

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

**March 4, 2015 7:00 PM**

PRESENT: Council Chairman Gary Levy, Council Vice Chairman Dale Pike, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor John Bentley, Councilor Toni Weinstein, Councilor Ed Carmichael

ALSO PRESENT: Town Administrator Steve Fournier

EXCUSED: None

**AGENDA**

Chairman Levy welcomed all present and called the meeting to order at 7:07 pm, followed by the Pledge of Allegiance.

**DEDICATON OF THE ANNUAL TOWN REPORT**

Chairman Levy stated that it gave him great pleasure to dedicate this year's Annual Town Report to Mr. Larry Pickering, "who had given so much of himself to the Town of Newmarket". He said that Mr. Pickering graduated from Newmarket High School in 1965, and that over the years had given his time and energy to a variety of committees, including the Town Council, the Budget Committee and the Efficiency Committee. He added that Mr. Pickering had also been involved in the Newmarket Hand Tub Association, had been a member of the New England State Veteran Fireman's League, and had retired from PSNH in 2005. Chairman Levy stated that the Town Council could not think of a more deserving person for this year's dedication. He said that as a Town Councilor and as a citizen of Newmarket he wished to express his heartfelt thanks to Mr. Pickering, and said that it was an honor having him at the meeting. Mr. Pickering replied that he was flabbergasted and never expected that something would be done while he was still alive.

**PUBLIC FORUM**

Chairman Levy asked whether anyone from the public wished to speak.

As no one from the public came forward, Chairman Levy closed the Public Forum at 7:12 pm.

**PUBLIC HEARING** – None

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of Minutes of February 18, 2015**

Councilor Weinstein made a motion to approve the minutes of the regular meeting of February 18, 2015, and Councilor Nazzaro seconded.

As there were no changes or questions, Town Administrator Fournier polled the council and the minutes of February 18, 2015 were approved unanimously, 7-0.

**Acceptance of Minutes of October 25, 2015 (Revised)**

Vice Chair Pike made a motion to accept the revised minutes of the Town Budget Review Session I, held on October 25, 2015. Councilor Weinstein seconded the motion.

As there were no changes or questions, Town Administrator Fournier polled the council and the minutes of October 25, 2015 were approved unanimously, 7-0.

**REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Fournier first addressed the **Regional Waste Water Treatment Facility** proposed by Portsmouth. He said that due to a significant increase in costs they were looking into hosting a regional waste water plant at their facility at the Pease Tradeport, which would be upgraded and their Pierce Island plant consolidated there as well. He said that the towns of Exeter and Stratham were already actively looking into the option, and that he had asked engineers from Wright Pierce for a preliminary analysis which he provided to the Town Council, and that they had found a number of issues Newmarket would need to answer or correct in order to make the regional plan viable. Town Administrator Fournier stated that the first issue was timing, as Portsmouth would not have all associated costs available until May. He added that the timeline as agreed to in the Administrative Order of Consent issued to Newmarket by the EPA was very tight, with the Town having to break ground in May. He also added that the design for their own facility was now 100% completed, and extension dates would need to be requested from the EPA in order to look into the regional plant, the viability of which was still questionable. He reported that Wright Pierce assumed that for Newmarket to hook up to the regional system they would need to install a new pump station, install one force main from the plant to Route 33, and also install a force main from Route 33 to Pease. Based on these assumptions, Wright Pierce had estimated a cost of \$16.75 million, which did not include Newmarket's share of any upgrades to the Pease plant. He stated that the cost for the Town's current project to upgrade their own facility came to \$14.1 million which was already approved, and that the Town had been awarded \$3.7 million in grant money for the project, with a total cost to the Town of \$10.4 million. He said that according to Wright Pierce, the \$3.7 million could not be used for the conveyance to a regional facility, and that the Town would have to return the funds.

Town Administrator Fournier felt that at this time it did not make economic sense for the Town to go with regionalization, and he recommended they not shift their schedule and allow for proposals to go out this week as planned. He again stressed that the \$16.75 million estimated to extend the pipes did not include Newmarket's share of the plant upgrade at Pease. He said that Stratham was looking to join Exeter and hook up with their waste water system, and Portsmouth was looking at \$80 million to

upgrade their Pierce Island facility at this time. He added that Newmarket had already been approved for their \$14.1 million upgrade, and that they would continue to move forward with their current plan. He stated that he could schedule a workshop to bring Wright Pierce in to answer questions. Councilor Nazzaro said that he would like to learn more about the issue, and that at some point it might be more economical to be part of a regional plant, but that more details were needed before making any strategic decisions. Councilor Wright asked whether it might be possible to run the pipe through the Bay rather than along the roads. Vice Chair Pike felt the conversation was worth continuing, but that the economics of the regional plant did not look very good. He felt the burden of getting the nitrogen to bypass the Bay seemed huge for Newmarket, and that it was unfortunate that the State was not playing a stronger role. Councilor Weinstein agreed the regional plant should be looked into, but felt concerned about how the Portsmouth timeline affected the situation. Councilor Carmichael suggested meeting with Wright Pierce to investigate how long Portsmouth would need to get up and running, and that the Town might possibly look back on the issue as a missed opportunity. Vice Chair Pike asked whether hearing from someone on the regulatory body might make sense, and Town Administrator Fournier said that he had met with the DES and with the EPA and they were not commenting at this time. He stressed that he wanted to make it clear to the public that whether or not this worked out, all the communities would still be working together, and said that he had attended a Regional Group meeting to discuss a Nitrogen Study that might be helpful to the Town and had also addressed the storm water portion of the issue. Councilor Bentley felt the \$16.75 million just for the pipes was a huge amount, and that at least the Town would see payback on their \$14.1 million investment. Councilor Nazzaro reiterated that he wanted to see the details behind the \$16.75 million estimate. Chairman Levy agreed that more input was needed, and he felt it would make sense to have someone other than Wright Pierce, who was not financially vested in the outcome, provide objective information and verification on the grant money. Town Administrator Fournier stated that he had directly asked DES if Newmarket would lose its share of the grant, and that DES had replied that they would.

Chairman Levy then questioned the issue of possible EPA fines due to the tight timing involved, hoping that an extension could be granted if they were looking at viable options. Town Administrator Fournier said they would probably hold off on the fines, and clarified that the Town had signed an Administrative Order of Consent with the EPA. He said that Portsmouth was still going forward with the development of Pierce Island, and the Pease would have to approve having the plant there. Chairman Levy asked if Portsmouth was currently soliciting towns for partnering. Town Administrator Fournier said that he had had conversations with his counterpart in Portsmouth, Mr. John Bowman, and that they believed the regional plant was feasible if enough towns took part. He cited as an example the regional plant in the Lakes Region which had been developed in the 1970s, and had 75% of the costs provided by State and Federal funds. As this assistance was no longer available, any regional plant would depend on funding provided by the towns in the area. Councilor Nazzaro again stated that he would like to see an assessment made by an objective party not currently financially linked to the project. Town Administrator Fournier replied that he could secure a second engineering firm to look at the plan. Councilor Nazzaro stressed that this was a long-term project, and that if there were some way to make it financially viable it could also be a more environmentally sound solution in the end. He felt they should go ahead with their current plant upgrade, but that he was not ready to make a regional decision without more information. Town Administrator Fournier said that he would need to contact the EPA to ask for an extension. Councilor Weinstein said she would like to see a long-term cost analysis of the

savings using the regional plan, and asked if Newmarket had discussed partnering with Portsmouth. Town Administrator Fournier replied that there were discussions between the towns which had not yet been made public. Chairman Levy asked whether it might make sense to have a representative from Portsmouth who felt this was viable, come to explain to the Council why this might make sense for Newmarket, and Town Administrator Fournier said that he would speak to them. Councilor Wright felt that if Portsmouth had an engineer, they must have some idea of the costs for the pipeline, and Town Administrator Fournier said they would not be provided with this information until May. Chairman Levy said that as nothing had happened yet and no ground had been broken, it made sense to get more information.

Town Administrator Fournier next reminded everyone that **Town Election Day** was to be held on Tuesday March 10<sup>th</sup> from 7 am to 7 pm. He said that he needed councilors present during the day, and that he needed a quorum at the end of the day to help count and to certify the ballot. He stated that the election would be held in Town Hall and that a non-emergency CodeRED alert would go out to those who had subscribed. He then reminded the council that the **Council Inauguration** would be held on Monday March 16<sup>th</sup> at 6 pm, at which time all newly elected officials would be sworn in. Councilor Nazzaro said that they usually did the organizational meeting the same evening, and Town Administrator Fournier clarified that the Charter stated they must hold the organizational meeting at the first regularly scheduled Town Council meeting of the month. Chairman Levy asked if they could do the swearing in at the first meeting, but Town Administrator Fournier said that the Charter required it be held on the first Monday after the election.

Town Administrator Fournier next presented information not included in his written report with regard to the **Sewell Well**, which had developed a bad vibration. He said that Environmental Services had brought in a pump company which determined that the problem was actually below ground, and that the pump would need to be pulled out and looked at to assess the problem. They had also determined that if the pump were pulled out, it would take three (3) weeks to repair, and that if that were to happen the Town could not be supplied with enough water. Town Administrator Fournier said they had looked at the cost of replacing the pump, and that they had been told a replacement would take only take a couple of hours. He said that the Bennett Well could supply enough water for a few hours during the installation, and that a quote for the replacement should be available at the end of the week. He stressed that the matter was urgent and that the Town could not afford to lose the Sewell Well. He stated that they had reduced pumping at the Sewell Well to reduce vibration and had increased capacity at the Bennett Well, but that they were still 5 gallons/minute less than normal operations. Chairman Levy asked for a rough estimate of the cost, and questioned whether there was any opportunity to repair the pump. Town Administrator Fournier clarified that if an inexpensive repair could be made it would be done, but if not then the well would need to be pulled out and replaced. Councilor Wright asked whether the old pump could be rebuilt, and Town Administrator said not for this situation and stressed the importance of working on the MacIntosh Well to avoid similar situations in future.

Town Administrator Fournier announced that the Town had taken the opportunity this year to go in with the School to have a larger parcel to go out for bid on **Heating Oil**. He stated that they had gotten a bid from their current supplier for \$2.25/gallon for the next year, versus the current \$3.14/gallon, and that the Town would save approximately \$7,000 in heating oil costs with the School saving even more. He

added that in addition to *Hanscoms*, they had gotten bids from *Irving* and *DF Richard*, and that signing up now was the way to go. He specified that \$2.25/gallon was the maximum they would pay, and costs would not exceed that amount. Chairman Levy asked that a copy of the contract be provided to the Council.

Councilor Nazzaro again brought up the issue of the timing of the council organizational meeting, citing article 3.2 of the Charter. Town Administrator Fournier clarified that he had discussed this with the Town Attorney last year, and he had determined that Monday was the swearing in and that organizational was adopted at the next meeting. He added that the verbiage in the Charter should be changed and clarified.

Town Administrator Fournier then thanked Councilors Bentley, Carmichael and Wright for their service, saying that they would be greatly missed. Chairman Levy added that this was on behalf of everyone.

### **COMMITTEE REPORTS**

Vice Chair Pike reported on the Macallen Dam Committee, saying that Mr. Steve Doyen from DES would be focusing on the next step for modifying the dam, and that there had been discussion of a stability analysis to make sure the dam would not fail in the event of flooding. He said that Mr. Leo Filion had done some work on a plan for “armoring”, which was actually containing the water, so that everything would go over the spillway. He said that Mr. Bill Arcieri was currently working on a Request for Proposal (RFP) with Diane as a next step in the process to find a possible path forward. Chairman Levy asked if the Town Attorney would be looking this over, and Town Administrator Fournier said that he usually just looked at contracts but not RFPs. Vice Chair Pike stated that Mr. Doyen would review the RFP, and that they needed an exact design for abutment walls, which depended to some extent on the preliminary assessment of the stability. He said that they would look at other methodologies, talk to experts regarding their opinions and possibly do some testing. He added that it would be an advantage to using engineering firms that were familiar with the Dam and had already looked at it. Chairman Levy asked about a possible timeline, and Vice Chair Pike replied that getting the funding was key. He said that if the warrant article was approved, the funds would not be available until July, at which time they could be ready to move forward. Councilor Weinstein asked if there had been any discussion of costs, and Vice Chair Pike replied only that it would not be inexpensive. He said that they had made an estimate, but the cost of some things was unknown. He added that questions of sediment analysis, for example, could go very high. He said that if the costs were reasonable and satisfied the Hazard Risk, they would not need engineers to figure out a sediment analysis.

Chairman Levy reported on the Economic Development Committee, stating that the draft presented had been concise and that they were looking at areas on 152 and the Wilson-Ham property. He said that more details would be provided to the committee regarding the facilities, the size of the facilities, and the tax implications and language for potential zoning. He suggested that people in those areas should take a look at the draft and bring their questions to the committee.

Chairman Levy stated that people would be signing up shortly for the Public Hearings for the School Joint Advisory Committee, and asked Town Administrator Fournier if the information was on the Town website. Town Administrator Fournier replied that he had just received the information and that it

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would be posted tomorrow. Chairman Levy said that people could sign up for multiple meetings and that the Town Administrator would be doing a press release. Town Administrator Fournier said that the Town was working with the School on that and that the School would answer any questions.

