

Meeting Minutes
Newmarket Town Council
June 15, 2016 at 7:00pm
Town Hall Council Chambers
186 Main Street

Councilors Present: Gary Levy, Chair; Dale Pike, Amy Thompson, Toni Weinstein, Amy Burns and Kyle Bowden.

Councilors Absent: Phil Nazzaro, Vice Chair.

Staff Present: Stephen Fournier, Town Administrator; Matthew Angell, Interim Finance Director and Wendy Chase, Recording Secretary.

Chairman Levy convened the meeting at 7:01pm.

1. Pledge of Allegiance

Chairman Levy invited the Councilors and those in attendance to rise for a Pledge of Allegiance.

2. Public Forum

Public Forum is an opportunity for the public to address the Town Council. All comments should be addressed to the Chair of the Council. No person will be allowed to speak longer than five (5) minutes.

Students from Linked-Together, led by Ree Cooper, were in attendance to update the Council on this year's activities:

Ava Crumb – reported that in, Service Learning, they did the “Jeans for Teens” Drive, collecting 352 pairs of jeans. They also participated in the “Love Letter” program, making Valentine Day Cards for Meals on Wheels.

Emma Crumb – stated that they made thank-you cards and snowmen to give to the volunteers that serve on Committees in town to thank them for helping the Town.

Katelynn Houle – said her favorite thing was to learn to sew. They started making Christmas coasters and made four (4) coasters for Kathy Castle as a Retirement gift.

Grace Lunney – stated that they changed their honor star program to an honor heart program to honor the Veterans. They made American flag hearts and asked the community to write a message to the Veterans; they have half of them done and will continue collecting messages next year. When they are complete they will display them at the Town Hall.

Avery Clark – said that they are researching different types of irrigation systems. They hope to put one in the Pocket Park to water the grass and flowers and keep it looking nice.

Jillian Long – concluded with a request of the Council to grant permission to run their annual lemonade stand at the Pocket Park this summer, Monday, Wednesday and Friday from June 27, 2016 to August 12, 2016.

**Motion by Councilor Thompson to accept Linked-Together's request to hold their annual lemonade stand at the Pocket Park. Seconded by Councilor Burns.
Poll of the Council. Motion carries 6-0.**

Chairman Levy commended the Girls on their report to the Council.

There was no other public comment.

Chairman Levy closed the Public Forum at 7:05pm.

3. Public Hearing

There are no scheduled Public Hearings for this meeting.

4. Approval of Minutes

4.a. June 1, 2016 Meeting Minutes

Motion made by Councilor Weinstein to accept the June 1, 2016 Meeting Minutes. Seconded by Councilor Pike.

A minor typographical error was corrected.

Poll of the Council. Motion carries 6-0.

5. Report of the Town Administrator

Town Administrator Fournier reported on the following:

- **Tax Bills:** The Town Clerk/Tax Collector issued the tax bills the first week of June. The bills will be due July 5.
- **Tax Payer's Whitepaper for fiscal year ending 2016:** Shows exactly how much the average homeowner pays for each of the Town Departments. For example, the average home value in Newmarket is \$250,000. A person living in a \$250,000 home pays, \$4.01 annually for the Town Council services; \$266.74 annually for police services and \$69.49 for Fire and Rescue services.
- **Summer Schedule:** In the past the Council has had difficulty trying to get quorums due to summer vacations. If there is no objection from the Council, Town Administrator Fournier will cancel the July 6 and August 3 Town Council meetings.
- **FY2016 Operating Budget:** 87% of the general fund has been expended and 85% has been expended of the total budget. The areas that are not normal is the Town Administrator Office Budget; 105% expended due to the MRI consulting contract. Revenues are higher than anticipated. \$23.3M in revenues was budgeted and the town has collected \$23.9M. This includes an additional \$123,162 in unexpected property taxes, \$43,374 in motor vehicle registrations, \$63,000 in Ambulance receipts, and \$43,000 refund from the NH Health Trust. The Building permits are right on schedule. After discussions with the Finance Director, it is anticipated that it will be right on budget with expenditures, and higher than anticipated for revenues. The final figures will not be available until the end of the fiscal year.

- **Online Permitting Software:** The Town Administrator, Director of IT, Building Inspector and the Planning and Zoning Administrator met with a company that provides online permitting for a number of items. They were very impressed with it and will move forward with implementing it, hoping to have it live by summer's end.
- **Website Redesign:** Shortly there will be a release of an update to the town website. It was last updated 3 years ago. Many people no longer access websites from a computer, but from a tablet or mobile device. The new design will make it much more user-friendly for these individuals.
- **Ongoing Projects:** Town Administrator Fournier explained that this will be a new section in his monthly report to the Councilors. He will not orally report it to the Council at the meeting, but will use this as chance to update on any developments in ongoing projects. This public report can be found on the town's website within the monthly TA report in the Town Council Meeting Packets.

