

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

**June 3, 2015 7:00 PM**

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

EXCUSED: Councilor Dale Pike

ALSO PRESENT: Town Administrator Steve Fournier, IT Director Doug Poulin, Water & Wastewater Director Sean Greig, Public Works Director/Fire Chief Rick Malasky, Interim Finance Director Matt Angell, Police Chief Kevin Cyr, Engineer Tim Vadney of Wright-Pierce

**AGENDA**

Chairman Phil Nazzaro welcomed everyone to the June 3, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:05 pm, followed by the Pledge of Allegiance. He announced that Councilor Pike was excused.

**Presentation of the Boston Post Cane to Evelyn Rodier LaBranche**

Chairman Nazzaro announced a special event at the meeting, the presentation of the *Boston Post Cane* to *Evelyn Rodier LaBranche*. He then read the proclamation made by the Town of Newmarket.

Chairman Nazzaro said that Evelyn Rodier LaBranche was born in Newmarket on November 13, 1913. She attended St. Mary's School as a child, and eventually married Terry LaBranche. She had two daughters and now had two grand-daughters and four great-grandchildren, plus two fifth-generation great-grandchildren. Evelyn first worked as a silk winder at Galant's Silk Mill for several years, after which she was employed stitching shoes at Sam Smith & Royce Shoe Factories in Newmarket. Her life-time interests included flower gardening, crafts, cooking and entertaining guests. She was an active member of several clubs and organizations in Town and remained a member of the Walking Club into her eighties. Evelyn Rodier LaBranche is a very optimistic person with a great outlook on life. She loves people and needs to be aware of what is going around her. She believes in the importance of family life and takes great pride in knowing she is the matriarch of a five-generation family. She was eventually forced to give up driving for safety reasons, and has now been a resident of Holy Cross Health Center since 2009.

Chairman Nazzaro presented the Boston Post Cane to Evelyn Rodier LaBranche along with a beautiful bouquet of flowers. The event was photographed and Evelyn Rodier LaBranche spoke briefly thanking the Town of Newmarket for the honor.

**PUBLIC FORUM**

Chairman Nazzaro opened the Public Forum at 7:14 pm and asked if anyone from the public wished to speak.

Police Chief Kevin Cyr addressed the Council regarding the lack of pay increases and/or adjustments for his staff in the Police Department. He said that specifically there had been no pay adjustments, and that raises were below cost-of-living increases. He stated that for three (3) consecutive years there had been no pay increases in his department. He said that any 2013 Merit Pool increases had not exceeded 2%, with non-union employees not being rewarded at all despite an 8.8% cost-of-living increase. He felt that this indicated that employee performances were not deserving of a raise, and felt that he was not getting a definitive answer to his questions. He added that health insurance costs had also risen 8%. Chief Cyr said that as a result of Collective Bargaining his officers did get raises, but that they did not see a future in the Newmarket Police Department. He stated that he would only be given a 2-week notice in the event of a resignation of two (2) key people on his staff. He said that other communities had been giving raises and that police salaries in Newmarket were currently 10% below their peers in the area. He stated that he was concerned that efforts for the Newmarket Police Department would eventually end in turnover due to inadequate compensation, and felt that the Town Council should determine a cost-of-living adjustment for the entire Town. Chief Cyr stated that he planned to take any extra money left in Police Department funds at the end of the fiscal year to cover raises for his non-union employees retroactive to July 2014. He said this amounted to approximately \$9,300 for two (2) Lieutenants and one (1) Administrative Assistant. He recommended that the Town end Merit Pool and salary reviews as they were not working, and that something needed to be done to avert the crisis.

Town Administrator Fournier stated that the Merit Pool raises had been held up due to the snow emergency issue, but that there was enough money available in the pool to cover salary increases retroactively. He said that the Merit Pool would be distributed next week and that in future it would be completed by August/September. He added that he could not find a pay classification for the Town. Chairman Nazzaro said that they formerly had steps in place but had gotten rid of them. Town Administrator Fournier said that 2016 increases would be available on July 1, 2015.

Chairman Nazzaro closed the Public Forum at 7:28 pm.

**PUBLIC HEARING** - None

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

##### **Acceptance of the Minutes of the Regular Meeting of May 20, 2015**

Councilor Thompson made a motion to accept the minutes of the regular meeting of May 20, 2015, and Councilor Weinstein seconded.

