



Town Council Regular Session

August 16, 2023 at 7:00 PM

Town Council Chambers

MINUTES

1. Pledge of Allegiance

Chair Conley convened the meeting at 7:04PM. Councilor White led the Pledge of Allegiance.

2. Roll Call

Present: Council Chair Katanna Conley, Council Vice-chair Brian Ward, Councilor Scott Blackstone, Councilor Joe LaMattina, Councilor Colin White, Councilor Sonke Dornblut, Councilor Justin Glazebrook.

Staff Present: Town Manager Stephen Fournier, Public Works Director Rick Malasky and Wendy Chase, Recording Secretary.

3. Public Forum

Chair Conley opened the public forum at 7:06PM.

Patrick Reynolds, 14 Winslow Drive, is the Newmarket Representative to the Lamprey River Advisory Committee (LRAC). Mr. Reynolds explained that the LRAC has been working with Dr. Steven Jones of UNH conducting a bacterial study of the Lamprey River. The point of the study is to identify bacteria and to also identify the source of the bacteria through DNA testing. Moonlight Brook at Schanda Park is the one site on the river that consistently fails regarding the level of fecal bacteria present. There has been some communication back and forth with the town. Dr. Jones is now studying further up the river at Moonlight Brook to try to determine where the bacteria is coming from. Mr. Reynolds' 3 minute limit to speak expired.

Motion: **Councilor LaMattina** made a motion to suspend the rules and allow Mr. Reynolds an additional 3 minutes to speak.

Second: **Councilor White**

Vote: **Approved (6-0-1)** Chair Conley recused herself.

Mr. Reynolds suggests that the town come up with a concrete plan on how to address the bacterial pollution. He also mentioned erecting warning signs for people accessing the river about the pollution. During rain events, bacteria loads climb very high. People should not have contact with the water when the levels are really high. LRAC is concerned about informing people about the hazards. Information can be delivered by signs, press releases or the weekly newsletter.

Chair Conley closed the public forum at 7:12PM.

Town Manager Stephen Fournier's Employment Contract.

Motion: **Vice-Chair Ward** made a motion to extend Town Manager Stephen Fournier's contract to July 1, 2026 and to accept the amended contract.

Second: **Councilor White**

Discussion: Town Manager Fournier thanked the Council for extending his contract for three years. He said it has been a pleasure working for the Town the last 11 years and is honored by the Councilor's trust in him.

Vice-chair Ward thanked Town Manager Fournier for all of his hard work. He said he runs a tight ship and wanted him to know he's appreciated.

Vote:

Unanimously Approved (7-0-0)

4. Town Council to Consider Acceptance of Minutes

a. July 19, 2023 Non-public Meeting Minutes

Motion: **Councilor White** made a motion to approve the July 19, 2023 Non-public Meeting Minutes

Second: **Councilor LaMattina**

Vote: **Unanimously Approved (7-0-0)**

b. July 19, 2023

Motion: **Councilor Ward** made a motion to approve the July 19, 2023 Meeting Minutes

Second: **Councilor White**

Vote: **Unanimously Approved (7-0-0)**

5. Report of the Town Manager

a. August 16, 2023

Backyard Bash/Bunt Event: Town Manager Fournier explained the process taken when cancelling a public event. He first commended the Recreation Director, the Recreation Staff and volunteers for the amount of work they put in to accomplish postponing the event to Monday night. The Rec Director, Fire Chief, Police Chief and Town Manager began to monitor the weather and prepare and wait until Thursday at noon to decide whether or not to cancel the event. At 6:00AM on Thursday morning, the Fire Chief recommended cancelling the event because they would not be able to light off fireworks due to potential lightning and the weather reports predicted high winds. The Town Manager received storm briefings from NH Homeland Security. These decisions are never made lightly.

School District Payment Miscalculation: The Town collects tax dollars that get distributed to the School and County. In November, a former school employee recalculated the schedule for the coming year. When the auditors performed the annual audit for the school, it was determined that there was an error and the total amount received in FY23 exceeded their appropriations by \$1,441,760. To correct this, the town will not provide the school with a payment

on September 1. This will impact the town's undesignated unreserved fund balance for the positive.

Newmarket Channel 8: The Newmarket Public Access channel is no longer Channel 13. Effective July 1, it moved to Channel 8. Comcast provided notices in customer's monthly billing.

COAST Bus: On August 2, Councilor LaMattina and Town Manager Fournier attended a stake holder meeting with COAST Bus. COAST provides Newmarket with an "on demand" program allowing riders to get to certain places as long as they schedule beforehand. Initially, they believed that Newmarket's service would be eliminated under the plan they proposed, but the Executive Director informed the town on August 8 that they updated their calculations and would be able to continue Newmarket's service.

Senate Bill 111 Powers of Town Councils: Town Manager Fournier worked with State Senators Rebecca Perkins Kwoka and Senator James Gray on Senate Bill 111 earlier this year. The Bill clarifies the powers of Town Councils. Many groups such as banks and state agencies do not understand the difference in powers of the Select Board and the powers of the Town Council; Councilors are the legislative and governing body of the town. The senators introduced Senate Bill 111 that states "A town charter providing for the form of legislative body pursuant to 49-D:3, I shall have the same powers and authorities as a city council under RSA 49-C, subject to the provisions of RSA 41:16." Governor Sununu signed the bill into law on August 4.

