

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

March 2, 2016 7:00 PM

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Dale Pike, Councilor Toni Weinstein, Councilor Amy Burns, Councilor Larry Pickering

EXCUSED: Councilor Amy Thompson

ALSO PRESENT: Town Administrator Steve Fournier, Interim Finance Director Matt Angell

AGENDA

Chairman Phil Nazzaro welcomed everyone to the March 2, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:05 pm, followed by the Pledge of Allegiance.

Chairman Nazzaro stated that Councilor Thompson was excused, and said they would start the meeting with a few presentations.

COUNCIL PRESENTATIONS:

Chairman Nazzaro announced that this would be the last sitting Town Council meeting for **Councilor Larry Pickering**. He said Councilor Pickering had served the Town for 22 years in different capacities, with 9 years on the Town Council, 10 years with the Budget Committee, 2 years on the Efficiency Committee, and 1 year as a Moderator. He said he had also been a member of the Historical Society since 1971. Chairman Nazzaro said he was impressed by Councilor Pickering's wealth of knowledge of the Town and his commitment through his years of service. He thanked Councilor Pickering for his dedicated service and said the Council would not be the same without him. Councilor Pike said it had been an inspiring run.

Chairman Nazzaro announced that the Town of Newmarket wanted to congratulate **Kathy Castle** on her retirement. He said she had dedicated 15 years to the Town of Newmarket and she had been an invaluable resource. He said the Town had lost a very committed, loyal, and to-the-core coworker with a ready smile and a friendly demeanor. He said she worked tirelessly for the benefit of Newmarket and her office was the main artery of the Town. He thanked her for her service and said she would be missed. He wished her the best in her retirement.

Chairman Nazzaro said he would put a hold on the third presentation as the recipient was not present.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:11 pm.

As no one from the public came forward, Chairman Nazzaro closed the Public Forum at 7:11 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Non-Public Meeting of February 17 2016

Vice Chair Levy made a motion to accept the minutes of the Non-Public Meeting of February 17, 2016, which was seconded by Councilor Burns.

As there were no corrections or changes, Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of February 17, 2016 were approved by a vote of 6-0.

Acceptance of the Minutes of the Regular Meeting of February 17, 2016

Vice Chair Levy made a motion to accept the minutes of the Regular Meeting of February 17, 2016, which was seconded by Councilor Pickering.

Councilor Pike requested a correction to page 4 of the minutes under the *Macallen Dam Study Committee*. The last sentence of the paragraph was rewritten to read: "Councilor Pike said the bridge restricted flow and even if the dam were taken out it would not prevent flooding at high water."

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of February 17, 2016 were approved as amended by a vote of 6-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier reminded everyone that the **Town and School Election** would be held on March 8, 2016 from 7:00 am to 7:00 pm at the Town Hall. He said Councilors would be needed to work that day and that a majority needed to be on hand at the end of the night to certify the vote. He said he would get the schedule out by tomorrow. He next addressed the **Eagles vs the Town**, saying that it had been the intention of the Town to take possession of 41 Exeter Road on February 23, 2016 but that the judge had granted the Eagles a rehearing on February 22nd. He said that the sale of alcohol would be prohibited in the interim, and the rehearing was scheduled for tomorrow morning at 9:00 am.

Town Administrator Fournier said that Councilor Pickering had asked for a comparison of Newmarket **Solid Waste Operations** to those of Epping. He stated that Newmarket had curbside collection as well as bulky waste collection at their Transfer Station 3 days per week, and said that the town of Epping operated a pure transfer station system. He said the Town of Epping Transfer Station was open 3 days per week and residents were required to deliver their solid waste and recyclables to the station. He stated that he had looked at actual expenditures for the two systems, and said that Newmarket with a population of 9,149 spent \$48.24 per person, while Epping with a population of 6,736 spend \$52.26 per person. He said that fees for bags in Newmarket also offset expenses. He said that though Newmarket had a more robust system with curbside pickup, they had spent less money than Epping with their transfer station. He said

his concerns with having a transfer station were that people would have to bring their waste to the site and that there would be a loss of revenue from the pay-per-bag system.

Town Administrator Fournier said that Vice Chair Levy had asked if they would receive an **Elderly Housing Amendment** to the Zoning Ordinance by the end of the fiscal year. He said that he had spoken with the Town Planner and that it was the intention of the Planning Board to have it ready by the end of the fiscal year. He said the *Future Land Use Subcommittee* had met last night and were still meeting to finalize the chapter. Vice Chair Levy said he felt the issue was with Strafford Regional with regard to writing and working on the chapter. Councilor Pike said that they had met yesterday and a representative of Strafford Regional had been present. He explained that there were quite a few edits on the chapter, which would be rewritten and brought back to the *Planning Board* in April. Vice Chair Levy asked about the edits, and Councilor Pike said the changes recommended were mostly stylistic. He said the chapter draft referred to assisted living facilities and reflected the changes from the Economic Development Committee in the document. Town Administrator Fournier explained that they wanted to vote on the Land Use Chapter first and would vote on any changes made and then submit a proposal it to the Council.

Chairman Nazzaro asked Town Administrator Fournier if he had forwarded a letter of support to the Mills Scenic Byway Committee, and he replied he had sent it out yesterday.

COMMITTEE REPORTS – See *Future Land Use Subcommittee* and *Planning Board* above.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2015/2016-34 Authorize the Town Administrator to Enter into a General Services Agreement with Underwood Engineers for General Engineering Services

Councilor Weinstein made a motion to approve *Resolution #2015-2016-34 Authorize the Town Administrator to Enter into a General Services Agreement with Underwood Engineers for General Engineering Services*, which was seconded by Councilor Pike.

Interim Finance Director Matt Angell stated that they had conducted a Request for Proposal (RFP) looking for an engineering firm to act as the Town Engineer. He said the engineer could be consulted to provide engineering reviews for projects and also review contracts for the Town. He said the RFP had been issued and they had received six (6) different responses and interviewed 2 firms. He said they selected Underwood Engineers as they had done a majority of work in the past and felt they would be efficient going forward. Town Administrator Fournier said they were recommending a 1-year agreement on a trial basis, which they would then review and come back to the Council to extend or go out for RFP and try another firm. He said both firms interviewed had been excellent and the decision had been difficult. He said that though a big factor was that Underwood Engineers had done previous work, they had also felt it was important to get someone at a senior level, and that the relationship would be similar to that with the Town Attorney.

Discussion: Vice Chair Levy asked if they were just going to pay for what the engineering firm did, and Interim Finance Director Angell said they would just be paid for the work they performed. Vice Chair Levy asked if there was any reason backup had not been provided as to the rate they were paying, and Interim Finance Director Angell said the rates between the two firms were comparable and could be provided. Councilor Weinstein said she wanted to clarify that they were doing this for efficiency and to save money. Town Administrator Fournier agreed and said they would also be able to make sure projects were being done correctly, and the Town would have one firm of record. He said that currently staff members were acting as project managers, which a Town Engineer would then be in charge of. Chairman Nazzaro said he would like to see how much the Town had spent annually on engineers over the last 5 years and compare the data, and felt there was a lot of information they could get to enable them to base their decision on facts. Interim Finance Director Angell said that the two firms interviewed had been comparable, but that with Tighe & Bond they would have to go out of state for a lot of the expertise. Chairman Nazzaro said he was less concerned about comparing the two firms and more concerned about the comparison of what they had been doing up to this point and how this had impacted the Town. Town Administrator Fournier said they would do a third reading and provide a complete packet. Vice Chair Levy said that Tighe & Bond had a litany of highly qualified engineers and were a well-respected engineering firm in the State. Interim Finance Director Angell explained that Tighe & Bond had only one municipal engineer for the State of New Hampshire and people would need to be brought in from one of their satellite offices.

Chairman Nazzaro said they would push the resolution to a third reading and asked if the Councilors had any specific questions. Town Administrator Fournier said he would need these by Tuesday March 8, 2016. Councilor Pike said that from his experience on the Dam Committee, he felt that having an engineer to go to would be valuable as it would encourage the use of a professional engineer more regularly up front. He felt they first needed to discuss whether they wanted to have this kind of engineer, and if they decided that they did want this kind of relationship, they could then choose between the two firms. Chairman Nazzaro said he would like to see some historical data as to where the lack of one had been a damage to their community, and also if it was going to cost more, he wanted to see where the value was added. Vice Chair Levy asked if having one engineer might preclude the Town from using another firm. Town Administrator Fournier explained that there were cases that the Town Attorney could not handle which had to be contracted out, and it would be the same thing here. He said he was looking for a situation where they would need a quick review of a project, and said he felt the Town should have a firm of record. Councilor Weinstein asked whether they would still be going out to bid to different firms, and Town Administrator Fournier replied that this was more for the expertise of an engineer for small projects, to help with the design and review and to make sure they were done right. Interim Finance Director Angell felt they needed a structural engineer to make sure that what contractors were saying was truly in the best interest of the Town and they were not overspending for contract services.

Chairman Nazzaro asked the Councilors to get their questions to the Town Administrator by close of business on Tuesday or request data they would like to see in the backup material.

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Macallen Dam Study Committee

Candidate: *Peter Wellenberger - Term Expires March 2017*

Vice Chair Levy made a motion to approve the nomination of *Peter Wellenberger - Term Expires March 2017* as a member of the *Macallen Dam Study Committee*, which was seconded by Councilor Pike.

Town Administrator Fournier polled the council and the nomination of *Peter Wellenberger* to the *Macallen Dam Study Committee* was approved unanimously, 6-0.

Macallen Dam Study Committee

Candidate: *John Deziel – Term Expires March 2017*

Councilor Pickering made a motion to approve the nomination of *John Deziel – Term Expires March 2017* as a member of the *Macallen Dam Study Committee*, which was seconded by Councilor Burns.

Town Administrator Fournier polled the council and the nomination of *John Deziel* to the *Macallen Dam Study Committee* was approved unanimously, 6-0.

Zoning Board of Adjustments

Candidate: *Chris Hawkins – Term Expires March 2019*

Councilor Weinstein made a motion to approve the nomination of *Chris Hawkins – Term Expires March 2019* to the *Zoning Board of Adjustments*, which was seconded by Councilor Burns.

Town Administrator Fournier polled the council and the nomination of *Chris Hawkins* to the *Zoning Board of Adjustments* was approved unanimously, 6-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2015/2016-35 Amend the Town Personnel Plan to Include Salary Schedule

Chairman Nazzaro read *Resolution #2015/2016-35 Amend the Town Personnel Plan to Include Salary Schedule* by title only. He encouraged people at home to read the resolution on the website.

Discussion: Chairman Nazzaro said he would like to see the current ordinance provided as backup. Vice Chair Levy asked if the hours for all the positions could also be provided, and the positions for which overtime would be applicable be designated. He also asked that the number of hours of overtime for each group per year be provided.

NEXT MEETING

Town Council Regular Meeting
March 2, 2016

Chairman Nazzaro announced that the next Town Council meeting was their organizational meeting and swearing-in of Councilors, which would be held Monday, March 14, 2016 at 6:00 pm. He said that the next regular Town Council meeting would be held on March 2, 2016 at 7:00 pm.

CORRESPONDENCE/CLOSING COMMENTS - None

ADJOURNMENT

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Pickering. The meeting was adjourned at 7:48 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary

Approved March 16, 2016