

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

April 6, 2016 7:00 PM

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

ALSO PRESENT: Town Administrator Steve Fournier, Public Works Director/Fire Chief Rick Malasky

AGENDA

Chairman Phil Nazzaro welcomed everyone to the April 6, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Nazzaro welcomed new member *Kyle Bowden* to the Town Council.

ELECTION OF OFFICERS AND ADOPTION OF TOWN COUNCIL RULES

Town Administrator Fournier said that procedurally if there was more than one nominee, he would go around and have each Councilor state his/her preference.

Chairman

Councilor Thompson made a motion to nominate Councilor Gary Levy as Chairman of the Town Council, which was seconded by Councilor Pike.

Councilor Weinstein made a motion to nominate Councilor Phil Nazzaro as Chairman of the Town Council, which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and *Councilor Gary Levy* was elected as *Chairman of the Town Council* by a vote of 4-3.

Vice Chairman

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Councilor Thompson made a motion to nominate Councilor Pike as Vice Chairman of the Town Council, which was seconded by Councilor Weinstein.

Councilor Burns made a motion to nominate Councilor Nazzaro as Vice Chairman of the Town Council, which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and *Councilor Phil Nazzaro* was elected as *Vice Chairman of the Town Council* by a vote of 5-2.

Adoption of Town Council Rules

Councilor Thompson made a motion to adopt the Town Council Rules which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the motion to adopt the Town Council Rules was approved by a vote of 7-0.

Town Council Committee Assignments

Macallen Dam Committee – Chairman Levy asked if there was a consensus with the continued appointment of Councilor Pike, and all Council members agreed to approve the appointment of *Councilor Pike* to the *Macallen Dam Committee*.

Highway Safety Committee – Chairman Levy said that Councilor Thompson had requested this committee and asked if there was a consensus of the Councilors. All Councilors agreed and *Councilor Thompson* was appointed as representative to the *Highway Safety Committee*.

Budget Committee – Chairman Nazzaro made a motion to nominate *Councilor Weinstein* as the *Budget Committee Representative* with *Councilor Thompson* as *Alternate*, which was seconded by Councilor Pike.

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

Cable Franchise Renegotiations – Chairman Levy had requested the committee appointment and asked if there was a consensus. All Councilors agreed to the appointment of *Chairman Levy* as representative to the *Cable Franchise Negotiations Committee*.

Capital Improvement Program (CIP) Committee – Chairman Levy said that Councilor Bowden had requested this committee and asked if there was a consensus of the Council. All Councilors agreed to the appointment of *Councilor Bowden* as representative to the *CIP Committee*.

Planning Board – Vice Chair Nazzaro recommended that the first Councilor elected serve as full member and the second as alternate and Chairman Levy agreed.

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Councilor Thompson made a motion to nominate Councilor Pike as representative to the Planning Board which was seconded by Vice Chair Nazzaro.

Councilor Thompson made a motion to nominate Councilor Burns as representative to the Planning Board which was seconded by Vice Chair Nazzaro.

Town Administrator Fournier polled the Council and *Councilor Burns* was elected as *Planning Board Representative* by a vote of 4-3, with *Councilor Pike* serving as *Alternate*.

Economic Development Committee (EDC) – Chairman Levy and Councilor Burns both requested the committee appointment, but Councilor Burns deferred as she was appointed to the Planning Board. All Councilors agreed to approve *Chairman Levy* as *EDC Representative* with *Councilor Burns* as *Alternate*.

Conservation Commission – *Vice Chair Nazzaro* volunteered to serve as representative to the *Conservation Commission*, which was approved by the Council.

PUBLIC FORUM

Chairman Levy opened the Public Forum at 7:19 pm.

As no one from the public came forward, Chairman Levy closed the Public Forum at 7:19 pm.

Proposed Promotional Event

Town Administrator Fournier stated that he had received a request from Anthony and Andrea Sellers for a temporary Food Truck at 90 Main Street for one day as a sort of block party celebration. He said he reviewed the ordinance which required a vendor permit for selling on the sidewalk, but that as this was a 1-time event, the Chief of Police could shut down a parking space for one day. He said Police Chief Cyr had already approved the event and no action was needed by the Council.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of March 16, 2016

Vice Chair Nazzaro made a motion to accept the minutes of the Regular Meeting of March 16, 2016, which was seconded by Councilor Pike.