Facilities Study: Placework and our internal working group have begun preliminary design finalization for cost estimating. The plan would include an approximately 5,500 square foot addition and renovation to the existing Police Station. Relocating the Sunriese Sunset Center to the Beech St. facility, with renovations and a 5,800 square foot addition and renovations to the Town portion of the Town Hall. The next step would be cost estimating for the overall project. We are anticipating construction will take place in 2025. In 2024, we would appropriate funds for the final design to get ready for any potential bond vote.

Newmarket Community Power Aggregation Plan: The PUC approved the Town's Community Power Aggregation Plan on August 1.

Joint School/Town Meeting: A joint School/Town Meeting is scheduled on August 23 at 6:00 PM in the Town Hall Auditorium.

HB 321 Sealed Non-public Meeting Minutes: Governor Sununu signed into law House Bill 321 which will require public bodies and agencies to review sealed minutes no later than 10 years after they were last sealed. The Council's non-public minutes will have to be reviewed and voted on to keep sealed, stating one of the following reasons: 1. Would affect adversely the reputation of a person other than a Councilor; 2. Would render ineffective the action/proposed action taken in a non-public session; or 3. Pertains to matters relating to the preparation for and carrying out of all emergency functions intended to thwart a

deliberate act intended to result in widespread or severe damage to property or widespread injury or loss of life (i.e, terrorism). This law takes effect October 3. Town Manager Fournier suggested that he review all the minutes not pertaining to himself and start a spreadsheet of suggested non-public minutes to unseal and the Chair can review all the non-public minutes pertaining to the Town Manager and do the same. A Resolution on the non-public minutes policy will come before the Council and the Rules of Procedure may need to be suspended to vote on the policy to meet the October 3 deadline.

b. Department Reports - July 2023

Chair Conley commented on different department reports. She said she appreciates the community policing reported in the Police Department's report. She said it was great to see the fire department's renovations almost done, and commented on the departure of Kim Tilton and thanked her for all that she did while working as Director at the Sunrise/Sunset Center.

Town Manager Fournier explained that the acid room leak at the tucker well was a result of an incomplete job by the contractor and that if it's not fixed properly we will pursue litigation. We are currently going out to bid to have it fixed to get it up and running.

c. Town Welfare Department Report - July 2023

Chair Conley said that she appreciates the work that Welfare Director Heather Thibodeau is doing.

6. Committee Reports

Councilor Ward reported on the August 10th Conservation Commission Meeting:

The Commission wanted to followup with the Town Manager about the two signs they wish to erect. "Do not feed the ducks". There is a sign currently in place, but they would like an additional sign because people continue to feed the ducks. They also want a sign at Moonlight Brook warning citizens about the bacteria in the water and slippery rocks at the site. Town Manager Fournier said he would have to check and see if the town has authority to place signs there; it may be the state's responsibility. Councilor Ward said that the cages filled with baby oysters are now at Schanda Park. People are welcome to participate in recording the baby oyster's progress.

Councilor Blackstone reported on the August 8th Planning Board Meeting:

The Planning Board held a site visit at the 55+ Community project site on South Main Street. People from the Planning Board, Town Council and from the neighborhood were present. Town Engineer Lyndsay Butler and Community Development Director Bart McDonough have put together a procedure with respect to stormwater management that they presented to the Planning Board. The Planning Board suggested it go directly to Town Council for review. The Planning Board agreed on an historic district plan for downtown and there will be a public meeting on it in September or October.

7. Old Business

8. Resolutions/Ordinances in the 2nd Reading

- a. Resolution #2023/2024-01 Annual Lease Payment for Two International Dump Trucks with Plow Equipment
 - Motion:** **Councilor Ward** made a motion to approve Resolution #2023/2024-01 Annual Lease Payment for Two International Dump Trucks with Plow Equipment
 - Second:** **Councilor Glazebrook**
 - Discussion:** Councilor LaMattina pointed out that the payment was due yesterday and asked if the late payment would hurt our credit rating. Public Works Director Malasky confirmed that it would not.
 - Vote:** **Unanimously Approved (7-0-0)**
- b. Resolution #2023/2024-02 Paving Improvements
 - Motion:** **Councilor Ward** made a motion to approve Resolution #2023/2024-02 Paving Improvements
 - Second:** **Councilor Dornblut**
 - Vote:** **Unanimously Approved (7-0-0)**

9. Resolutions/Ordinances in the 1st Reading

- a. Resolution #2023/2024-04 - Flag Display Policy
Chair Conley read Resolution #2023/2024-04 - Flag Display Policy into the record.

10. New Business/Correspondence

- a. Correspondence to the Town Council
There was no correspondence.
- b. Closing Comments by Town Councilors
Councilor LaMartina asked the Town Manager for an update on the solar project.

Town Manager Fournier said that it is currently in the review process. They will determine whether or not it needs to go before the Zoning Board of Adjustment.

Councilor Blackstone commented that solar panels should be incorporated regarding the proposed new town buildings.

Chair Conley stated that she deeply appreciates what Town Manager Fournier has accomplished over the past 11 years to make Newmarket a better place to live.

- c. Next Meeting

- i. September 6, 2023

Town Manager Fournier reminded the Council of the scheduled joint meeting with the School Board on Wednesday, August 23 at 6:00 PM in the Town Hall Auditorium.

11. Adjournment

Chair Conley adjourned the meeting at 7:45 PM without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary