

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

**May 3, 2017 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved May 17, 2017**

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

ALSO PRESENT: Town Administrator Steve Fournier, Police Chief Kyle True, Water & Wastewater Superintendent Sean Greig

**AGENDA**

Chairman Dale Pike welcomed everyone to the May 3, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:25 pm, followed by the Pledge of Allegiance.

Councilor Thompson made a motion to seal the minutes of the Non-Public Session, which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and the motion to seal the minutes of the Non-Public Session was approved by a vote of 7-0.

**PUBLIC FORUM**

Chairman Pike opened the Public Forum at 7:26 pm

As no one from the Public came forward, Chairman Pike closed the Public Forum at 7:26 pm.

**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 Administrator Fournier said one of the Council goals was to update the Administrative Code, as the current code was grossly out-of-date. He said prior to the recent creation of the Facilities Department, the last official amendments to the code were in 2000. He stated that the current code listed only 3 department heads, the Police Chief, the Fire Chief, and the Town Administrator, but that in practice there were 14 department heads. He said that he reviewed the current organizational structure and found that current ordinances did not match the operations.

Town Administrator Fournier said the major changes to the ordinance were as follows: (1) to elevate the various departments to the same level as the Department of Public Works and the Police Department; (2) separate Environmental Services from the Department of Public Works; (3) change the Planning & Zoning Office to the Department of Planning and Community Development; and (4) create the Information Technology Department. He said the new Administrative Code would be considered a living document and would periodically be amended to better reflect operations. He stated that he recommended adopting the ordinance after a Public Hearing on May 3, 2017.

As no one from the public came forward, Chairman Pike closed the Public Hearing at 7:30 pm.

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

##### **Acceptance of the Minutes of the Regular Meeting of April 19, 2017**

Councilor Thompson made a motion to approve the minutes of the Regular Meeting of April 19, 2017, which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of April 19, 2017, were approved by a vote of 7-0.

#### **REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Fournier said he was happy to report that due to spring rains and the MacIntosh Well coming online the **Water Ban Level** was reduced from Stage 4 to Stage 2. He stated that a Stage 2 Water Ban allowed people to water their lawns every other day depending on their street address and all other water uses were permitted as well. He said the closing for the **Tucker Property** was yesterday, and any developments were 2-3 years out.

Town Administrator Fournier stated that he and the Public Works Director had been meeting with Affinity LED Lighting of Dover, NH to discuss switching the Town's current sodium street lighting throughout the Town to **LED Street Lighting**. He said the current cobra head light fixtures cost the Town an estimated \$36,000 annually for electricity, consuming about 94,000 kilowatt-hours. He said a switch to LED lighting would see a 46% reduction in costs to \$19,000, and reduce the Town's kilowatt-hours by 60%. The cost to switch out the fixtures with Affinity would be approximately \$56,776. He said they were also determining if there were any opportunities for grants through Eversource or the Community Development Finance Authority to conduct the project.

Town Administrator Fournier said that Dover and Portsmouth had already vetted Affinity LED Lighting and were starting their projects, and added that Somersworth and Rochester had both waived the bid process and were also using Affinity Lighting. He said he would recommend Affinity Lighting as well if they were successful in securing funds, and said they would get better prices as a group. Councilor Thompson recommended that bids be secured to assure the validity of the bid process. Councilor Kast asked about the life span of the current lighting, and said they would be saving money but the cost for LED lighting was higher. Town Administrator Fournier said that the LED lights were a whiter color, were brighter, and that the light radiated straight down rather than in all directions. He said he was also looking into replacing the Downtown lighting.

Town Administrator Fournier said the Town Attorney had received service of the Attorney General's Office filing in Rockingham Superior Court for the **NHDOT** suit against the Town of Newmarket for payment for the cancelled Route 108 South Bike Path Project. He said he had participated in conference calls but that NHDOT wanted to take the matter to court.

Town Administrator Fournier said he had received an email from a Newmarket resident with regard to **Spring Cleanup**. He explained that the program was stopped a few years ago due to cost and the liability of the Town in not being able to control what was being collected curbside. He said that potential hazardous materials were being disposed of with the Town liable for the costs associated. He said materials could still be brought to the Transfer Station.

