the minutes of the Regular Meeting of April 5, 2017 which was seconded by Vice-Chair Weinstein.

Changes/Corrections: A statement by Councilor Thompson on page 5 was replaced as requested. Councilor Kast made a correction on page 4 to change the EPA compliance date for the MS4 permit from July 1 to June 1, 2018. She also requested the deadline for the appeal of the MS4 Permit of July 1, 2017 be added to the minutes. Secretary's note: *The correct date for MS4 compliance should be July 1, 2018.*

Police Chief True polled the council and the minutes of the Regular Meeting of April 5, 2017 were approved as amended by a vote of 6-0.

### **REPORT OF THE TOWN ADMINISTRATOR**

Police Chief Kyle True stated that Town Administrator Fournier was on vacation and had asked that any questions on the report be addressed to him.

Discussion: Vice-Chair Weinstein commented on the Police Report saying she had asked for some background information for statistics and appreciated that it had been included. She asked Police Chief True if he saw any trends in the years 2015 through 2017. Police Chief True said that statistics fluctuated, and as far as overdoses they were doing better than in 2015 but worse than in 2016 thus far and were hoping it would level off. He said as far as the rest of the report, traffic accidents were consistent with past years, overall crime and violent crime were low, and property crimes with regard to theft were consistent with past years. He said Newmarket was a relatively safe community.

Chairman Pike read some comments from Councilor Thompson in which she again commended IT Director Doug Poulin on his report. She also asked that the Planning Board update their report to make sure items that were considered closed were dropped off. Chairman Pike asked Police Chief True if Town Administrator Fournier could cut the item regarding the new telephone system and copy it into his report for next time, as he had some questions on the issue. Councilor Bowden said he felt upgrading the phone system was a good idea, but felt personally he would not commit to 5 years on any phone system or

technology. He said there were different programs out there that Newmarket could piggy-back off of in the state of New Hampshire.

Chairman Pike said that some of the comments of the MRI Report updates were getting cut off. He said it could just be formatting, but that he would like to have everything available. He said he had met with the Town Administrator before he left and they were expecting to start a process where a dialog was set up with Department Heads to see how they approached the MRI recommendations, and said they would also be able to ask follow-up questions about the meeting.

## **COMMITTEE REPORTS**

Councilor Burns stated that the *Planning Board* met last week. She said they reviewed signage and aesthetic regulations, and said the update from the Zoning Sub-Committee would go to a Public Hearing May 9, 2017. She said they talked about the New Road zoning changes for the assisted living for the Overlay District, and also discussed the design study and were continuing the work on the Overlay District.

Councilor Finch reported that the *Conservation Commission* had a brief public meeting last week. He said they discussed the logistics for the Fishing Derby coming up for Fathers' Day weekend, and said typically the Conservation Commission took in approximately \$1,500 for the event. He said they also discussed some initial plans for Schoppmeyer Park, and had contacted 4 different mapmakers for the mapping of the kiosks and received a few quotes back. He said there were also proposals for a bridge to cross the inlet at Schoppmeyer Park, and he said the trend was toward a floating dock that would be removable in winter with a kayak launch built in the center.

## **OLD BUSINESS**

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

#### **Ordinance #2016/2017-02 An Ordinance Amending Chapter 30 of the Administrative Code of the Town of Newmarket, NH: Increasing Parking Violations and Allowing Permitted Parking in Certain Lots**

Councilor Kast made a motion to approve *Ordinance #2016/2017-02 – An Ordinance Amending Chapter 30 of the Administrative Code of the Town of Newmarket, NH: Increasing Parking Violations and Allowing Permitted Parking in Certain Lots*, which was seconded by Councilor Burns.

Discussion: Vice-Chair Weinstein said that on the first page of the Ordinance under Section 4, subsections a/b were noted but were not included and she wanted to make sure they were part of the Ordinance. Police Chief True confirmed that they were. He said some residents of Newmarket who needed parking would benefit from the Ordinance and they could come to the Police Department for parking passes on a first-come first-served basis. Chairman Pike asked if there was a charge for the parking pass, and Police Chief True said the Police Department established the guidelines for parking and there was a charge for the pass. He said the Police Department was updating their fine schedule and this change would bring Newmarket in line with surrounding communities as far as fines.

Councilor Kast questioned Section 30-43 regarding night parking and snow removal, and said she would like a clarification of the intent there. Police Chief True said that if the spot was leased, Public Works would plow around them and come back the next day to clean it up. Councilor Bowden asked about enforcement of violations, for example parking all day in a 2-hour parking spot. Police Chief True said that officers did the best they could to enforce the 2-hour parking but they did not have the staff to assign someone to parking. He said that violations that were obvious and not time-consuming were dealt with by fine or parking ticket. He said the goal was not to generate revenue but to correct behavior and correct parking problems to address the businesses.