As there were no changes or corrections Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of March 16, 2016 were approved by a vote of 7-0.

Acceptance of the Minutes of the Non-Public Meeting of March 16, 2016

Councilor Burns made a motion to approve the minutes of the Non-Public Meeting of March 16, 2016, which was seconded by Councilor Thompson.

As there were no changes or corrections Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of March 16, 2016 were approved by a vote of 7-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier first addressed the **Bathroom Renovations** for the lower level of the Town Hall. He said proposals were solicited for a complete overhaul and renovation of both bathrooms but the proposals had come in too high with the lowest at \$191,000. He said they did need to upgrade the facilities and estimated that the renovations could be done mainly in-house with minimal outside contractors for under \$10,000. However, when the sheet rock was removed, things were in worse condition than expected with the plumbing leaking, electrical wires out-of-date and not secured, and the sheet rock attached to the stone floor with no insulation. He said they determined it was necessary to fix the issues and that a resolution was on the agenda this evening to authorize the withdrawal of up to \$33,000 from the Building Improvement Capital Reserve Fund. He said there would be no need to suspend the rules and vote directly as the money would have to be found in the Operating Budget if the resolution was not approved by the Council. Councilor Weinstein asked for a list of any future projects that would be coming from the Building Improvement Capital Reserve Fund.

Town Administrator Fournier stated that they had received their actual **Health Insurance Rates** for FY2017 from the Health Trust, and the rates were only increasing 0.4% rather than the 6% guaranteed maximum estimated. He said this would result in a savings of \$30,212 from what was budgeted but that employee changes could impact that figure. He said that he and the Finance Director were reviewing current plans and looking to offer additional plans to comply with the Affordable Care Act, and hoped to have a proposal for the Town Council in the coming months. Town Administrator Fournier said they were in the process of conducting their first **Town Citizen Survey**, which would be available on the Town website from April 1st through May 1st. He said 379 people had responded so far with a 76% completion rate. He added that hard copies were available at the Town Clerk-Tax Collector's office or the office of the Town Administrator. He said he was working on a program with his counterparts in Durham, Exeter, and Stratham and they had applied for a **Joint MPA Student Fellow** through the Municipal Managers Association of New Hampshire (MMANH). He said they intended to use the student to study areas in which the four communities could or could not share services and how to implement them. He said the individual would work part-time for 5 months with 50/50 funding between MMANH and the four communities.

Town Administrator Fournier said it was with sadness that he announce the passing of **Evelyn LaBranche**, the recent recipient of the Newmarket Boston Post Cane. She passed away on March 5, 2016 at the age of 105, and he said they were looking for a new recipient of the award.

Town Administrator Fournier stated that the Town would be ending the trial period of issuing monthly Water & Sewer bills, which was not on his written report. He said there were two more monthly bills for April and May, and they would then return to **Quarterly Water & Sewer Billing** beginning in August, with bills in November, February, and May. He said that though the Town saw an increase in payments, they

had received a number of objections to paying monthly bills. However, he said there would be a change to the past-due collection policy and that the Town would now shut off service to those who did not pay their bills. He said the Town still had the authority to lien property, but that shutting off service would be the main means of enforcement. He said the procedure was provided online or by contacting the Water & Sewer Department.

Discussion: Chairman Levy asked about the \$30,212 savings from Health Insurance, and Town Administrator Fournier said the money would stay in the budget and any transfer would need Council approval. He also reminded the Council that the amount could fluctuate because of the census.

COMMITTEE REPORTS

Councilor Thompson said that the *Budget Committee* met last Monday but that she had been unable to attend. She said that Dave Foltz was reelected as Chairman and Dan Smith was elected as Vice Chairman.

