

## Town Council Minutes January 2, 2013 BM

TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL BUSINESS MEETING  
JANUARY 2, 2013 7:00 P.M.  
TOWN COUNCIL CHAMBERS

PRESENT:

EXCUSED:

Council Chairman Phil Nazzaro

Council Vice Chairman John Bentley\*

\*after Item 4 at 7:23 p.m., as he was ill

Councilor Mike LaBranche

Councilor Al Zink

Councilor Ed Carmichael

Councilor Dan Wright

Councilor Gary Levy

Town Administrator Steve Fournier

1. Council Chairman Nazzaro opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance.

Councilor LaBranche moved to seal the minutes of the previous non-public meeting. Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

2. PUBLIC FORUM – Items not on the agenda

Council Chairman Nazzaro opened the Public Forum at 7:01 p.m. As there was no public comment, the Public Forum was closed at 7:01.

3. PUBLIC HEARING – Items before the Town Council this evening for action

- a. Public Hearing on the Issuance of Bonds or Notes to Reconstruct the Waste Water Treatment

Facility for \$14,100,000.00

The Public Hearing was opened at 7:02 p.m. Chris Carr said that he felt the cost of the waste water treatment facility should be borne by the town, not just the rate payers, as this was a municipal improvement. As an example, he stated that those with no students in the school system, still had to pay school taxes. Peter Wellingberger, who works with the Conservation Law Foundation as the Great Bay Piscataqua Water Keeper, commended the Council for moving forward with the facility, and offered his assistance to set up a public forum in February before the town vote on the article along with Ellen Snyder. Bill Arcieri stated that the permit included a larger issue, as the rate of nitrogen flowing into the Bay was 30% from the waste water facility and 70% from non-point sources, and of the 9,000 residents, approximately 3,000 were rate payers. He said they needed to establish some funds to work on abating non-point sources. As there was no further public comment, the Public Hearing was closed at 7:05 p.m.

b. Public Hearing on the Issuance of Bonds or Notes for the Development of the MacIntosh Well

\$3,370,250

The Public Hearing was opened at 7:05 p.m. Leo Filion, who was on the Water Commission for over 21 years, said that in the past their goal was to keep water rates low. He had spoken against this article in the past. He referred to the Emery and Garrett 56-day test, which reported that the chemical levels in the water did not show stabilization after pumping for this time period. He said there were statements that there was stabilization. He said the well had to be pumped at 300 gallons per minute, 24 hours a day until chemical levels stabilized. Then they could determine the amount of pumping necessary to keep the constituents in the water at the level they wanted. He said with further testing, they could see a gradual reduction in the amount of pumping necessary. He showed the Council a copy of the report that showed the drop in chloride levels. Town Administrator Fournier will make copies of the report for the Council. One of the results of the Emery and Garrett report suggested that relatively stagnant recharge conditions occurred. The report recommended that extended periods of pumping occur to determine if chloride, arsenic and manganese levels were reduced to the point that less or no treatment was necessary. He said this would determine if the MacIntosh could be a stand-alone well.

Mr. Filion stated that last March, the Town Council had said that taste tests would be done comparing water from the well with that of town water, but this had not happened. He said the aquifer supplying the MacIntosh Well also supplied 35 to 40 private wells including his. He said that according to many who were drinking this water, it was equal or better than current town water. He said there was no salt taste or staining from secondary constituents in the water. He said he did not support the current warrant article, as he did not believe that this was the way \$3M should be spent. He felt the three options, no treatment, blending or EDR treatment, had been slanted to favor EDR treatment. He said further, that no one had advocated blending, and he did not know why it was still being debated. He said the no-treatment option had been altered to make it less desirable. The Weston and Sampson report of 2011 had listed construction costs for the no-treatment option at \$840,950. He said the engineering cost had gone from \$68,000 to \$160,000, bringing the total cost to over \$1.3M. He said if they were not pleased with the no-treatment option after several months, they could then choose the treatment option. He felt the latest test which tested and advocated 8 hour pumping for 5 days with no pumping for 2, contradicted an earlier test plan. A 1999 study stated that a new source of water should be pumped at its maximum for a few years. Town Administrator Fournier will also make copies of a map showing the location of Hamel Farm to the aquifer. As there was no further comment, the Public Hearing was closed at 7:17 p.m.

c. Resolution #2012/2013-40 Veterans Memorial Trust Committee Withdrawal of \$7,350 from the

Capital Reserve Fund for Engineering Services for Construction of a Veterans Memorial

The Public Hearing was opened at 7:17 p.m. As there was no public comment, the hearing was closed at 7:17 p.m.