Councilor Kast questioned Section 4-38 with regard to designated lots and spaces, specifically that permits did not guarantee a parking space except during the hours of 1 am and 5 am. Police Chief True said as example the Library parking lot had 10 spaces, and at night officers drove through the lot and ticketed any vehicles without parking passes. Chairman Pike pointed out that only people with parking passes could park in those spots. Police Chief True said the ordinance was saying that people with passes were guaranteed a spot between the hours of 1 am and 5 am. Vice-Chair Weinstein commented that the Bay Road lot listed in the Ordinance was slated for paving this year and would become an official lot.

Police Chief True polled the Council and *Ordinance #2016/2017-02 – An Ordinance Amending Chapter 30 of the Administrative Code of the Town of Newmarket, NH: Increasing Parking Violations and Allowing Permitted Parking in Certain Lots* was approved by a vote of 6-0.

#### **Resolution #2016/2017-28 Resolution Relating to the Tucker Land Purchase**

Vice-Chair Weinstein made a motion to approve *Resolution #2016/2017-28 Resolution Relating to the Tucker Land Purchase*, which was seconded by Councilor Kast.

Water & Wastewater Superintendent Sean Greig provided a history on the Tucker Well. He said that in 2001 the Bennett and Sewell Wells were shut down due to drought and the surface water plant was started up. He said that by 2005 the surface water plant no longer met safe drinking water standards and had to be shut down. A study was then done on the plant to see if they should upgrade it for other water sources, and Emery & Garret were hired to locate some bedrock wells in Newmarket.

Water & Wastewater Superintendent Greig said the best 2 locations found for wells were the MacIntosh property and the Tucker property. He stated that both wells were permitted in 2007/2008 and they purchased the MacIntosh Well and obtained a permit. He said they could obtain a permit for the Tucker Well once the property was purchased, and said they had already permitted and water-tested a 275 gal/min well for the property. He said once a well was found they needed to control a 400-foot radius around the well to be able to pump it off. He said he had come to an agreement with Sharon Tucker to purchase the Tucker property with the well at a cost of \$435,000, and said money had been saved in the Water Capital Reserve Fund for this purpose.

Discussion: Chairman Pike asked what the difference was between this resolution and the resolution the previous Council had voted on. Water & Wastewater Superintendent Greig said the previous Council had voted to allow the Town Administrator to enter into an agreement for the purchase of the property,

and that this resolution would finalize the deal. Chairman Pike said that the previous Council did review the resolution and voted 7-0 in favor and the issue was well-vetted.

Police Chief True polled the Council and *Resolution #2016/2017-28 Resolution Relating to the Tucker Land Purchase* was approved by a vote of 6-0.

Councilor Bowden asked about the water ban still being in effect and asked what the current water levels were. Water & Wastewater Superintendent Greig said they had cut the Bennett and Sewell Wells back to approximately 70-80 gals/day, and said they were doing better but were not yet seeing the full blend at the MacIntosh Well facility. He said the New Hampshire Department of Environmental Services put them on a schedule to bring the well up slowly to be able to test and monitor its effects on their water system, and they would hit the 60% blend May 1<sup>st</sup>. He said at that time they would make a decision on where to go with the water ban. He said Newmarket was currently in a Stage 4 Water Ban, and though the water levels had come back they could not sustain the past pumping rates.

Vice-Chair Weinstein asked how cutting back the pumping affected the system. Water & Wastewater Superintendent Greig said it gave them more cushion so they did not have as much draw-down. He said when they used to pump 270 gal/min out of the Sewell Well at this time of year, the water level would go from 24 feet down to 52 feet and would start to come back in the fall. But currently they were getting to 52 feet with the Sewell Well pumping 210 gal/min, and they could not sustain the higher pumping level as there was not enough water in the ground to fill the bowl. He said that cutting back pumping would allow the water to come back faster and give more room between the water level and the screen which sat at approximately 68-69 feet.

Vice-Chair Weinstein asked if the reduced pumping affected the water pressure, and Water & Wastewater Superintendent Greig said it did not. He said they were now actually pumping more gallons per minute because the MacIntosh Well was online. He said typically they pumped 140 million gal/yr out of that aquifer, and by bringing the MacIntosh Well online that would probably be reduced by 60-70 million gallons. Chairman Pike said it was more about getting through the process of May 1<sup>st</sup> so they were allowed to blend in more of the MacIntosh Well. Water & Wastewater Superintendent Greig said Newmarket was still in a moderate drought and they would take an evaluation on May 1<sup>st</sup> and would have the MacIntosh Well at full capacity at that time.

