

Town Council Approved Minutes February 6, 2013 BM

TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL BUSINESS MEETING
FEBRUARY 6, 2013 7:00 P.M.
COUNCIL CHAMBERS

PRESENT:

EXCUSED:

Council Chairman Phil Nazzaro

Councilor Mike LaBranche

Council Vice Chairman John Bentley

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.

2. PUBLIC FORUM

Council Chairman Nazzaro opened the Public Forum at 7:02 p.m. He asked that comments be limited to 5 minutes, per Council procedure. Bert Allen of 56 Smith Garrison Road spoke about creating more parking and making 108 safer by adopting a different one-way traffic pattern through the downtown. He said the town owned a property behind the library, and originally there was a thought to put a parking garage or lot on the property abutting Spring Street. He stressed that parking is a continuing problem in Newmarket, and he spoke about an earlier suggestion to install parking meters for revenue. Council Chairman Nazzaro said the next Council could take a look at this and put it on an agenda. Or at least have a conversation about it. The Public Forum was closed at 7:11 p.m.

3. PUBLIC HEARING

Issuance of a Bond or Note in the Amount of \$14,100,000 Waste Water Treatment Facility: Chairman Nazzaro explained that because of inconsistencies with state law in the Town Charter, this hearing had to be held after the Deliberative Session. He opened the Public Hearing at 7:12 p.m. Bert Allen suggested that the informational meetings about the wastewater facility and MacIntosh Well be broadcast at 6:00 p.m. rather than 9:00 p.m. on Channel 13, as this was the most watched time slot. Town Administrator Fournier will look into moving it. The Public Hearing was closed at 7:13 p.m.

4. TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

a. January 14, 2013 – Special Meeting – Public Meeting

Council Vice Chairman Bentley moved to accept the minutes of January 14, 2013. Councilor Zink seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

b. January 16, 2013 – Workshop Minutes

Councilor Zink moved to accept the minutes of the January 16, 2013 Workshop. Councilor Carmichael seconded. Discussion: Councilor Levy read from page 10, paragraph 2 (page 21 of the packet). He said he wanted to clarify the context of his remarks. He said he was addressing something that Planning Board Chair Valerie Shelton had indicated: that the Economic Development Committee was focused on larger undeveloped areas of the town. He said the comment that he was making was to suggest that the Economic Development Committee would be looking at the town as a whole, not just larger, undeveloped tracts. Town Administrator Fournier polled the Council to approve the minutes as amended. Motion carried unanimously,

6 – 0.

c. January 16, 2013 – Non-Public Minutes

Council Vice Chairman Bentley moved to accept the minutes. Councilor Levy seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

5. REPORT OF THE TOWN ADMINISTRATOR

a. As of the January 26, 2013 deadline, the town received 9 proposals for Town Attorney. Council Vice Chairman Bentley and Councilor Levy volunteered to review the proposals with Town Administrator Fournier.

b. The Recreation Center is being cleaned out and has items for disposal. There is a complete list in the Town Administrator's report. Items will first be offered to town departments. They will try to sell what remains to generate some revenue.

c. RFPs have been prepared for painting of the Town Hall stairways and hallways. Once a recommendation is made, the Council will have to approve withdrawing funds from the Building Maintenance Capital Reserve Fund, which currently has a balance of over \$300,000. The school will go along with the town and pay its share to have hallways painted. It is hoped that town offices can be painted in-house. The next project will be re-carpeting part of Town Hall with carpet tiles.

d. The attendance at the Town Deliberative Session represented 1.3% of the voters. Town Administrator Fournier will prepare a short program on each of the Warrant Articles. He spoke of an interactive program that is available so that rate payers can enter their usage and find out what their costs will be over the term of the wastewater project. Further information is available on the town's web site and in the town's weekly emailed newsletter. The Council discussed ways of further informing the public about the Wastewater and MacIntosh Well Warrant Articles. Water and Wastewater Superintendent Sean Greig has had flyers printed with information about the Wastewater Treatment Warrant Article. He has distributed some, and will be placing them around town. His intent was to mail them to sewer users with Newmarket addresses. The cost of \$1,000 came from his budget. Councilor Levy suggested that the mailer be sent to all registered voters, which Mr. Greig said he could do. The least expensive way to mail the flyers would be to use the general rate for residents. Any brochures cannot suggest how a person should vote, but will be distributed for informational purposes. Council Vice Chairman Bentley agreed that the flyers should be distributed to all registered voters. He added that the information should include the down side if the 2 Warrant Articles do not pass: the town could incur fines, and the town currently has only 50% of the water supply necessary to fight a fire in the downtown area. Councilor Levy suggested printing information about both articles on one sheet of paper, but Mr. Greig felt there was too much information to be able to do this. Administrator Fournier will hold a meeting at the Senior Center on February 14th. A Public Forum on the Great Bay and the wastewater treatment plant will be held on February 19th.