Changes/Corrections: Vice Chair Levy requested clarification to a statement attributed to him under the discussion following the Public Hearing on the bike path on page 4 with regard to Route 108 safety issues. He also asked for a correction to his statement under Committee Reports about the Planning

Board on page 15 regarding recommendations by Strafford Regional Planning for more affordable housing. The minutes were corrected as requested.

Town Administrator Fournier polled the Council and the minutes of the regular meeting of May 20<sup>th</sup> were approved as amended by a vote of 5-0, with 1 abstention.

### **Acceptance of the Minutes of the Non-Public Meeting of May 20, 2015**

Councilor Thompson made a motion to approve the minutes of the Non-Public Meeting of May 20, 2015, which was seconded by Councilor Weinstein

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of May 20, 2015 were approved by a vote of 5-0, with 1 abstention.

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

Chairman Nazzaro asked why no departmental reports had been included in the packet, and Town Administrator Fournier replied that they were included at the 2<sup>nd</sup> monthly meeting.

Town Administrator Fournier first discussed the **Water Emergency** as Newmarket was currently experiencing moderate drought conditions. He said that he and the Water & Sewer Superintendent were monitoring the water levels of the Town, and that they were currently under a Stage II water emergency. He explained that this meant that homes and businesses on the Town water supply were restricted as to when they could water their lawns. He said that he was planning to issue a Stage III water emergency with further restrictions unless there were dramatic changes to the water supply. Town Administrator Fournier next addressed **COAST Route 7** stating that the bus route would be continuing in a modified manner. He said that he had worked with the Town Manager of Exeter and the Executive Director of COAST to first assure ADA transit service would continue to be available. He explained that the new bus route would circle between Exeter and Newmarket allowing people to get to Exeter Hospital and shop in Exeter/Stratham three (3) days during the week and on Saturday. He added that this would be complemented by the Wildcat Transit bus system allowing people to get to Dover and Portsmouth. He said that the schedules had not yet been announced but that the service would begin on June 29, 2015, and would be in press tomorrow.

Town Administrator Fournier next addressed the **Regional Waste Water Treatment Facility**, saying that they were continuing to monitor the Town of Exeter and the City of Portsmouth regarding their wish to establish a regional Waste Water Treatment Facility at the Pease Tradeport. Due to cost of the regional plan, the city of Portsmouth had decided to upgrade their current facility on Pierce Island. He said that though he would continue to work with Exeter on the plan, the regional option would not be going forward as part of this project. He stated that the next **Regional Economic Development Forum** would be held the morning of the next Town Council meeting. He said the first meeting had been well attended and the Newmarket Town Council had been commended on their successful development of the downtown.

## COMMITTEE REPORTS

Town Administrator Fournier stated that the Highway Safety Committee had met to discuss the parking situation in downtown Newmarket. He said they reported that they could not get a fire truck safely up the main street without a significant purchase of land by the Town for widening access.

## OLD BUSINESS

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

#### **Resolution #2014/2015-54 Auditorium Equipment – Channel 13**

Councilor Thompson made a motion to approve *Resolution #2014/2015-54 Auditorium Equipment – Channel 13*, and Councilor Weinstein seconded.

Town Administrator Fournier gave an overview of the resolution request, which was to upgrade sound, recording, and display equipment in the Auditorium with funds from the Comcast Capital Reserve Fund, which had a balance of \$70,000. He said he had received three (3) quotes and recommended going with the lowest bidder Access A/V at \$40,390, adding that two of the quotes had not included installation of the systems.

Discussion: Vice Chair Levy asked if all the costs would be covered by Comcast and Town Administrator Fournier replied that they would, from the collection of franchise fees. IT Director Doug Poulin stated that Access A/V had matched the price and that B&H had been quoted online. Councilor Weinstein said that it was helpful to have the balance in the fund, but wanted a narrative of the plan and where this project would fall on the schedule. Councilor Thompson also asked for an update on projections with regard to the Capital Improvement Plan.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2014/2015-54* passed by a vote of 6-0

#### **Resolution #2014/2015-56 Purchase Motorola APX 6500LI VHF 100-Watt Digital Mobile Radio for Police Department**

Vice Chair Levy made a motion to approve *Resolution #2014/2015-56 Purchase Motorola APX 6500LI VHF 100-Watt Digital Mobile Radio for Police Department*, which was seconded by Councilor Burns.