**Resolution #2016/2017-29 Resolution Relating to the Purchase of a Ford Police Cruiser for the Police Department to include Costs Associated with Replacement of Emergency Lighting and Equipment Setup**

Councilor Burns made a motion to approve *Resolution #2016/2017-29 Resolution Relating to the Purchase of a Ford Police Cruiser for the Police Department to include Costs Associated with Replacement of Emergency Lighting and Equipment Setup*, which was seconded by Vice-Chair Weinstein.

Discussion: Vice-Chair Weinstein had a question about the outfitting of the cruiser, as they had chosen Ossipee which was the most expensive of the 3 quotes. Police Chief True said the difference between

the quotes was about \$889. He said over the past two years they had gone with Ossipee Mountain Electronics as the quality of their work was second to none. He said their customer service was outstanding and issues were addressed in a timely manner without sidelining the vehicle, and said he would lose \$889 if he had to pay staff to keep driving back and forth to another company. Chairman Pike read another comment from Councilor Thompson, which stated that she understood that Ossipee currently did work for the Police Department, but that she would vote no as they were \$900 more than the lowest bidder. He said it was not an official vote but she had asked that her comments be voiced.

Councilor Kast said the model was pretty popular with Police Departments and Ford had done a lot to address specific features in the vehicle. Police Chief True said they were now driving a v-6 vehicle which was better on fuel but had more space for equipment. He felt they would see a new trend towards smaller SUVs. Councilor Kast said she had seen reports of problems with the exhaust system of the vehicle up to 2015, and Police Chief True said there was a recall with the exhaust getting into the cabin of the vehicle which had been addressed. He said officers were responsible to maintain their vehicles, and the cruisers were inspected by their supervisors.

Councilor Bowden asked what would be done with the old vehicle, and Police Chief True said in the past they had given the vehicle to the Town and sometimes vehicles were sent to Concord for the State Auction. Chairman Pike asked about the bidding process, particularly when there was a low bid and another bid was chosen. Police Chief True said he had lived in Newmarket for 25 years and had learned that going with the lowest bid was not always the right idea. He said he would argue that he would lose \$889 out of his overtime budget for officers to drive back and forth to another company. He said they would send the new vehicle to Ossipee Mountain Electronics to be outfitted, bring the vehicle back to Newmarket when it was done, and any changes requested by officers would be taken care of in a one-time deal. Chairman Pike said his concern was the validity of the bidding process if the service was so much better.

Councilor Kast asked about extended warranties, and Police Chief True said they usually got rid of the vehicles between 4-6 years due to wear and tear. Vice-Chair Weinstein said she was familiar with the vehicle and felt there was no question it needed to be replaced, but said that usually the replacement schedule and the CIP information were included in the councilor packets. She asked that the message be passed back to Town Administrator Fournier.

Police Chief True polled the Council and *Resolution #2016/2017-29 Resolution Relating to the Purchase of a Ford Police Cruiser for the Police Department to include Costs Associated with Replacement of Emergency Lighting and Equipment Setup*, was approved by a vote of 5-1. Chairman Pike voted nay to honor Councilor Thompson's comment.

**Resolution #2016/2017-30 Resolution Relating to the Purchase of a Motorola APX6500 VHF High Power Digital Mobile Radio for the Police Department**

Vice-Chair Weinstein made a motion to approve *Resolution #2016/2017-30 Resolution Relating to the Purchase of a Motorola APX6500 VHF High Power Digital Mobile Radio for the Police Department*, which was seconded by Councilor Burns.

Discussion: Chairman Pike pointed out a misspelling under therefore let it be resolved to correct “no to exceed’ to *not to exceed*. Councilor Burns asked if the Police Department sometimes took a radio from an old cruiser and put it in another, as this radio was to replace the radio from the 2011 Crown Victoria. Police Chief True said they did, but that this particular radio was antiquated and unsupported at this time and it did not make sense to him to put an unsupported radio in a brand new police vehicle.

Councilor Kast asked if this resolution needed Council approval as it was under the threshold of \$10,000. Police Chief True said it was his belief that any funds withdrawn from CIP needed to be approved by the Council. Vice-Chair Weinstein repeated her prior comment that the backup data was also needed for the Police Dispatch/Radio Capital Reserve Fund for this resolution.

Police Chief True polled the Council and *Resolution #2016/2017-30 Resolution Relating to the Purchase of a Motorola APX6500 VHF High Power Digital Mobile Radio for the Police Department*, was approved by a vote of 6-0.

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

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

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

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

##### **Macallen Dam Study Committee**

Candidate: *Leo Filion – Term Expires March 2020*

Councilor Bowden made a motion to approve the nomination of *Leo Filion – Term Expires March 2020* as a member of the *Macallen Dam Study Committee*, which was seconded by Councilor Burns.

Chairman Pike stated that Leo Filion was a wealth of history when it came to the Macallen Dam and was a valuable member of the Committee.