e. Town Administrator Fournier will hold an orientation session for new Council members after the March election. He will cover the roles of the Town Council and Town Administrator, the Town Charter, the right to know act and related policies and procedures. He said that other Council members were welcome to attend.

f. Council Chairman Nazzaro asked why there was no live broadcast of the Deliberative Session. He felt this was a lost opportunity for townspeople to hear the discussions, rather than having to read a synopsis in the newspaper. Most thought the Council had approved the purchase of equipment. Town Administrator Fournier will look into this.

6. OLD BUSINESS

Resolution #2012-2013-44 Purchase of a 2013 Ford 250 Utility Vehicle and Associated Equipment for \$35,181 for the Water and Sewer Department.

Motion: Council Vice Chairman Bentley moved to approve Resolution #2012-2013-44. Councilor Levy seconded.

Discussion: The present vehicle is 16 years old and has 64,000 miles from work around town. It had been slated to be replaced earlier, but this year Auto Excellence felt it would not pass inspection because of extensive rust. Councilor Levy asked if Mr. Greig had looked into finding a good quality, low mileage used vehicle with no rust. Mr. Greig said he had looked, but had not been able to find one, as it is difficult to find a utility truck. He added that even though the mileage was low, the truck had a lot of hours on it. Councilor Carmichael asked where he had looked. He said he could not vote for a new vehicle, but could support purchasing a used vehicle for between \$15,000 and \$18,000. He felt Mr. Greig should continue to look, and asked if DPW helped him with the plowing. Mr. Greig said they do not, the water and sewer department plows around the treatment plant, lift stations and wells. Sometimes they have to help the DPW. He said they might be able to find a truck, but then would probably have to add the utility body.

Council Vice Chairman Bentley asked when the purchase was originally slated. Mr. Greig said that when he began work in 2008, they started putting money aside for trucks, and reviewed the list annually for needed replacements. The money for purchase would be divided equally between the Water Capital Reserve Fund and the Sewer Capital Reserve Fund. Councilor Wright asked about the difference between mileage and hours on the truck. Mr. Greig said it does not have an hour meter. Council Chairman Nazzaro suggested that drivers log in and out of vehicles so this could be tracked. Councilor Wright asked if any dealerships might have a 2012 new truck. Mr. Greig said he had checked and there were none available. Councilor Wright said it would be helpful to have a list of mileage and age of all vehicles when a purchase is proposed. Mr. Greig said he had a printout of the CIP that shows when each vehicle is proposed to be replaced. He said he would present the list in the future. Council Chairman Nazzaro said that every time since he has been on the Council there has been a request that the updated inventory be distributed with the proposal. Town Administrator Fournier said he will see to it that this is part of the package for the Council.

The utility body for the truck costs \$6,350, and the one in the present truck will not fit the new, smaller vehicle. A utility body has compartments which hold tools and equipment parts. Mr. Greig said it was much more efficient to have everything on hand when responding to a breakdown or emergency. Councilor Zink there is nothing more aggravating to citizens than to see a brand new truck. He said they were in a time when things had to be done differently, and he would agree with the other Council members that they not spend \$35,000 on a truck. Council Chairman Nazzaro said they had two options: vote on the motion or ask the Town Administrator to have Mr. Greig get comparative costs for a used truck. Town Administrator Fournier said that procedurally, he thought the Council should vote, and then he and Mr. Greig could come up with a new proposal. Councilor Levy suggested that Mr. Greig try looking on the internet for a used vehicle with an extended warranty, or the town consider purchasing an extended warranty. The truck is due for inspection in March. Town Administrator Fournier pointed out that municipal buying is different from an individual purchasing for personal or business use, and certain dealers carry this different class of vehicles. The town usually goes through the state to get the best prices. Council Chairman Nazzaro suggested that Mr. Greig not spend an inordinate amount of time on this. The total cost of the vehicle is \$35,181, which includes \$23,884 for the truck, \$6,350 for the utility body and \$4947 for the plow.

Vote: Town Administrator Fournier polled the Council. Motion failed unanimously, 0 – 6.

7. NEW BUSINESS/CORRESPONDENCE

a. The Council had not had the opportunity to discuss and vote on the Budget Committee's unanimous recommendation to cut the town's operating budget by \$65,000 to \$9,093,403, which would be an increase of 2.84% over the previous year. The Council's recommendation will be placed on the Warrant Article. Of the total amount, \$40,000 would come from the line item for revaluation, as there was a Warrant Article for the same expenditure. The Budget Committee had suggested that the line item of \$17,500 for radios could be eliminated, as there was a Warrant Article to change the Fire Department Capital Reserve Fund to include equipment purchases. Originally, the Committee had suggested a reduction on \$7,500 from heating costs for the library, but the reduction came from legal costs. Town Administrator Fournier had asked the Budget Committee if it was looking for a zero tax increase or a zero budget increase. He indicated that he could find additional revenues for a zero tax increase by revising revenues. The Committee understood that, but wanted to make the additional cut of \$25,000 in the budget.

Motion: Council Vice Chairman Bentley moved to approve and recommend revised amount in Article 4. Councilor Levy and Councilor Zink seconded.

Discussion: Councilor Zink said that in the interest of cooperation and leanness of the economy he could support the revision. Council Chairman Nazzaro agreed that this was the right thing to do. Council Levy said the Budget Committee was looking for an overall percentage to the gross which actually was fairly small. He gave Town Administrator Fournier credit for bringing up the \$40,000 reduction and stating that he would deal with the other changes. The Budget Committee can suggest, but does not have the authority to say where reductions will be made. The Town Administrator and Town Council make the actual reductions. There was some concern about reducing the line item for legal costs, but Town Administrator Fournier had indicated at an earlier meeting that they might be able to manage this better by using available free resources. The Finance Director had told him that the use of the Town Attorney had dropped off since September.

Vote: Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

b. Town Council to Consider Nominations, Appointments and Elections

Council Vice Chairman Bentley moved to appoint Rod Bowles to the Economic Development Committee. Councilor Zink seconded. Council Vice Chairman Bentley thanked Mr. Bowles for applying, and said he had done a lot for the town. Councilor Levy said he thought Mr. Bowles would make a good contribution to the Committee. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

c. Ordinances/Resolutions in the 1st Reading

i. Resolution #2012-2013-45 Appropriation of \$60,000 from Wastewater Department Surplus to the Wastewater legal Capital Reserve Fund: Council Chairman Nazzaro read the resolution in full.

ii. Resolution #2012-2013-46 Withdrawal of \$77,031.41 from the Wastewater Legal Capital Reserve Fund: Council Vice Chairman Bentley read the resolution in full.

iii. Resolution #2012-2013-47 Authorizing the Town Administrator to Enter into a Three Year Agreement with Bestway Disposal Services for Solid Waste and Recycling Collection (Town Administrator request to suspend the rules): Council Vice Chairman Bentley read the resolution in full.

Council Vice Chairman Bentley moved to suspend the rules. Councilor Levy seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

Councilor Zink moved to adopt Resolution #2012-2013-47 authorizing the Town Administrator to enter into a three year agreement with Bestway Disposal Services for solid waste and recycling collection. Council Vice Chairman Bentley seconded.

Discussion: Town Administrator Fournier explained that the solid waste contract had ended on December 31, 2012, and the contract was now on a month-to-month basis. This is a regional contract with Newfields and Stratham. There were 3 acceptable bids: Bestway, Northshore Carting and Waste Management for the combined communities. Bestway had the lowest price for total disposal over the three years of the contract, at \$542,902 annually. Northshore Carting's bid was \$569,319 for the first year, \$583,552 for the second year and \$598,140 for the third year. Waste Management's bid was \$604,469 for the first year, \$612,481 for the second year and \$625,461 for the third year. These bids were for the solid waste portion of the contract. For the recycling portion, Bestway bid \$249,233 for each year of the contract; Northshore bid \$251,130 for the first year with annual increases of 2.5% in the second and third years; Waste Management bid \$294,585 for the first year with annual increases of 2% in the second and third years. He said that if they pulled out the rates just for Newmarket, Northshore came in \$1,000 cheaper, but the savings would be wiped out if the town had to bid on its own.

He recommended approving the contract with Bestway, and said that he had not had even one complaint about their services. Councilor Levy asked what would happen to the cost if the tonnage was higher or lower than specified in the contract. Town Administrator Fournier said that the solid waste tonnage was an estimate for all three communities, and if they had lower tonnage they would pay less. However, there is a set minimum payment for recycling that the towns would have to meet. Mr. Malasky said the tonnage goes up a little every year. Councilor Levy said the surety bond of \$62,500 for pick up seemed low to him. Town Administrator Fournier will have legal counsel review this. He also questioned the half a million in insurance for bodily injury for each occurrence for a total of one million, and for property damage of half a million with a half a million total, as he asked if this was enough for bodily injury. Town Administrator Fournier said the town should not be liable, as this was covered under the contractor's insurance, not the town's. However, he could not guarantee that an attorney would try to go after the town. He will have legal counsel review this also.

Councilor Carmichael asked if Newfields and Stratham had agreed to the contract, which they had. He wanted to know what would happen if they did not all agree. They would all have to go out to bid again. Stratham has its own transfer station, whereas Newfields pays to use Newmarket's. The Bestway contract shows a 3% increase over their previous one. Mr. Malasky said Newmarket's share of the previous year's recycling contract was \$170,088 and the solid waste was \$85,044. He believed the recycling was approximately \$173,000 and the solid was approximately \$86,000. Council Chairman Nazzaro said this contract was a good example of regionalized services. He said he did not see an out clause in the contract or penalty for termination. He said there had been some discussion in light of increasing expenses, as to whether the town wanted to continue curbside pick up. Town Administrator Fournier had not seen anything in the contract either, but surmised that they would probably have to mediate.

Vote: Town Administrator Fournier polled the Council. Motion carried unanimously,

6 – 0.

iv. Ordinance #2012-2013-02 Amendments to Zoning Ordinance Special Use and Mixed Use Permits:

Council Chairman Nazzaro asked if anyone would object to his reading the ordinance by title only as it is an 11 page document. No one objected. He encouraged everyone to read the ordinance before the Public Hearing to be held at the February 20th meeting, and then attend to express opinions. Council Vice Chairman Bentley said he had been contacted by some people who had watched the presentation on zoning changes at the previous meeting. They had said that the proposal seemed rushed and that there was a lot to digest. He hoped that many would attend the Public Hearing to ask their questions and get answers. Planning Board Chairman Valerie Shelton will attend. There will be another work session on the proposal after the hearing. There will be another reading of the ordinance at the March 6th meeting and the Council may vote then, or carry the vote to the April Business Meeting. At that time, there will be a new Council, and without a rule to end proposals on the table at the end of a term and start again, Town Administrator will have to see that new members are up to speed on the issue. Council Chairman Nazzaro said the proposal was on the web site, and he encouraged townspeople to contact Council members or the Town Administrator with any questions. He said they then would be prepared with answers that might require some research.

d. Correspondence to the Town Council: none

e. Closing Comments by Town Councilors

i. Council Vice Chairman Bentley said he had two correspondences from a Kathy D. He said he did not know who she was, and did not know how to get in touch with her. He said if she would leave more information they would be happy to respond.

ii. Councilor Zink spoke about the previous evening's Efficiency Committee meeting.

They had spoken about their mission which centers around cooperation between the town and the school and the region. They asked that the Town Administrator and School Superintendent meet to discuss whether an Efficiency Committee would be helpful to them with key issues, and get back to the Committee. He said the five-year school and town tax forecasts that the Committee had developed had been given to both. He said these forecasts were pretty worrisome, and asked that the school and town address these forecasts and do some projections of their own to present to the Committee and the community. He felt the Committee had made a contribution in developing the forecasts.

iii. Councilor Levy announced that the Economic Development Committee would be meeting on Monday, February 11, 2013 at 5:00 p.m. in Council chambers. He had distributed a resume of a possible consultant to the Committee. He related some details from the resume, and said that this person would attend Monday's meeting. He had spoken with Todd Selig, Durham's Town Administrator, as Durham had initially hired a consultant in 2010 which helped facilitate the process by providing direction. Council Vice Chairman Bentley said the resume was impressive, and he thanked Councilor Levy for putting so much effort into this.

8. Councilor Levy moved to adjourn. Council Vice Chairman Bentley seconded. Motion carried unanimously, and the meeting adjourned at 8:22 p.m. Next meeting is the February 20, 2013 Workshop.

Respectfully submitted,

Ellen Adlington,

Recording Secretary