Police Chief Cyr stated that he would address both *Resolution #2014/2015-56* requesting the *Mobile Radio* purchase and *Resolution #2014/2015-57* requesting a new *Ford Police Cruiser* for the Police Department. He said that the mobile radios in the police cruisers were 15 years old and out-of-date and that they were being repaired with parts that had been saved. He said that the State bid for the new Motorola Radio was \$3,999 with a State bid of \$28,234 for the cruiser. He said he had received three (3) quotes for the emergency lighting, sirens, and equipment setup for the cruiser, and that Adamson Industries Corp. and Ossipee Mountain Electronics Inc. had included the radio in their quotes.

Discussion: Vice Chair Levy asked if the Cruiser being purchased would be a 4-wheel drive vehicle, and Chief Cyr specified that it would be all-wheel drive. Chief Cyr said that the Adamson quote had come in at \$21,910 and that Ossipee Mountain had set up the last two (2) cruisers purchased by the department. Vice Chair Levy asked if the decision was competitive, and Chief Cyr replied there had been approximately \$250 difference between the quotes. Councilor Thompson questioned the total cost for the vehicle and related equipment “not to exceed \$49,100” on *Resolution #2014/2015-56* and Chairman Nazzaro said that the amount requested was lower than what was stated in the resolution. Town Administrator Fournier explained that the cost of the vehicle alone came to \$28,234 and needed to be included in the total. Councilor Burns asked why the two resolutions could not be combined as one. Chairman Nazzaro mentioned the cost of the radio not being included in *Resolution #2014/2015-57*. Chief Cyr replied that the cost of the cruiser had come in at least \$7,000 under and the radio had been \$750 less. Town Administrator Fournier explained that the money would be coming from two (2) separate funds, and that the radio was not included in the \$49,100. He recommended the Council make a motion to amend and remove the 4<sup>th</sup> “whereas” in *Resolution #2014/2015-56*.

Vice Chair Levy made a motion to amend *Resolution #2014/2015-56* by removing the 4<sup>th</sup> “whereas”, and the motion was seconded by Councilor Thompson.

Town Administrator Fournier polled the council and *Resolution #2014/2015-56* was approved as amended by a vote of 6-0.

**Resolution #2014/2015-57 Purchase Ford Police Cruiser for the Police Department to Include Costs Associated with Replacement of Emergency Lighting and Equipment Setup**

Councilor Weinstein made a motion to approve *Resolution #2014/2015-57 Purchase Ford Police Cruiser for the Police Department to Include Costs Associated with Replacement of Emergency Lighting and Equipment Setup*, which was seconded by Councilor Burns.

Town Administrator Fournier polled the council and *Resolution #2014/2015-57* was approved by a vote of 6-0.

**Resolution #2014/2015-58 Purchase APC Symetra Power Module to Replace Similar Unit in the Police/Dispatch Center**

Councilor Weinstein made a motion to approve *Resolution #2014/2015-58 Purchase APC Symetra Power Module to Replace Similar Unit in the Police/Dispatch Center*, which was seconded by Vice Chair Levy.

Police Chief Cyr explained that there had been a power outage at the Police Dispatch Center, which had a battery backup system. He said that the APC had failed as it was 15 years old, and that it was needed to help power the entire dispatch center. He said that by replacing the APC module, the problem should be fixed. He added that it was really a Capital item and that they were only requesting the exact cost they had already paid for the purchase, which was one part from a single-source vendor.

Discussion: Vice Chair Levy asked if a surge-suppression system was in place and Chief Cyr replied that there was and that the new system could not die even on battery backup power. Councilor Weinstein asked if they anticipated that the entire unit would eventually die due to the age of the system, and Chief Cyr replied that everything had already been replaced except the brains.

Town Administrator Fournier polled the council and *Resolution #2014/2015-58* was approved by a vote of 6-0.

#### **Resolution #2014/2015-59 Purchase of Two Nitronox Field Units for Fire/Rescue Department**

Councilor Thompson made a motion to approve *Resolution #2014/2015-59 Purchase of Two Nitronox Field Units for Fire/Rescue Department*, which was seconded by Vice Chair Levy.