Vice-Chair Weinstein said she was under the impression that Spring Cleanup still occurred every other year with free weekend drop-off at the Transfer Station. Town Administrator Fournier said it was a budgetary decision to cut the program, and had been done once for the elderly. Councilor Thompson said that people from other towns came to Newmarket to dispose of their stuff. Councilor Kast said if it was due to budget cuts, she encouraged them to be creative and look at possible safety offsets. She felt residents of the community might be confused, and Chairman Pike said he felt the information was out there with regard to Spring Cleanup.

#### **MRI POLICE DEPARTMENT UPDATE – Police Chief Kyle True**

Police Chief Kyle True that MRI had come in to speak with Chief Cyr and things had gone well. He said he felt it was difficult for the Police Department to get the study in the middle of a budget year. He then reviewed each of the MRI recommendations for the Police Department.

Police Chief True said the first recommendation had been to upgrade the department's security alarm which they had completed. He said another MRI recommendation was to resurface the Police Department parking lot. He said he felt this was technically under Buildings & Grounds and he would let the new Facilities Director prioritize. He said the driveway was safe and was not an immediate concern. A recommendation was also made to update their Website and he had an employee working on the issue, and said they mostly used Social Media to get word out or as a contact.

Police Chief True said MRI had recommended the Police Department review their towing contract, but they had already entered into a 1-year contract. He said rather than follow the MRI recommendation to

use a citizen volunteer to apply for grants, he preferred to use his own staff. He said so far they had applied for highway safety grants for Hands-Free Driving, a DWI Grant, and a Distracted Driver Enforcement Grant which encompassed everything, and they would hear the results out in September. He said MRI recommended the Police conduct a survey to better meet the needs of the community. He said that the Town had Survey Monkey, but that if there was a problem in the department he wanted to know, and he preferred using Interns to deal with safety issues.

Police Chief True said that another MRI recommendation had been to do a Wage & Benefit Study, and that there had been 2 wage studies done in 2017. He said that the problem was that the starting salary in the Newmarket Police Department was too low, with the average being in the \$40,000 range. He said even Newfields had a higher starting salary. Councilor Thompson said that with the new agreement coming she thought that pay levels had been addressed, and Police Chief True said they had not.

Police Chief True said he did not have the staffing to address the MRI recommendation for Public Safety/Youth Safety careers. He addressed the MRI recommendation to direct all Police Department fees and fines to the Town Clerk, but said that he preferred to use his own program. He said some people came in the middle of the night to pay up parking fines and said pistol permits went into a cash register with one code under lock and key. He said people would be running back and forth from the Police Department to the Town Clerk's office, and he did not want to risk customer service for the community. Town Administrator Fournier said auditors had never had an issue with the Police Department.

Police Chief True said MRI had recommended that supervisor's schedules be adjusted so a Sergeant or a supervisor was present 24/7, but said he simply did not have the staff to do that. He said he had put a Detective on touring but that now the Detective Office was getting backed up on cases. He said MRI had also recommended an AED defibrillator be provided to every cruiser, but that it would cost the Department \$10,000 and the costs to maintain the devices were astronomical.

Police Chef True reviewed the MRI recommendation to find the funding for a new solar-powered Speed Board, and said they were doing it for the School and they were planning to update the specifications. He said another MRI recommendation was for a fire-suspension system, which he considered a Buildings & Grounds or Facilities Director issue. He said with regard to emergencies, the Newmarket Fire Chief had the Seacoast Command Vehicle at the Fire Department. Town Administrator Fournier said that Emergency Operations were being switched over and they were considering the purchase of a generator. He said that the Town Hall was considered as backup.

Police Chief True said the MRI recommendation to look into Rockingham County Dispatch had been cancelled. Chairman Pike explained that Rockingham County charged all communities a fee whether or not they received services and they were planning to update the County facilities. Town Administrator Fournier said he heard from nearby communities that Newmarket Dispatch was 100 times faster but that it was cheaper for them to contract with the County.

Police Chief True said MRI had recommended that the Police Department update their report fees, but he said that Newmarket was already in line with other communities. MRI also recommended making sure all Town costs were fully recovered, and Chief True stated that an increase in charges was warranted. He

stated that the cruiser fee would be increased from \$10 to \$12, and the administrative fee would be increased from \$14/hour to \$15/hour. He said that any officer fee was a Collective Bargaining issue. He said he had purchased 3 vehicles out of the Police Vehicles Capital Reserve account and it had been a good idea to set it up. MRI had also made a recommendation to create a Burglar Alarm Ordinance. Police Chief True said he felt it was not the job of Law Enforcement to create revenue but rather to fix problems.