Discussion:

Councilor Weinstein said she liked the new addition of "ongoing projects" to the Town Administrator's Report.

Councilor Thompson commented on the proposed update to the website and inquired whether or not important information/emergency news would continue to appear on the first page. Town Administrator Fournier said that it would; important daily information will be in the form of "headlines" on the first page of the website.

Councilor Pike noticed current use tax revenue was up substantially compared to last year and asked the Town Administrator to explain the current use tax credit process.

Town Administrator Fournier explained that current use tax credit is for individuals owning at least 10 acres of contiguous undeveloped land that apply and qualify for a current use tax credit. It is the means for encouraging preservation of open space. Land classified as open space land and assessed at current use values shall be assessed at current use values until a change in land use occurs. The land use change tax is 10% of full and true value. There were subdivisions this year where land was taken out of current use and the 10% change tax collected is where the increase in current use tax revenue comes from.

Councilor Bowden questioned whether or not there was a monthly fee associated with the new online permitting software.

Town Administrator Fournier explained that there would be no fees; the convenience fee, borne by the applicant, would cover software fees. He said that there are a number of area communities already using the program.

Councilor Weinstein commented on Chief Cyr's monthly report regarding his concerns with the Department's ongoing cases involving serious mental health illness. She said it is concerning for a town for safety reasons and also the strain that it places on the Police Department. Councilor Weinstein wanted the community to be aware of the two significant mental health illness cases the Department is working on.

Councilor Pike suggested occasionally reviewing the format of the Department reports, specifically the Fire and Rescue report. There is a level of detail in a week where incidents happen that is not that helpful, for example one chart shows an increase in the number of incidents; it may be more helpful to show what the incidents are by month for the past year or two. He commented that the Planning Director's report is updated each month making it easier to see what is current.

Chairman Levy asked if NH DOT signed the Downtown Improvement Project contract. Town Administrator Fournier explained that the contract has been signed by NH DOT, but he hasn't signed it on behalf of the Town yet. They plan to have a "kick-off" meeting Tuesday to finalize everything.

6. Committee Reports:

Councilor Burns reported that the Planning Board met last night. The Board held a public hearing on the Future Land Use Chapter of the Master Plan. The Consultant was present, as well as some of the Abutters. The Board voted to close the public hearing, but continue their discussion and vote to the July 12, 2016 meeting.

Applications the Board approved: Lot merger at 51 Exeter Road – Cheney Properties and Conversion of 3 apartments to condominiums on Spring Street.

Cases continued to the July meeting: Dame Road application and Exeter Road/ Forbes Road application.

Councilor Pike updated the Council on the previous Macallen Dam Committee meeting. The Engineer from NH DES is no longer calling for a stability analysis of the main spillway of the dam as long as there are no modifications made to the dam. They are close to knowing how high the abutments need to be and they received a lot of good comments from the State. The Committee also voted to solicit a legal opinion on the appeals process. One of the requirements is that the flows be calculated in a "gates closed" situation and there have been members of the committee that felt that that was something that could be appealed. He noted for the record that getting the legal opinion stating they could appeal doesn't mean that they would.

Councilor Pike reported that the School Board/Town Council Joint Meeting will likely go to Cape Elizabeth Monday, June 20th for a site visit.

Chairman Levy asked the Town Administrator if he would look into having the town's attorney give clarification to the Planning Board about the legal opinion they received regarding the Planning Board's authority in requiring certain architectural design standards on Planning Board applications. He said there seemed to be some confusion on the Board's part at the May Planning Board meeting.

7. Old Business

7.a. Resolutions/Ordinances in the 2nd Reading

There are none.

7.a.i. **Resolution #2015/2016-52** – Resolution authorizing the designation of a portion of Rt. 152 as an Economic Recovery Zone. Town Administrator Fournier suggested tabling Resolution #2015/2016-52 until after the Future Land Use Chapter of the Master Plan is finalized.

Motion made by Councilor Burns to table action on Resolution #2015/2016-52 until the Planning Board adopts the Future Land Use Chapter of the Master Plan. Seconded by Councilor Thompson.

Pole of the Council. Motion carries 6-0.

Town Administrator Fournier said that Resolution #2015/2016-52 shall stay on the table until the Council votes to take it off.

7.a.ii. **Resolution #2015/2016-53** – Resolution to Ward #2 Heating Oil, Liquid Propane, Regular Gasoline and Clear Diesel Contracts.

Motion made by Councilor Pike to accept Resolution #2015/2016-53. Seconded by Councilor Thompson.

Interim Finance Director Angell said that with heating oil they made a combined effort with the School. They contacted seven (7) companies and received four (4) bids. Hanscom's Truck Stop, Inc., came in at the lowest bid; they have served the town the last couple of years and the town's been happy with their services. It is recommended to award the bid to Hanscom's Truck Stop, Inc., for \$1.72 per gallon.