Public Works Director/Fire Chief Rick Malasky stated that he was requesting the purchase of the equipment which was newly available and now included in the NH Patient Care Protocol. He said they were requesting funds of \$8,000 be transferred from the Ambulance Revolving fund as they currently had no medications on the ambulance to treat pain. He said that it was the only drug for severe pain that could be administered by the department, as all others required administration by an EMT. Councilor Thompson explained that it was not a pain killer but a hallucinogenic agent which caused relaxation. She questioned that if two (2) Nitronox units were needed by the department at \$3,750 each, why they were requesting the amount \$8,000. Public Works Director Malasky replied that the total would be less and that it would not exceed the \$8,000 amount. Vice Chair Levy stated that from a liability standpoint for the Town, some people should not be given any administered medications, and said he wanted to make sure they did not exacerbate any issues. Chairman Nazzaro asked if proper training would be provided, and Public Works Director Malasky replied that there would be sufficient training due to the extensive protocol required for administering the drug. Councilor Pickering asked if the drug was being used by surrounding communities and Public Works Director Malasky replied that he was not sure. Councilor Thompson asked that it be specified in the resolution "not to exceed \$8,000".

Councilor Thompson made a motion to amend *Resolution #2014/2015-59* to state "an Ambulance Revolving Fund transfer not to exceed \$8,000", which was seconded by Vice Chair Levy.

Town Administrator Fournier polled the council and *Resolution #2014/2015-59* was approved as amended by a vote of 6-0.

#### **Resolution #2014/2015-60 Agreement with Wright-Pierce Engineers for Construction Services for WWTP Project**

Councilor Thompson made a motion to approve *Resolution #2014/2015-60 Agreement with Wright-Pierce Engineers for Construction Services for WWTP Project*, which was seconded by Councilor Weinstein.

Water & Wastewater Director Sean Greig stated that the City of Portsmouth had recently committed to upgrading their Wastewater Treatment Plant on Pierce Island and were just beginning construction. He

said that the EPA was aware that the Newmarket Town Council would be voting on the issue tonight. He said that the contract with Wright-Pierce had been reviewed by the New Hampshire Department of Environmental Services and the Newmarket Town Attorney. He said that Project Engineer Tim Vadney of Wright-Pierce was present at the meeting to answer any questions.

Discussion: Vice Chair Levy asked about the plan to address the regionalization project and the timing of the plan. Wright-Pierce Engineer Vadney replied there were still no regional plan numbers for Portsmouth, just the numbers for upgrading their Pierce Island project, and that most likely the project would not go forward.

Town Administrator Fournier polled the council and *Resolution #2014/2015-60* was approved by a vote of 6-0.

#### **Resolution #2014/2015-61 Agreement with Apex Construction to Construct WWTF Upgrade Project**

Councilor Burns made a motion to approve *Resolution #2014/2015-61 Agreement with Apex Construction to Construct WWTF Upgrade Project*, which was seconded by Councilor Weinstein.

Water & Wastewater Greig stated that Wright-Pierce had recommended awarding the construction project for the Wastewater Treatment Facility upgrade to Apex Construction as the lowest bidder for the project.

Discussion: Vice Chair Levy questioned the statement that there was no guarantee Apex Construction would remain within the bid price, and asked why they would not be held to the amount. Wright-Pierce Engineer Vadney replied that they were held to the bid price, as it was paid from Bonding if the company should go out of business. Vice Chair Levy asked if they would still be committed to the price if they ran into any unforeseen problems. Wright-Pierce Engineer Vadney said that he had worked on 4 or 5 such projects over the last 15 years and none had gone over the bid amount. Vice Chair Levy asked if language should be added to specify "barring any unforeseen problems". Town Administrator Fournier said that Wright-Pierce was already saying they were not guaranteeing what Apex did, and that he would adjust the wording in the contract.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2014/2015-61* passed by a vote of 6-0.

#### **Resolution #2014/2015-62 Transferring Funds from Downtown TIF Capital Reserve Fund**

Councilor Thompson made a motion to approve *Resolution #2014/2015-62 Transferring Funds from Downtown TIF Capital Reserve Fund*, and the motion was seconded by Vice Chair Levy.

Interim Finance Director Matt Angell explained that funds were set aside annually to pay off the Downtown TIF debt service. He said that he was requesting two (2) withdrawals from the Downtown TIF Capital Reserve Fund for this purpose. He said that the TIF fund had been closed and withdrawals were made yearly to pay off the interest on the debt. Vice Chair Levy asked if this meant the funds were more

“on-paper” funds only. Interim Director Angell replied that the funds were withdrawn from the Capital Reserve fund and transferred to a US Bond bank. Town Administrator Fournier explained that there was no provision in the Bond agreement allowing the Town to pay off the loan earlier, therefore Town had to withdraw the funds yearly to cover the debt.

Town Administrator Fournier polled the Council and *Resolution #2014/2015-62* passed by a vote of 6-0.

#### **Resolution #2014/2015-63 Fiscal Year 2015 Year-End Budget Transfers**

Vice Chair Levy made a motion to approve *Resolution #2014/2015-63 Fiscal Year 2015 Year-End Budget Transfers*, which was seconded by Councilor Weinstein.

Interim Finance Director Angell explained that at the end of the year all outstanding costs needed to be covered in the budget. He presented an overview of some of the requested transfers and said that he had asked all departments to contribute funds to offset the costs. He said that several of the larger overages were in the Public Works Department for winter road and vehicle maintenance and for administrative overtime costs. Some of the other major overages included Health Insurance costs, legal expenses, Economic Development operating expenses, Town Hall maintenance and Fire & Rescue part-time salaries. He stressed that the Merit Pool had been preserved in the plan.

Discussion: Councilor Thompson questioned whether there should be a dollar amount for the sub-total, and Interim Finance Director Angell explained that the sub-total had to be zero. Town Administrator Fournier suggested that just a total of the transfers be provided, and Interim Finance Director Angell said that he could break the transfers out separately from the list. Vice Chair Levy asked for a copy of the budget transfer list with a separate sheet providing the breakdown for each department requesting funds. Town Administrator Fournier explained that the Council needed to know the actual expenditures including the transfers.

Town Administrator Fournier polled the Council and *Resolution #2014/2015-63* passed by a vote of 6-0.

#### **ORDINANCES AND RESOLUTIONS IN THE 4<sup>TH</sup> READING**

##### **Resolution #2014/15-49 Town Council Rules for Proceedings**

Chairman Nazzaro asked that *Resolution #2014/15-49 Town Council Rules for Proceedings* be held for another reading with the full Council present.

Town Administrator Fournier reminded the Council that no changes to the rules were being proposed.

**ITEMS LAID ON THE TABLE** - None

#### **NEW BUSINESS/CORRESPONDENCE**

#### **TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS**

**Resignation: Cemetery Trustees – Victoria Bram Term Expires March 2016**

Town Administrator Fournier explained that Victoria Bram was moving to Dover and had submitted a letter of resignation from the Cemetery Trustees.

Councilor Weinstein made a motion to approve the resignation of *Victoria Bram* from the *Cemetery Trustees*, and the motion was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the motion to accept the resignation of Victoria Bram from the Cemetery Trustees passed by a vote of 6-0.

**ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING**

**Resolution #2014-15-64 The Purchase of a Chevrolet Pickup Truck for Public Works**

Chairman Nazzaro read *Resolution #2014-15-64 The Purchase of a Chevrolet Pickup Truck for Public Works*, in full.

**Resolution #2014-15-65 The Purchase of a 2015 Mihindra 1538 Tractor for Public Works**

Chairman Nazzaro read *Resolution #2014-15-65 The Purchase of a 2015 Mihindra 1538 Tractor for Public Works*, in full.

**CORRESPONDENCE/CLOSING COMMENTS**

Councilor Weinstein announced that the Roadside Cleanup had been held on May 16<sup>th</sup> and 64 bags of trash had been collected. She thanked the Conservation Commission, the Department of Public Works, and the people who volunteered to help with the cleanup. She said that she appreciated the comments made earlier by Police Chief Cyr and wanted a plan set up on how to address his concerns. She also asked that a Capital Improvement Plan (CIP) narrative be provided.

Councilor Pickering asked for the status on the contract made in 2013 with the Interim Finance Director. Town Administrator Fournier replied that it had been found cost effective to keep the contract.

Chairman Nazzaro emphasized the importance of Police Chief Cyr's comments, suggesting it be included on the agenda for the next meeting so that it could be addressed by the Council.

**ADJOURNMENT**

Councilor Weinstein made a motion to adjourn the meeting, which was seconded by Vice Chair Levy. The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Town Council  
June 3, 2015 - Regular Meeting

Patricia Denmark, Recording Secretary