Police Chief True polled the Council and the nomination of *Leo Filion* as a member of the *Macallen Dam Study Committee* was approved by a vote of 6-0.

##### **Newmarket Housing Authority Commissioner**

Candidate: *Amy Mash – Term Expires March 2022*

Vice-Chair Weinstein made a motion to approve the nomination of *Amy Mash – Term Expires March 2022* as a *Newmarket Housing Authority Commissioner*, which was seconded by Councilor Kast.

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Councilor Kast said she had known Amy Mash for the past few months, and said she had been attending meetings of the Housing Authority prior to her application and was excited, energetic, and ready to go.

Police Chief True polled the Council and the nomination of *Amy Mash* as a *Newmarket Housing Authority Commissioner* was approved by a vote of 6-0.

#### **Library Trustee**

Candidate: Mary Mahoney – Term Expires March 2020

Councilor Burns made a motion to approve the nomination of *Mary Mahoney – Term Expires March 2020* as a *Library Trustee*, which was seconded by Vice-Chair Weinstein.

Police Chief True polled the Council and the nomination of *Mary Mahoney* as a *Library Trustee* was approved by a vote of 6-0.

Chairman Pike said that Newmarket had a lot of boards and commissions and he appreciated everyone who served on all the committees.

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

##### **Ordinance #2016/2017-03 An Ordinance Adopting Chapter 1 Article II of the Code of the Town of Newmarket, NH: The Administrative Code**

Chairman Pike read *Ordinance #2016/2017-03 An Ordinance Adopting Chapter 1 Article II of the Code of the Town of Newmarket, NH: The Administrative Code* in title only.

##### **Resolution #2016/2017-31 Authorizing the Town Administrator to Enter into an Agreement with Wright-Pierce Engineers for Construction Services and Oversight for the North Main Street Water and Sewer Project**

Chairman Pike read *Resolution #2016/2017-31 Authorizing the Town Administrator to Enter into an Agreement with Wright-Pierce Engineers for Construction Services and Oversight for the North Main Street Water and Sewer Project* in full.

##### **Resolution #2016/2017-32 Authorizing the Town Administrator to Join the Appeal of the MS4 Stormwater Permit by the NH Stormwater Coalition**

Chairman Pike read *Resolution #2016/2017-32 Authorizing the Town Administrator to Join the Appeal of the MS4 Stormwater Permit by the NH Stormwater Coalition* in full.

Chairman Pike told new councilors that if they had any questions at a first read they should feel free to send them to the Town Administrator.

#### **CORRESPONDENCE**

Chairman Pike said that aside from the correspondence from Councilor Thompson, he had no other correspondence.

### **CLOSING COMMENTS**

Councilor Bowden said he wanted to give thanks to John Puchlopek for doing a great job getting the athletic fields ready, as winter had just ended.

Vice-Chair Weinstein stated that there were several events coming up, the first of which was Drug Takeback Day sponsored by the Police Department which would be held on April 29<sup>th</sup> from 10 am to 2 pm. She said residents could bring in any unused prescription drugs that were either expired or no longer needed to the Police Department where they would be accepted without question. She said that also on April 29<sup>th</sup> the Sunrise-Sunset Center would be holding their yard sale, and that tables could be rented for \$20.

Vice-Chair Weinstein explained that 3 years ago a Roadside Cleanup had been organized which was different from the Town Spring Cleanup. She said they picked up trash along Newmarket's roadways, picking up 30 bags of trash the first year and 60 bags of trash the second year. She said the event would be held on Sunday, May 7<sup>th</sup> from 2 pm to 5 pm and anyone could participate. She said they were working with the Department of Public Works to make sure that people would be safe. She said bags would be provided, and that guidelines suggested people wear bright clothing, work boots, and gloves.

Councilor Burns offered a friendly reminder for people driving around Newmarket to please be very careful around the School buses.

Chairman Pike said it was a sometimes a challenge for the Council to go through a process that is delivered on time. He said every year the Council gives new goals to the Town Administrator and evaluates his performance, and it had been difficult historically not to end up behind schedule. He said the current Town Administrator Goals ran through the fiscal year, and he would like to see if they could have the new goals created by the end of June and also evaluate on past goals. He said they were looking at up to 3 non-public sessions in the next couple of months to discuss those matters and said an email would be forwarded with dates. He said the Town Council Goals could be discussed in a public session, and said the goals suggested by Primex in February should be considered not finalized.

Vice-Chair Weinstein said that the ceremony for the Boston Post Cane Award, given to the oldest citizen in Newmarket, would be held tomorrow at the Sunrise-Sunset Center at 10:30 am.

**NEXT MEETING:** The next Town Council meeting will be held on May 3, 2017.

### **ADJOURNMENT**

Chairman Pike adjourned the meeting at 8:18 pm.

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Respectfully submitted,

Patricia Denmark, Recording Secretary