Chairman Levy said though the *Economic Development Committee (EDC)* did not meet, they had received the Master Plan draft of the new rewrite, which basically captured what they were told by consultants. He said a meeting might be scheduled in the next 45 days.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2015/2016-36 Resolution Relating to the Purchase of a 2016 Ford F-350 1-Ton Dump Truck

Councilor Weinstein made a motion to approve *Resolution #2015/2016-36 Resolution Relating to the Purchase of a 2016 Ford F-350 1-Ton Dump Truck* which was seconded by Vice Chair Nazzaro.

Public Works Director Rick Malasky stated that the current truck was 14 years old and had to be taken off road. He said it would take 10 months to 1 year to get a new vehicle, and they were trying to find an inexpensive way to keep the truck on the road. He said they typically keep their trucks for 10 years but had tried to extend the longevity to 12 years. He said that it was a primary piece of equipment in the fleet and was used year-round. Town Administrator Fournier said that per the Town Ordinance, 3 estimates were not needed if a State bid was received. Public Works Director Malasky explained that the chassis would be bought from the Ford Dealership and the body purchased from another company and mounted on the truck with the plow.

Discussion: Councilor Pike felt it was clear the new truck was needed due to the significant repairs in the last year or two, but wondered if they should go back to a more frequent cycle. Public Works Director Malasky agreed they should go back to the 12-year cycle as this type of vehicle broke down frequently. Chairman Levy asked for clarification that the body had failed but not the engine, and Public Works Director Malasky said the diesel engine was in pretty good shape but needed work. Chairman Levy asked if there would be any value on the motor in a secondary market, and Town Administrator Fournier said as it was not a trade-in, the engine would be sold.

Town Administrator Fournier polled the Council and *Resolution #2015/2016-36 Resolution Relating to the Purchase of a 2016 Ford F-350 1-Ton Dump Truck* was approved by a vote of 7-0.

Resolution #2015-2016-37 Resolution Relating to the Purchase of a 2016 Ford F-550 4x4 Type 1 Ambulance

Councilor Thompson made a motion to approve *Resolution #2015-2016-37 Resolution Relating to the Purchase of a 2016 Ford F-550 4x4 Type 1 Ambulance* which was seconded by Councilor Burns.

Fire Chief Rick Malasky stated that they faithfully replaced ambulances every 10 years, though they had tried stretching it to 12 years. He said the two ambulances were alternated every other week primary to secondary. He said the proposals did not include the radios which were a separate line item and were purchased from a different company. He said they were going up to a Ford F-550 which was more of a truck type vehicle with 4-wheel drive where the F-450 was like a van. He said the funds for the purchase would deplete the Ambulance Revolving Fund down to \$26,000. Town Administrator Fournier clarified that the Town had set up the Ambulance Revolving Fund with all revenues from calls going into the fund for the purchase of ambulances. He felt the fund would be back up when the second vehicle needed replacement.

Discussion: Councilor Weinstein asked the year of the other ambulance and how they would manage with one vehicle. Fire Chief Malasky replied that it was a 2009 vehicle which they had been making more primary. He said the Fire Department had been extremely busy and with the other vehicle out of service they would be unable to cover dual calls and would lose revenue. Vice Chair Nazzaro felt a new vehicle was long overdue and said he supported the purchase and encouraged the Council to approve the resolution. Councilor Thompson said she wholeheartedly supported the resolution. Fire Chief Malasky felt the \$45,000 added to the fund yearly was working well. Councilor Pike expressed concern about the second ambulance purchase, and Fire Chief Malasky said he would come to the Council with a request in 2019 for 2020. Councilor Pike asked Town Administrator Fournier if he felt the funds would be there at that time and he said they would.

Chairman Levy asked Fire Chief Malasky if this was a trade-in or what he thought they might get from the ambulance. Fire Chief Malasky felt they should get at least \$10,000 for the vehicle. Chairman Levy asked if other towns were serviced and if Newmarket had a priority. Fire Chief Malasky said if the vehicle is in service it goes on a call. He said the cost was based on the mileage along with a set fee depending on the type of call.

Town Administrator Fournier polled the Council and *Resolution #2015-2016-37 Resolution Relating to the Purchase of a 2016 Ford F-550 4x4 Type 1 Ambulance* was approved by a vote of 7-0.

Resolution #2015-2016-38 Resolution Relating to the Lease Purchase of 24 Scott Air-Paks

Councilor Weinstein made a motion to approve *Resolution #2015-2016-38 Resolution Relating to the Lease Purchase of 24 Scott Air-Paks* which was seconded by Vice Chair Nazzaro.

Fire Chief Malasky said the Air-Paks had been listed in the CIP for a number of years as they knew this was coming. He said the Air-Paks had to be flow-tested every year which could only be done so many times, and that three (3) key changes had been made by the National Fire Protection Association (NFPA) in 2013. He said the first change was in the low-air alarm, the second to the integrity of the face masks, and the third to pass alarms which muffle out background noise for clearer communication. He stated that most surrounding communities had already updated their equipment and that by May of 2017 Newmarket could no longer use their Air-Paks. He said they were again proposing a lease-purchase so that the CIP account would not be depleted. He explained that they currently had 20 Air-Paks but that they were required to increase the number to 24 to meet the new regulations.

Discussion: Councilor Thompson asked why they did not buy the Air-Paks outright versus leasing at 2.79% interest. Town Administrator Fournier said they did need to keep money in this fund in case of equipment failure, and he did not feel comfortable withdrawing the entire \$213,940. Councilor Pike mentioned there was also a 3-year lease versus a 5-year. Town Administrator Fournier said the cost at the end of 5 years would be \$232,000 and would be \$225,000 at the end of 3 years. Councilor Pike felt it would save money here, and Chairman Levy asked if they could shorten the lease to 3 years. Town Administrator Fournier said he would need a motion to amend the resolution to an annual withdrawal of \$75,256.51 from the Fire Capital Reserve Fund for 3 years at an interest rate of 2.74%.

Vice Chair Nazzaro made a motion to amend the resolution to change the terms of the lease from 5 years to 3 years, and the motion was seconded by Councilor Pike.

Town Administrator Fournier polled the Council and the motion to amend *Resolution #2015-2016-38* to a 3-year lease-purchase was approved by a vote of 7-0.

Town Administrator Fournier polled the Council and *Resolution #2015-2016-38 Resolution Relating to the Lease Purchase of 24 Scott Air-Paks* was approved as amended by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING - None

ITEMS LAID ON THE TABLE – None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Veterans Memorial Trust

Candidate: *Rochelle M. Sharples – Term to Expire March 2019*

Vice Chair Nazzaro made a motion to approve the nomination of *Rochelle M. Sharples - Term to Expire March 2019* as a member of the *Veterans Memorial Trust*. Councilor Weinstein seconded the nomination.

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Town Administrator Fournier polled the council and the nomination of *Rochelle M. Sharples* to the *Veterans Trust Committee* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2015/2016-39 Authorize the Town Administrator to Purchase a New Ford Police Cruiser with Associated Costs Not to Exceed \$45,880

Chairman levy read *Resolution #2015/2016-39 Authorize the Town Administrator to Purchase a New Ford Police Cruiser with Associated Costs Not to Exceed \$45,880* in full.

Resolution #2015/2016-40 Resolution Relating to Town Hall First Floor Bathroom

Chairman Levy read *Resolution #2015/2016-40 Resolution Relating to Town Hall First Floor Bathroom* in full.

NEXT MEETING

The next Town Council meeting was scheduled for April 20, 2016.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Weinstein announced that the Sunrise Sunset Center would be hosting a yard sale on Saturday from 8:00 am to 2:00 pm and asked everyone to come down and support the Senior Center.

Vice Chair Nazzaro asked about Spring Cleanup and Town Administrator Fournier said it was going well and Saturday would be the last day to bring materials to the Transfer Station.

Chairman Levy expressed thanks to the Department of Public Works for removing a tree found close to some wires. He thanked the Council for their confidence and thanked Vice Chair Nazzaro for his professionalism as Chairman.

ADJOURNMENT

Vice Chair Nazzaro made a motion to adjourn the meeting, which was seconded by Councilor Burn. The meeting was adjourned at 8:12 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary

Approved April 20, 2016