Discussion: Chairman Pike said that the global opinion of the Police Chief on the value of doing the MRI process would help future councilors, and asked if there was anything he felt MRI had not addressed. Police Chief True said it was nerve-wracking to go through the process, but he felt that many of the ideas presented were fixable. He said they did need a fire suppression system and they did need to pave the driveway but he was trying to prioritize. He said eventually he would need more staff, and the MRI Study had shown that. He said that the MRI staff had been intelligent and highly qualified.

Chairman Pike said that the MRI Report was very complimentary to Newmarket and said it was nice to have that validation. Councilor Kast felt it was also important to have someone from outside. Vice-Chair Weinstein said it also gave the councilors a real in-depth look at all the departments. Councilor Thompson said that nothing punitive had been intended, and said she appreciated the willingness, professionalism, and good humor of the MRI staff. Town Administrator Fournier stated that next month the Fire Chief and the Director of Public Works would be presenting their MRI Updates.

Chairman Pike asked if there were any further questions for the Town Administrator. Councilor Thompson asked about selling Town properties and Town Administrator Fournier said they needed to determine how to go about it and were waiting on zoning changes.

Chairman Pike asked that they take Resolution #2016/2107-31 out of order and the Council agreed.

**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**

Vice-Chair Weinstein made a motion to approve *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*, which was seconded by Councilor Kast.

Water & Wastewater Superintendent Sean Greig stated that NHDOT was looking to redo drainage for Route 108 North Main Street as part of their project to install bike lanes, but that Newmarket water and sewer mains were in the way and had to be moved. He said NHDOT would install the sewer and make changes to the water mains as part of their project, and said that Wright-Pierce had completed the design for the North Main Street Water & Sewer Construction and Oversight.

Discussion: Vice-Chair Weinstein asked about the timeline and Water & Wastewater Superintendent Greig said there had been a lot of delays. Town Administrator Fournier said this was a State project and Newmarket was piggybacking with the State, and said communication with NHDOT had been better on this project. Councilor Thompson asked if the overall cost had been anticipated. Water & Wastewater

Superintendent Greig said this resolution was just authorizing the Town Administrator to hire Wright-Pierce.

Town Administrator Fournier polled the Council and *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* was approved by a vote of 7-0.

Chairman Pike asked if the new sewer plant was running on the new technology, and Town Administrator Fournier said it was not, as there had been some problems in the process and he was hoping for some time in June.

## **TOWN COUNCIL GOALS**

Chairman Pike said he wanted to begin the conversation of the Town Council Goals for the next fiscal year at the end of the meeting, and said it was not clear to him about the goals set by Primex. Town Administrator Fournier said the goals from Primex included: (1) a unified CIP process, (2) increased parking in Downtown, (3) continue looking into shared services with the School, and (4) to meet with the Planning Board which had already been done. Vice-Chair Weinstein said they only had those goals for a short amount of time and she felt they still had a lot more work to do on them and they should be continued.

Chairman Pike suggested that they bring in Primex in April next year so they could consolidate the process of getting the goals. Councilor Thompson suggested that as some of the goals were in process and may be completed, they might benefit by having one more goal assigned and asked if new councilors had preferences. Councilor Finch felt it was not good to move the target now and said he could not think of anything else. Councilor Kast said she would like to see the goals be more strategic and felt a strong roadmap on goals was needed. Town Administrator Fournier said that things always came up during the year. Vice-Chair Weinstein felt that once a month they should discuss the Town Council Goals listed in the Town Administrator Report and have a conversation on where they stood.

## **COMMITTEE REPORTS**

Chairman Pike stated that the *Macallen Dam Study Committee* had met and finalized a new RFP agreement for the Macallen Dam. He said engineers were working to modify the abutment walls to make them higher but that the State had said not to address the spillway. He said the Dam Committee was working on the stability and the new RFP had gone out.

Chairman Pike brought up the issue of the annual meeting of the Town Council with the School Board, and said he felt it was appropriate to talk with the Town Council to see if they would be comfortable with the Sub-Committee, which had been set up last year with the School, to work on setting a time for a School Board Meeting in the fall. Councilor Thompson questioned the purpose of the Sub-Committee, and said she was more comfortable with the Town Administrator and the Superintendent setting the date. Town Administrator Fournier suggested the joint meeting be held sometime in August right before the Budget to get a sense of the projects before Labor Day. Councilor Burns pointed out that August was a heavy

vacation month for people, and felt that as many Council members as possible should be present as the conversation was important.