## **OLD BUSINESS**

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

#### **Resolution #2014/2015-45 Authorizing the Town Administrator to Solicit Proposals for a Management, Organizational Structure, and Efficiency Study for all Town Departments**

Councilor Nazzaro made a motion to approve *Resolution #2014/2015-45 Authorizing the Town Administrator to Solicit Proposals for a Management, Organizational Structure, and Efficiency Study for all Town Departments*, and the motion was seconded by Councilor Bentley.

Discussion: Vice Chair Pike asked whether the Town Administrator was planning to include the Council in the dialogue when he received the proposals, and asked how he would be handling this. Town Administrator Fournier replied that he first wanted to see how many proposals he received, and that if he received several he would whittle them down by doing reference checks and bring the final one to the Council. If only one proposal was received, he would have the Town Council sit in on the interview. Chairman Levy asked who he would be sending the proposals out to, and Town Administrator Fournier replied they would go out to consulting firms such as Renner Associates, Municipal Resources Inc., or UMASS Boston.

Town Administrator Fournier then polled the council and the motion to approve *Resolution #2014/2015-45* passed unanimously, 7-0.

Town Administrator Fournier addressed Chairman Levy saying that he needed to ask the Town Council to release the Non-Public minutes of September 3, 2014. He explained that the request had been made by the Town Attorney in regard to the MacIntosh Well, specifically a conversation between an abutter (Mr. Cheney) and the Town.

Councilor Nazzaro made a motion to release the minutes of the Non-Public meeting of September 3, 2014, and the motion was seconded by Councilor Weinstein. The motion was unanimously approved by the Town Council by a vote of 7-0.

### **ORDINANCES AND RESOLUTIONS IN THE 3<sup>ND</sup> READING - None**

**ITEMS LAID ON THE TABLE - None**

### **NEW BUSINESS/CORRESPONDENCE**

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

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*NH Coastal Risks & Hazards Commission* – **Bill Arcieri** – term expiration unknown.

Vice Chair Pike made a motion to nominate **Bill Arcieri** to the **NH Coastal Risks & Hazards Commission** and the motion was seconded by Councilor Nazzaro.

Town Administrator Fournier polled the council and the motion passed unanimously, 7-0.

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

### **Resolution #2014/2015-46 Naming Certain Streets in Town – Hayden Place (Off Bald Hill Road)**

Chairman Levy read the text of *Resolution #2014/2015-46 Naming Certain Streets in Town – Hayden Place (Off Bald Hill Road)* in full.

## **CORRESPONDENCE TO THE TOWN COUNCIL**

Councilor Weinstein wished to address an email she had received, as the sender was present, and she had appreciated his input. She said that she had not been sure whether or not to reply, or whether anyone else had already done so. Chairman Levy said that he had immediately replied. Town Administrator Fournier said that it was best to answer singly and quickly due to “right-to-know”, and that if the councilor did not have the answer it could be referred to the Town Administrator for reply. Chairman Levy said that he had called and forwarded the email to Town Administrator Fournier, and that the issue was now on the radar. Town Administrator Fournier explained that the issue dealt with Pedestrian Safety and traffic in the area of 152 and Main Street, adding that they were limited as to what they could do as it was the intersection of State roads. He said that the Pedestrian Program was hopefully breaking ground this summer for the upgrade to include a cross-walk in that area, though traffic would still be an issue. Chairman Levy added that they had gotten them to extend the cross-walk. Town Administrator Fournier stated that any other issues, such as making traffic one-way, would have to go through the State. Councilor Nazzaro asked who would finance installing a traffic light since it was a state road, and Town Administrator Fournier replied that it might depend on who requested the light, and that if approved by DOT for safety reasons, the Town would have little say in the matter. He then asked all Councilors, except Councilor Nazzaro, to stay after the meeting to sign a release document.

## **CLOSING COMMENTS BY TOWN COUNCILORS**

Councilor Carmichael stated that it had been a privilege to serve on the Town Council for three (3) years serving the Town of Newmarket. He thanked the townspeople for the experience saying he tried to keep the Town’s welfare above his own opinions. He also thanked his fellow Councilors and the Town Administrator saying it had been a joy to work with them.

Councilor Nazzaro made a motion to seal the Non-Public minutes and the motion was seconded by Councilor Bentley. The motion passed unanimously, 7-0.

## **ADJOURNMENT**

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Vice Chair Pike made a motion to adjourn the meeting, which was seconded by Councilor Nazzaro. The meeting was adjourned at 8:18 pm.

Respectfully submitted, Patricia Denmark, Recording Secretary.