Three (3) proposals for liquid propane were submitted. Although Irving came in at a lower bid, it is recommended to award the bid to D.F. Richard for \$1.39 per gallon. Irving did not include replacing the propane tanks in their submitted bid; they also wanted the Town Administrator to enter into a contract before going to the Council; the deal they offered was only good that day and the town would incur additional costs resulting from replacing the propane tanks.

Hanscom's Truck Stop, Inc. was the sole bid the Town received for gasoline at \$0.135 per gallon over rack.

The Town received two (2) proposals for clear diesel. Hanscom's Truck Stop, Inc., fixed fee option is recommended at \$2.25 per gallon. Although Irving's proposal had the lowest cost over rack, they did not submit a proposal for a fixed fee option. A fixed fee is favored by management, because it stabilizes price fluctuation risk throughout the budget period.

Discussion ensued over the ownership of propane tanks. Chairman Levy said if the Town switches propane companies they have to buy their tanks and will always be in this cycle. He suggested the Town buy their own tanks. Town Administrator Fournier said that the propane companies would not insure propane tanks that they didn't own and maintain.

Chairman Levy would like to know how many propane tanks the Town has, and how much it would cost to purchase our own tanks.

Councilor Bowden commented that it is a 2 ½ cent difference between the bids, and wondered how much money it would be to purchase new tanks, maintain them and have them certified.

Poll of the Council. The motion carries 6-0.

7. a.iii. Resolution #2015/2016-54 – Vehicle Maintenance.

Motion made by Councilor Weinstein to accept Resolution #2015/2016-54. Seconded by Councilor Pike.

Interim Finance Director Angell said the Town received two (2) bids – Auto Excellence and Portsmouth Ford. The current contract with Auto Excellence expires June 30, 2016. Auto Excellence's bid came in at \$60.00 per hour for labor with 15% markup on parts and materials. Portsmouth Ford's bid came in at \$90.00 per hour for labor with 25% markup on parts and materials. It is recommended to award the bid to Auto Excellence.

Town Administrator Fournier said he reached out to larger municipalities that operate their own maintenance facilities and no one was interested in servicing the towns' vehicles because they were too busy.

Councilor Bowden inquired about the bidding process.

Interim Town Administrator Angell said that he puts the bids in two local newspapers, on the town's website and hand delivered a few.

Town Administrator Fournier said he sometimes puts bids on the NH Municipal Association's (NHMA) website that is statewide. He further stated that New Hampshire has no "bidding" laws. The Town has its own policy.

Poll of the Council. Motion carries 6-0.

7.a.iv. Resolution #2015/2016-55 – Resolution Relating to Health Trust Membership

Motion made by Councilor Weinstein to accept Resolution #2015/2016-55. Seconded by Councilor Pike.

Interim Finance Director Angell explained that they had solicited three (3) vendors, Health Trust (the town's current carrier), School Care and Harvard Pilgrim. School Care would generate the highest "Cadillac tax", under the Affordable Care Act and Harvard Pilgrim would generate the second highest "Cadillac tax". With Health Trust there will be no "Cadillac tax". Harvard Pilgrim and Health Trust were comparable, but the Town would have to enter into union negotiations in order to accept Harvard Pilgrim. Health Trust is the recommended health care provider.

Town Administrator Fournier explained that when a health program is too rich by federal guidelines a penalty is assigned that the Town would incur on a yearly basis, and the employee would also have to pay a penalty. He said that employees not covered by a collective bargaining agreement were offered a second plan with a higher deductible and less cost to the employees.

Chairman Levy asked if the Town offered insurance to employees that are not married. Interim Finance Director Angell said they do. Mr. Fournier explained that employees are covered by insurance under the domestic partnership laws that are still in effect. These laws were enacted before same sex marriages were legalized.

Poll of the Council. Motion carries 6-0.

8. New Business/Correspondence

8.d. Closing Comments by Town Council

Councilor Weinstein asked if there was a time-line to when the Council sets their annual goals. She said it typically happens shortly after the Town Election.

Town Administrator Fournier asked if the Council wanted to wait until after they receive the MRI Report. He suggested that the Council set a town-wide goal setting session with the Department Heads and retain a facilitator from Primex (a service they provide at no cost to the Town).

Town Administrator Fournier expects to have the MRI Study by mid-summer and then he may schedule a special meeting for the presentation.

Councilor Weinstein voiced concern over running out of time to get this accomplished. She said that it is already the middle of June, and then it will be budget season, followed by the holidays.

Town Administrator Fournier said he will forward information to the Councilors on how the facilitating process works regarding goal setting.

The general consensus of the Council was to wait until they receive the MRI Study and then hold a Council Meeting to set up goals for the Town Council and guidelines of when to start the process of setting goals for the Town Council as well as for the Town Administrator.

9. Adjournment

Motion made by Councilor Thompson to adjourn at 8:01pm. Seconded by Councilor Bowden. Poll of the Council. Motion carries 6-0.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved July 20, 2016