4. TOWN COUNCIL TO CONSIDER ACCEPTANCE OF THE MINUTES FROM THE NOVEMBER 3,

2012 BUDGET REVIEW

Councilor LaBranche moved to adopt the minutes from the November 3rd budget meeting. Councilor Zink seconded.

Discussion: Councilor Levy asked that under the subject of road maintenance on page 4, a change be made to indicate he was not advocating a bond issue, but suggesting that they get a cost estimate of bonding with interest charges. Town Administrator Fournier polled the Council. Motion carried 6 – 0 – 1, with Council Vice Chairman Bentley abstaining as he had not been at the meeting.

Council Chairman Nazzaro said that they had tentatively agreed to the police union contract at the non-public session, and that they now would vote in public to recommend and include this as Warrant Article #T3. He and Council Vice Chairman Bentley had both served on the negotiating team. Town Administrator Fournier read the warrant article in full. The first year of the 2 year contract showed raises of 1.5% totaling \$14, 432, and the second year showed raises of 2% totaling \$19,840. For the first year, this would amount for 2¢ of the tax rate.

Councilor Levy moved to recommend the warrant article on the police contract as written and include it on the town warrant. Council Vice Chairman Bentley seconded. Discussion: Council Vice Chairman Bentley said they had been told this was a quick and professional negotiation process. The union had been operating without a contract for over a year. Council Chairman Nazzaro said he felt everyone involved had been keeping the interests of the town in mind. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0. \* Council Vice Chairman Bentley was excused from the meeting.

## 5. REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Fournier said that since his written report had been submitted, Saturday there was a water main break on Creighton Street that was fixed by early 6:00 a.m. Sunday morning. Notice had been received from Comcast that rates would be changing as of January 22nd. Comcast will notify customers that basic cable will increase \$1.58 per month or 7%, and he had attached rate changes to his report. RFPs for legal services had been mailed to 15 firms and advertised in the newspaper and on the LGC and town web sites. They will be due on January 25th, and he asked for 2 Councilors to serve on the review committee. The town had changed email providers, and the new emails were better looking and easier to read. He said they were going to be trying a weekly newsletter to get information to the public. He said this was better synchronized with Facebook and Twitter and information will go to all subscribers. He had been able to send news of the water main break to all subscribers. Email addresses of subscribers had been carried to the new provider.

## 6. OLD BUSINESS – ORDINANCES AND RESOLUTIONS IN THE 2ND READING – Items the

Council may act upon this evening. Items read by title only.

### a. Resolution #2012/2013-35 Authorizing the Town Administrator to enter into an Agreement with

Wright Pierce for Engineering Services Related to the Replacement of the Waterline at North

Main Street

Councilor LaBranche moved to adopt the Resolution #2012/2013-35 as written. Councilor Levy seconded. Discussion: Town Administrator Fournier said this was to begin a review and have an engineering study of how to replace the pipe which was undersized and contained sediment. The study will establish costs for replacement that can be used when going out to bid. The cost was not to exceed \$26,730 with the money coming from previously established funds. RFPs were issued and of the 3 received, this was the most thorough with the most borings. Water Superintendent Greig said they would only pay for borings that were done, and the cost could be reduced if some were eliminated. He said he would like to see borings every 100 feet, with more in the 35 North Main Street area because of the gas station. He felt that could be a contamination site, and there were state funds available to correct the problem. The testing will begin at the Bay Road intersection and continue to the hardware store. The testing will probably take 2 months.

Councilor Zink asked if the number of borings were defined in the RFP. Mr. Greig said, due to an oversight on his part, this was not included. He said Wright Pierce had included more borings than he thought necessary, but he had clarified with them that he would only pay for those done at 100 foot intervals. The firm was hiring someone on a daily basis to

the borings, and if all could be done in one day that should reduce the cost. He said the bidders were given a grid, but not all had followed the bid package. The actual pipe replacement work will be coordinated with the building of the bike path. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

b. Resolution #2012/2013-37 Granting the Interim Finance Director Authority to Undertake

Small Claims Action against Lamprey Aerie 1934 F.O.E. for the Recovery of Unpaid

Rental of 57 Main Street (June, 2012)

The total amount owed was \$1,000. Councilor Levy moved to adopt Resolution #2012/2013-37 as read. Councilor LaBranche seconded. Discussion: There had been no response to the 3 letters that Mr. Angell had sent. The organization was still operating, but the canteen had been closed. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

c. Resolution #2012/2013-38 Granting the Interim Finance Director Authority to Undertake

Small Claims Action against Scott Hogan, Esquire for Recovery of Unpaid Right-to-Know

Copying and Preparation Fees

Councilor LaBranche moved to adopt Resolution #2012/2013-38 as written. Councilor Zink seconded. Discussion: Councilor Levy asked to be recused as he had worked with Mr. Hogan in the past. Town Administrator Fournier recommended writing this off as the cost of small claims action might outweigh the \$100 owed. However, in the future, he said they should have a policy of cash up front for this service. Councilor Wright said they should stick to principle and pursue this action to show people that if they owed Newmarket money, the town would pursue them. Councilor Zink agreed. Town Administrator Fournier polled the Council. Motion carried 5 – 0.

d. Resolution #2012/2013-39 Dissolve the Energy Committee

Councilor LaBranche moved to adopt Resolution #2012/2013-39 which will dissolve the Energy Committee. Councilor Zink seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

e. Resolution #2012/2013-40 Veterans Memorial Trust Committee Withdrawal of \$7,350 from the

Capital Reserve Fund for Engineering Services for Construction of a Veterans Memorial

Council Chairman said the amount in the Capital Reserve Fund had not been included in the Resolution. He said this was the beginning step in a long-term project. Councilor LaBranche moved to adopt Resolution #2012/2013-40 as read. Councilor Zink seconded. Discussion: The total cost of the project would depend on the structure, but the Committee was thinking it would be about \$120,000. They plan to acquire the funding through fund raising, and are working with the library for space for the structure. The town had not contributed to the Fund for 2 years. Currently, there is \$25,094 in the Capital Reserve Fund. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

f. Approval of the Placement of an Article on the 2013 Town Warrant (T1) for the Issuance of

#14.1M Bonds for the Purpose of Upgrading the Waste Water Treatment Facility

Councilor LaBranche moved to recommend Warrant Article T1 as written. Councilor Levy seconded. Discussion: Councilor Levy said the existing waste water treatment facility was discharging nitrogen at the rate of 30 mg/L. He said he had been contacted by citizens who were concerned about the cost, but if they waited to build the facility it would cost more and fines could be imposed. If they pursued a lawsuit against the EPA, the legal costs would be very high and their chances of winning very slim. He was in support of the Warrant Article. Councilor Zink said he supported the Warrant Article. He had toured the existing facility and said it appeared to be 100 years old. He credited Mr. Greig and his crew with keeping it running by patching and finding parts, but shared his concern that it could stop working all together. He said the issue went beyond complying with the EPA. He encouraged citizens to tour the plant. Town Administrator Fournier said they intended to conduct full education sessions on the project, including an information question and answer session with Mr. Greig and a forum in February. He was trying to arrange a tour of the interior of the plant to be broadcast on Channel 13 and he would be posting information on the web site.

Council Chairman Nazzaro referred to his tour of the plant which he likened to a 1950's Sci-Fi set. He said that in addition to EPA concerns, it was a problem to keep the existing plant running. He said that regardless of the EPA decision, they were putting too much nitrogen into the Bay, and he supported the Article as it was the right thing to do. He said that their agreement with the EPA allowed them to be at an 8 for 10 years before building to a 3. They had argued for an 8, and this way they received that they asked for without having to pay for an additional lawsuit. Councilor Levy pointed out that the 8 would theoretically get Newmarket to a 5, so they were better off all the way around. Councilor LaBranche said he supported the Article, but would like to see a concentrated effort to contact the town of Newfields to determine if they were interested in sharing the facility. He felt that if talks were being conducted between the 2 towns, it could help sell the Article as townspeople would feel that they were making an effort to defray the costs. He said the Council understood the consequences and what needed to be done, but wanted to make sure the public did also.

Councilor Carmichael agreed with Councilor LaBranche on partnering up and said he also supported the Article as he had toured the plant with Councilor Wright. He felt it would be a good idea to use cameras to show the public the condition of the plant. Town Administrator said that partnering with Newfields could be a possibility, but the distance to Durham, and the fact that they had done work on their plant would probably not allow them to be an option. He referred to the earlier thought that the cost be borne by the taxpayers rather than the rate payers. He said there was no law preventing this, and in the future this could be determined annually, Council by Council. Council Chairman Nazzaro said that in reference to comment at the Public Hearing, he did not think that ratepayers should bear the costs of reducing non-point sources. He felt there should be some sort of an equation to distribute costs for this. Town Administrator Fournier said that thus far they had not received a corrective action plan for reducing non-point sources. He felt that would be a town-wide issue. Zoning and Planning Board regulations would most probably be a part of any plan.

Councilor Wright said he also supported the Article and asked about available grant money. Mr. Greig said they could have \$250,000 from the SRF program with a low interest rate loan, if the bond vote passed. This would be the last year that the town qualified for Rural Development funds, but they would not look at an application without a positive bond vote. He said there was the possibility of a \$5M loan with a grant for 10 to 30%. The Article requires a 3/5 vote to pass. There was no further discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

#### g. Approval of the Placement of an Article on the 2013 Town Warrant (T2) for the Issuance of

\$3,370,250 Bonds for the Development of the MacIntosh Well to Include the Electric Service,

Wellhead Development, Piping Land Purchase and Treatment Plant

Councilor LaBranche moved to recommend Article T2 as written. Councilor Levy seconded. Discussion: Councilor Wright referred to two tables contained in the 2010 Weston Sampson report. He said the constituent levels in the Bennett Well showed significantly higher levels in 2006 than they did in 2010. He wondered if this could be the same with the new well, that they could see rates drop with additional pumping. Mr. Greig said the Bennett and Sewell Wells were taken off line in 2001 when they were at the low water cutoff. He said they ran the water treatment facility and also a recharge to re-supply the aquifer for the Bennett Well. They found the water was affecting the aquifer, but that was a different issue from what they had now. Councilor Wright said if they chose the blending option, they would be saving the rate payers \$700,000, but they were asking a lot of the water users.

Mr. Greig said when they did the first test, they pumped 16 million gallons over 60 days. They did an engineering report with Weston and Sampson and looked at all the options. They had someone from Penachuck look at the data to

determine what should be done. Their engineer said he would treat the water. The pilot study was conducted not just to study EDR treatment, but also to determine how the well was to be pumped. He said the well would turn on or off each day depending on water levels in the tank. He felt on average the well would run for 3 hours 2 times per day, depending on demand. The last time it was pumped, they looked at all the constituents, and he returned to Emery Garrett to discuss the Weston and Sampson pilot study report. Emery Garrett's response to Mr. Greig was that if they wanted a stand-alone well, they should treat it. If not, they should blend it. The state response had been the same: either blend the water, or, preferably, treat it. He believed Weston and Sampson took the same position. Treating would give the same water quality as the other 2 wells, and they would be able to shut down a well if necessary. Blending would dilute the constituents, but they would not have the option of shutting down a well. With blending, the people on Sandy Lane and Great Hill Drive area would have different water than those in the Route 152/Maplecrest area who would get water from the 2 wells before blending.

Councilor Wright asked about grant money for the well. Mr. Greig answered that last year they would have had 20%, but that this year it was down to 15% and he expected funds would be lower in the future. In addition, the criteria were changing, and Newmarket would not be eligible next year. Councilor LaBranche asked if the MacIntosh Well was not treated, could it be a stand-alone well. Mr. Greig said that was the opinion of many engineers. Councilor LaBranche then asked if they blended the water, what their situation would be if the Bennett and Sewell Wells went off-line and the water from MacIntosh was not treated. Mr. Greig answered that the water quality would be substantially lower. Councilor LaBranche wanted to clarify that the original test that had been done about 3 years ago had pumped continuously for 56 days. Mr. Greig said that discounting a few interruptions, that was correct and they had pumped about 16 million gallons of water. Councilor LaBranche said that the recent test for the pilot study had pumped the water based on what was considered to be normal usage. Mr. Greig agreed, saying that the water had been first been continuously pumped for a few days to test for stabilization, and then had been pumped for 8 hours a day, 5 days a week.

Councilor Zink asked Mr. Greig how he would respond to the concept that had been introduced earlier in the meeting that they first try to pump the untreated water to see what would develop. Mr. Greig said, based on the opinion of several engineers and meetings with the state, he would not recommend doing this. Councilor LaBranche asked for concrete reasons as to why he felt this would not be in the best interest of the town. Mr. Greig said that Emery and Garrett were very concerned about the levels of arsenic, chloride, and sodium in the water. Councilor Zink asked if blending the water would be unsuitable to the public. Mr. Greig said this water would meet the secondary contaminate levels. Councilor Zink asked why they wouldn't try that first. Mr. Greig said this was the Council's decision, but he felt they would have complaints. He said he was most concerned about sodium levels, and in the future he was going to have to add that information to the consumer confidence report that is submitted to the state. This could affect those on low sodium diets.

Council Chairman Nazzaro asked if the water was blended, would it meet all the New Hampshire safety standards. Mr. Greig said it would. Council Chairman Nazzaro said that they could not undo treatment for which they would spend an extra million dollars, so why wouldn't they try blending first, and then add a treatment facility to the building if necessary. Mr. Greig said that could be done, but they might have to initially build a facility that could be adapted. He said it was the Council's decision as to whether they wanted a stand-alone well or wanted to blend the water. He pointed out that they were pumping water to everyone, and he was concerned about the elderly and children. Council Chairman Nazzaro assured him that he was concerned about the elderly and children also, and it was their moral obligation to meet the state standards as he assumed that the state had the best interests of its citizens in mind. He asked Mr. Greig if he was saying that the standards set forth by the state were unsafe. Mr. Greig said he was not, but the standards were becoming tighter. Council Chairman Nazzaro said he understood that, but that the current standards were considered safe. He reiterated the point that if the Bennett and Sewell Wells went off line, the untreated water from the MacIntosh Well would not be considered potable. He asked if just one of the wells was off line, would blending with the other produce safe water. Mr. Greig said they had tested for that, and the water would meet the standards, but if they had a water break on 152 they would have an issue.

Councilor LaBranche asked for input from the Council and Town Administrator on what they were deciding; if they wanted \$3.37 M to be the ceiling in the warrant article. He asked if it would ultimately be the Council's decision as to how much of the bonding would actually be used. He was told that was correct, and the Council could decide to blend, not treat the water without a public hearing as the bonding authority would be established. Councilor Levy asked if the Bennett and Sewell Wells produced comparable amounts of water. Mr. Greig said the Bennett Well produced 220 gallons per minute and the Sewell, 270. He agreed with Councilor Levy's statement that there was little chance that both would be shut down at the same time. They had tested water from the Bennett Well with that of the MacIntosh, and this blend was considered safe. Councilor Levy asked if the plan was initially to blend the water from the MacIntosh Well with one or both of the other wells. Mr. Greig said that they would first bring MacIntosh on line to see how it blended with the other two wells, and then start changing the mix. They would not run the MacIntosh independently and shut down the other 2 wells. Upgrading the other two stations would be done separately. Councilor Levy said that the plan was to blend the

water, even with the treatment option. He was concerned that the warrant article could fail again because people did not think the water needed treatment and they would lose the 15% grant. He said the EDR treatment would be about \$1M, and add 30% to the cost. He said if they blended the water without treatment, they would meet state standards.

Even if they bonded for the \$3.37M that was the highest amount that could be spent, and the Council could later decide not to implement the EDR treatment system. Once a facility is built, the bond would be closed and could not be used for further updates. However, Councilor Levy said that it would be easier to sell a subsequent bond to the public if further testing showed the water was not up to standards. He asked if they would be forced to comply with state standards if those standards changed. Mr. Greig and Town Administrator Fournier said they would. Councilor Zink said he was hearing for the first time that they should build the plant for blending and then evaluate it which he felt made sense. He said building the plant and building it for treatment were very different concepts. Councilor Wright said that whether they treated with EDR or blended, everyone agreed that it was important to develop the MacIntosh Well. He said he would like to try blending first, but wondered what would happen and how much more expensive it would be if they found it needed treatment. He said he would support the warrant article as written to insure that they had the funds to develop the well, and decide which option to chose at a later time. Council Chairman Nazzaro pointed out that the costs were flat over the time that they had been discussing this.

Town Administrator Fournier said that Mr. Greig did recommend treating the water, rather than mixing it first, but that this was a policy decision of the Council. Mr. Greig asked Jeff McClure from Weston and Sampson, what costs they might incur if they first tried blending and later decided the water needed treatment. He said they could build a facility that had the potential of being adapted. There would be costs for distribution work, control valves and removal of safeguards for fire flow. However, he said that the test had reported that manganese was above the secondary standard if the water was blended without treatment as shown by one of the graphs. The system was flushed, but then after about a week the levels were consistent. Initially, this tested at .12/L, and then steadied out at .08/L. The system rested for 3 days, and then was tested again. As another start up test, this showed fluctuations in the manganese level.

Councilor Zink asked if Mr. Greig was correct in telling them that the water met state standards. Mr. McClure said the manganese level did not meet the state secondary standard, but this was a non-enforceable standard at this time. Mr. Greig said he had met with the state and was told that the standard could be enforced if they received enough complaints from water users. Mr. McClure added that this made it very difficult to come up with correct answers over the years. Councilor Zink said that if he went to the state and asked if the manganese level was safe, what response he would receive. Mr. McClure said that Brandon Kernin from NHDES could best answer that question as he was in the process of reviewing data on manganese for a state fact sheet. However, this was different from a law. Mr. Greig said they had discussed secondary limits with the state and been told that they met the standards. However, there had been instances when the state had forced towns to fix problems after receiving complaints.

Councilor Levy said that would be receiving almost \$500,000 with the 15% grant. He remembered that Mr. Kernin had indicated at the last meeting that DES was concerned about manganese. Councilor Levy was concerned that the state could upgrade manganese from secondary to an enforceable primary water quality standard. He said the cost for treatment was about \$900,000, and they would lose the \$500,000 if the bond did not pass and face further costs if the state decided to change the law or enforce the standard. He said he supported the warrant article as written as he did not want to take the chance of losing grant money and felt there was a reasonable chance that they would have to treat the water anyway. Council Chairman Nazzaro said that even with the grant money, this still represented an addition \$500,000 cost to the rate payers. He said he wanted to vote for the article, but he could not vote for something that cost \$1M more than the amount necessary to meet state standards.

To Councilor Levy's question, Mr. Greig said they would still get the 15% grant if they removed the EDR process and cost from the article and it passed. He then asked how much they would have to spend to prepare for an eventual upgrade of the system. Mr. Kernin said he was not sure, but felt the costs would be relatively small at about \$100,000. Town Administrator Fournier asked what figure Mr. Greig felt comfortable with if the EDR treatment was not done. He said the motion was to recommend this warrant article, and the state did not like negative votes on warrant articles. Council Chairman Nazzaro said they needed a positive vote to place an article on the town warrant. Councilor LaBranche said that in the past they did not place articles on the town warrant unless they had a unanimous Council vote.

Council Chairman Nazzaro said he would vote for the \$2,402,600 option. Mr. Greig said this would be for blending with no provision for building for an upgrade. A past warrant article for the same amount had failed, and this article affected the same people who were being asked to approve the \$14.1M for a waste water facility. About \$250,000 had been spent towards this project since the article failed. Councilor Zink felt they had done their due diligence this time, and from their discussions the public could see that they were doing the basics and would decide on further treatment later.

Councilor LaBranche said they had done a poor job of selling the past article and it had failed by a small number of votes. Councilor Levy felt they should add \$100,000 to amount for blending to provide for updating the building in the future. It would be difficult to determine what the cost of EDR equipment would be in the future. To Councilor Wright's question, operating costs for an EDR system would be \$65,000 per year and about \$35,000 for a blending system. The cost would be about \$1.95 on the rate for blending and about \$2.05 for the EDR system.

Councilor LaBranche said this had been voted on two years ago, and currently they were under an order to develop another water source. He said he would like to see Council agreement, and if they decided to go with blending he would like to see the figure increased to, say \$2.7M, to provide for unforeseen expenses. Town Administrator Fournier said that if they wanted to change the bond amount they would have to have another public hearing by January 15th which would have to be posted in a newspaper with public circulation 7 days in advance. He thought that if they went ahead with the article as written, there was the possibility that the amount could be amended at the Deliberative Session. It was preferred that they have a special meeting for the public hearing, and this should happen before the Budget Committee hearing on January 14th. Councilor Zink liked the idea of having a public hearing after this discussion to get public opinion on the 2 alternatives. Town Administrator Fournier said he would have to look at the timing to see when the hearing could be scheduled.

Councilor Levy said that if they voted to spend less, there was the possibility that in the future they would have to spend more than they would now to provide for upgrades. Councilor LaBranche said that if the Council could not unanimously support the \$3.37M, they should look at the time frame for a public hearing on an amended article. He said he did support the article, because the Council would make the final decision as to whether the water would be treated. Councilor Levy agreed and asked procedurally when the Council would vote on EDR treatment. Town Administrator Fournier suggested that they seek proposals both with and without EDR before voting. Councilor Zink and Council Chairman Nazzaro said they could not support the warrant article as written. Councilor Wright said that he could support the article and felt they had to come up with a plausible solution for the public. Councilor Zink said if they considered what the state might do before making any decisions, they would make none. Councilor Carmichael said he was on the fence, but would go along with the article as written.

Council Chairman Nazzaro said that they were at an impasse. Councilor LaBranche said they had discussed this for a couple of years, and felt they should recommend the article as written now. Councilor Levy agreed, adding that the article gave them the flexibility to not spend all the money requested. Town Administrator Fournier said that upon passage, the next step would be to issue RFPs for construction for blending and/or EDR treatment. The proposals would be presented to the Council, at which point a decision would be made. Councilor Zink felt the decision should go back to the people, and once water blending was done, they could decide if they felt treatment was necessary. He felt that with the current economy, they had to err on the conservative side. Council Chairman Nazzaro agreed.

Council Chairman Nazzaro asked for a vote on the motion to recommend and include the warrant article for \$3.37M. Town Administrator Fournier polled the Council. Motion carried 4 – 2, with Councilors Wright, Levy, LaBranche and Carmichael in favor and Councilor Zink and Council Chairman Nazzaro against.

Council Chairman Nazzaro said the tradition was that they not place an article on the town warrant unless it was unanimously recommended. Councilors Levy, Wright and Carmichael felt they had an obligation to put this to the voters to decide. Councilor LaBranche said he would like to put this to the voters, but was not happy with the 4 – 2 vote, and felt it meant the article would not pass. Councilor Levy said that if this were put on the warrant it would be discussed at the Deliberative Session. Council Chairman Nazzaro said once an article was recommended, individual Councilors could not argue against it. Councilor Levy said he would not feel that was inappropriate as anyone could watch the meeting and hear the discussion. He said they were under a mandate to increase water and they did not have to spend all the money requested.

Since there is time to prepare another warrant article and hold a public hearing, Council Chairman Nazzaro asked if the Council would support a recommendation for \$2.4M. Council members said they would. Councilor LaBranche said that he was not a water expert and had to base his vote on what he was told. That was why he voted to recommend the article, as then they could deal with it as the process moved forward. Council Chairman Nazzaro said he could respect that, but he did not feel they should ask the voters to approve an amount above what was necessary for meeting state standards. Town Administrator Fournier said they could hold the public hearing on January 14th at 6:00 p.m. before the start of the Budget Committee hearing. He said that since there had been a vote, a member of the prevailing side would have to make a motion to reconsider.



Councilor LaBranche moved to reconsider the motion. Councilor Levy seconded. Discussion: the new warrant article will include the amount for a blended solution, and will be discussed on January 14th. This motion requires a positive vote to allow the reconsideration of the previous vote. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0. Town Administrator Fournier said they now had to vote “no” if they wanted the warrant article defeated. This was a revote, as the motion had already been made. Town Administrator Fournier polled the Council. Motion failed unanimously, 0 – 6.

#### h. Approval of the Placement of an Article on the 2013 Town Warrant to Rescind the Parking

##### Special Revenue Fund (T4)

Councilor Zink moved to approve placement and recommendation for the article to rescind the parking Special revenue Fund. Councilor levy seconded. Discussion: Councilor Levy said he supported returning the \$122,000 to fund balance. There is not a significant amount coming into the fund, as the town now owns only one parking lot, and most of recent funds have come from parking tickets. He asked if they should consider leasing out spaces behind the Town Hall, and Town Administrator Fournier will look into this. Town Planner Hardy is getting the parking study that had been done. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

#### i. Approval of the Placement of an Article on the 2013 Town Warrant Correcting a Deficit in the Fire Station/Public Works Facility Building Project Fund (T5)

Councilor Zink moved to recommend and place the article to correct a deficit in the Fire Station/Public Works Facility Building on the 2013 Town Warrant. Councilor Levy seconded. Discussion: there is no impact on the tax rate. The amount is in reserve fund balance, and moving it in total will prevent this clerical task being done every year. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

#### j. Approval of the Placement of an Article on the 2013 Town Warrant to Change the Purpose of

##### the Fire Capital Reserve Fund (T6)

Councilor LaBranche moved to recommend Article T6 to change the purpose of the Fire Capital Reserve Fund. Councilor Zink seconded. Discussion: Council Chairman Nazzaro said this would allow equipment to be purchased in addition to vehicles. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

#### k. Approval of the Placement of an Article on the 2013 Town Warrant to Change the Purpose

##### of the Health Insurance Capital reserve Fund to Include Funds to Provide for Stabilization

##### of Health Care Insurance Costs (T7)

This requires a 2/3 vote and has no impact on the tax rate. Councilor LaBranche moved to recommend Article T7 as read. Councilor Zink seconded. Discussion: Nothing would be put in the fund this year; the article is to create the fund. This would be funded through the difference between budgeted amounts and actual costs to offset spikes in the rate. Currently, with the timing the budget is an estimate of the rate. The Council would not necessarily have to fund this account, as it also has the option to return money to fund balance. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

#### l. Approval of the placement of an Article on the 2013 Town Warrant for the Creation of a Town

##### Revaluation Capital Reserve Fund (T8)

Councilor LaBranche moved to recommend Article T8 for the creation of a Town Revaluation Capital Reserve Fund. Councilor Zink seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

There were no ordinances and resolution in the 3rd reading and no items laid on the table.

## 7. NEW BUSINESS/CORRESPONDENCE

### a. Town Council to Consider Nominations, Appointments and Elections

Councilor LaBranche moved to nominate Gerry O'Connell as a member at large to the Economic Development Committee, term to expire in March, 2014. Councilor Levy seconded. Discussion: Mr. O'Connell will be voted as an at-large member even though he is a MBA member. He will serve as an at-large member until he can be replaced. The Committee currently has 7 of the 9 members required. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

Councilor LaBranche moved to nominate Robert Gazda to an alternate position on the Conservation Committee, term to expire in March, 2015. Councilor Levy seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 6-0.

Councilor Zink moved to nominate Robert Gazda to a position on the Heritage Advisory Committee, term to expire in March 2015. Councilor Levy seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

### b. Ordinances/Resolutions in the 1st Reading – Items that will be held over for a vote at the next

#### Business Meeting

The Council will suspend the rules for Resolutions 42, 41, and 43 as a vote is needed before the January 14th Budget Committee Public Hearing.

### i. Resolution # 2012/2013-42 Default Budget FY2013/2014 (Request to Suspend Council Rules)

Council Chairman Nazzaro read the Resolution in full.

Councilor Levy moved to suspend the rules for all 3 Resolutions. Councilor LaBranche seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

Councilor Levy moved to approve Resolution #2012/2013-42 (Default Budget) as read. Councilor Zink seconded. Discussion: The amount of the default budget is calculated by adding in any contractual agreements and subtracting any one-time expenses. The default budget in this case is higher than the proposed budget. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

### ii. Resolution #2012/2013-41 Authorizing the Inclusion of the Tax Impact of Certain Warrant Articles in the Annual Town Meeting Warrant

Council Chairman Nazzaro read the Resolution in full. Councilor LaBranche moved to adopt Resolution #2012/2013-41 as read. Councilor Zink seconded. This vote is required to place tax impact on the warrant articles. The Council can do this as the legislative body of the town.. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 –

0.

## iii. Resolution #2012/2013-43 Scheduled Deliberative First Session Annual Meeting

Council Chairman Nazzaro read the Resolution in full. Councilor LaBranche moved to adopt Resolution #2012/2013-43 as read. Councilor Zink seconded. Discussion: The state will not allow both meetings to be held at the same time. Town Administrator Fournier asked that a friendly amendment be added to name the high school as the location of the meeting after the word "forenoon". The Council discussed the opening times of the 2 meetings. Councilor Levy asked with the school meeting to begin at 1:00, if they should include a closing time for the town meeting. He felt that if the town began at 9:00, they were allowing too much time and many people would leave.

Council Chairman Nazzaro said they could begin later, but not earlier than the time specified. If both meetings started at approximately the same time, they would each have to recess after each article to re-open the other meeting. Town Administrator Fournier said 4 hours seemed to be too long a time to discuss the number of articles the town had, and suggested that 10:00 might be a better opening time. If more time was needed, they could recess until after the conclusion of the school meeting. The intent was to have as many people attend as possible. Council Chairman Nazzaro said that giving a definite time for each meeting meant that those who only wanted to attend one would know when to arrive, and if people wanted to leave they would anyway. Councilor Zink thought there was an advantage to having the meetings scheduled as closely together as possible. Town Administrator Fournier said it was the School Board's decision to set the time and the school moderator would have to be in agreement to open his meeting at 9:01 and then recess. The specific time frame for a recess has to be included. The Council has to vote on the Resolution this evening. Council Chairman Nazzaro asked if they wanted to amend the Resolution to an opening time of 10:00.

Councilor LaBranche said he would accept the friendly amendments to Resolution #2012/2013-43 to change the opening time to 10:00 for the town meeting and include the high school as the location of the meeting. Discussion: If the town portion of the meeting is not finished by 1:00 but it appears that it will conclude shortly, the school can decide to postpone its meeting. If it appears that the town meeting will go on indefinitely, a recess can be declared until an agreed upon time for reopening. Councilor Levy seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

## iv. Resolution # 2012/2013-44 #2012/2013-44 Purchase of a 2013 Ford 250 Utility Vehicle and

Associated Equipment for \$35,181 for the Water and Sewer Department

Council Chairman Nazzaro read the Resolution in full. This will be discussed at the next meeting.

c. Correspondence to the Town Council – none

d. Closing Comments by Town Councilors – none

## 8. ADJOURNMENT

Scheduled Meetings: January 14, 2013 – 5:30 or 6:00, Budget Committee Public Hearing

January 16, 2013 – 7:00 Workshop

Councilor Levy moved to adjourn. Councilor LaBranche seconded. Motion carried unanimously, 6 – 0 and the meeting adjourned at 9:29 p.m.

Respectfully submitted,

Ellen Adlington