## **OLD BUSINESS**

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

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

Councilor Thompson made a motion to approve *Ordinance #2016/2017-03 An Ordinance Adopting Chapter 1 Article II of the Code of the Town of Newmarket, NH: The Administrative Code*, which was seconded by Councilor Bowden.

Discussion: Councilor Thompson raised some questions with regard to the Department of Facilities and said she had voted to rescind. Vice-Chair Weinstein said the Administrative Code should be a living document which was reviewed periodically.

Town Administrator Fournier polled the Council and *Ordinance #2016/2017-03 An Ordinance Adopting Chapter 1 Article II of the Code of the Town of Newmarket, NH: The Administrative Code* was approved by a vote of 6-1.

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

Councilor Burns made a motion to approve *Resolution #2016/2017-32 Authorizing the Town Administrator to Join the Appeal of the MS4 Stormwater Permit by the NH Stormwater Coalition*, which was seconded by Councilor Thompson.

Town Administrator Fournier said he had been asked by other communities to join in the appeal of the MS4 Stormwater Permit. He stated that immediately on July 1, 2018 Newmarket would be noncompliant, and said the appeal had to be submitted by July 1, 2017. He said the Stormwater Coalition of communities had secured the services of Joan Finney and Attorney Hall. He explained that the appeal was not just about litigation, and said the permit for the Town of Newmarket would not be issued by their own Department of Emergency Services but was based on the same EPA plan as MA. He said Governor Sununu had spoken to the new EPA Director. He stated that the estimated cost for Newmarket to join the MS4 Stormwater Appeal was approximately \$6,000, and he was authorizing up to \$8,000.

Discussion: Vice-Chair Weinstein asked the likelihood of the appeal going through or become bigger. Town Administrator Fournier said the EPA had changed some regulations and he wanted to be able to work with them. Vice-Chair Weinstein asked if the Town would continue working toward the MS4 regulations, and Town Administrator Fournier said absolutely. He said there was already an ongoing stormwater project, and they were working to improve drainage in the catch basins. Chairman Pike said that the permit had been sped up due to changes in Administration, and that by sharing with other

communities it made sense to be part of the Coalition. Councilor Kast asked if the Coalition would ask for additional support to work with the State, and Town Administrator Fournier said that would be included.

Town Administrator Fournier polled the Council and *Resolution #2016/2017-32 Authorizing the Town Administrator to Join the Appeal of the MS4 Stormwater Permit by the NH Stormwater Coalition* was approved by a vote of 7-0.

#### **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**

Town Administrator Fournier asked the Town Council to approve the appointment of **Gregory A. Marles** as the **Director of Facilities** for the Town of Newmarket.

Councilor Burns made a motion to approve the appointment of Gregory A. Marles as the Director of Facilities for the Town of Newmarket, which was seconded by Vice-Chair Weinstein.

Town Administrator Fournier polled the Council and the appointment of Gregory A. Marles as the Director of Facilities for the Town of Newmarket was approved by a vote of 6-1.

#### **Conservation Commission**

Candidate: *Marianne Hannagan – Term Expires March 2020*

Councilor Burns made a motion to approve the nomination of *Marianne Hannagan – Term Expires March 2020* as a member of the *Conservation Commission*, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the nomination of *Marianne Hannagan* as a member of the *Conservation Commission* was approved by a vote of 7-0

#### **ORDINANCES AND RESOLUTIONS IN THE 1ST READING – None**

#### **CORRESPONDENCE/CLOSING COMMENTS**

Vice-Chair Weinstein reminded everyone that the Roadside Litter Cleanup was scheduled for Sunday afternoon from 2:00 pm to 5:00 pm. She said they would be meeting at the Elementary School at 1:45 pm and would be working in groups, though people could join them at any point along the route. She said bags and latex gloves would be provided and said they were working with the Department of Public Works for safety. She said the Department of Public Works would also be picking up the bags for them. Town



Town Council Regular Meeting  
May 3, 2017

Administrator Fournier said that if any bio-hazard materials were found they would need to call the Police Department for pick-up.

The Council moved back into Non-Public Session at approximately 9:20 pm.

The Council resumed the regular meeting at approximately 9:50 pm.

Councilor Burns made a motion to seal the minutes of the Non-Public Session, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the motion to seal the minutes of the Non-Public Session was approved by a vote of 7-0.

**NEXT MEETING:** May 17, 2017

**ADJOURNMENT**

Chairman Pike adjourned the meeting at 9:54 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary