

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

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

October 19, 2016 7:00 PM

TOWN COUNCIL CHAMBERS

Minutes Approved 11/02/2016

PRESENT: Council Chairman Gary Levy, Council Vice Chairman Phil Nazzaro, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Kyle Bowden, Councilor Amy Burns

ALSO PRESENT: Town Administrator Steve Fournier, Library Director Carrie Gadbois

AGENDA

Chairman Gary Levy welcomed everyone to the October 19, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

Chairman Levy opened the Public Forum at 7:01 pm.

As no one from the public came forward, Chairman Levy closed the Public Forum at 7:01 pm.

PUBLIC HEARING - None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of October 5, 2016

Vice Chair Nazzaro made a motion to approve the minutes of the Regular Meeting of October 5, 2016 which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of October 5, 2016 were approved by a vote of 7-0.

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier stated that he had a **Consent Decree** that needed to be signed by the Council, as they had been going to court with people who owed back taxes on mobile home units. He said the judge had agreed to the payment schedule of \$50 for the first and \$100/month after that until all taxes were fully paid up. He stated that the State of New Hampshire Department of Revenue had set the **Newmarket FY17 Property Tax Rate** for the fiscal year ending June 30, 2017. He said the new tax rate was set at \$25.45 which was an increase of \$0.49/1,000 or 2%. He said the breakdown was as follows: Town \$6.24 (\$0.22 increase), Local School \$15.72 (\$0.31 increase), State School \$2.40 (\$0.06 decrease), and the County at \$1.09 (\$0.02 increase). He said the Town portion increased by 3.7% and the tax bills would be issued shortly and due on December 1st. He pointed out that the valuation of the Town had gone up, and home values also went up with the median value increasing from \$250,000 to \$280,000.

Joint Finance Director

Town Administrator Fournier stated that a draft memorandum of the understanding between the Town and the School to have the School provide Financial Services to the Town was attached to his report. He said it outlined that the individual would be an employee of the School with the Town “contracting” for services, and included a process to answer any conflicts. He said it also set up a way to fund the position by determining the percentage of use for both the Town and the School, and that the Town would pay for 36% of the salary and benefits. He asked that the Town Council review the document and email any questions to him, with a 1st reading to be scheduled for November for action in December.

FY2017 Budget

Town Administrator Fournier said that at the end of the first quarter of the year they had currently expended 32% of their Operating Budget. He said there was nothing currently out of the ordinary, and that revenues were on track.

Discussion: Vice Chair Nazzaro questioned a statement in the IT Report that the IT Director was working on “quotes” to ensure continuity, based on the recommendation by MRI that he have backup support. He felt there should be a larger conversation about this, such as sharing services with the School. Town Administrator Fournier said it was on the radar to share IT with the School, but that he needed someone available now and had asked the IT Director to get a backup firm with an hourly rate. He said the backup service would be used on an on-call basis only, and said he had also asked the IT Director to provide a neutral audit of their IT System.

Chairman Levy felt the salary for the Finance Director was being predicated on the amount of money the Town spent versus the School and said they might want to look at the workload. He also thought the Termination in the agreement should be earlier than 6 months in case of any problems. With regard to the Superintendent doing the evaluation with input from the Town Administrator, he felt the Town Administrator should have a portion of the evaluation so it could be annotated for the record.

FY2018 BUDGET

85 Town Administrator Fournier presented his budget for the Fiscal Year ending June 30, 2018. He said he
86 first looked at the economy and the **Consumer Price Index (CPI)**, and said this year the Town saw a 0.8%
87 increase in CPI, the Northeast a 0.8% increase, and Boston a 1.5% increase. He stated that **Unemployment**
88 dropped nationwide by 0.05% to 5.1%, the State dropped from 3.6% to 2.9%, the County dropped from
89 3.8% to 3%, the Portsmouth Metro area dropped from 3.2% to 2.5%, and Newmarket dropped from 2.9%
90 to 2.4%. He said the **Current Tax Rate** was set at \$25.45/1,000, with the Town Rate at \$6.24, the Local
91 School at \$15.72, the State School at \$2.40, and the County Rate at \$1.09. As far as the **5-Year Tax Rate**
92 **Comparison**, the Town remained fairly stable over that period and he said a revaluation was also included
93 in there. He stated that the **Net Assessed Value of the Town** increased by 1.28% from \$722,476,271 to
94 \$731,700,728.

95
96 Town Administrator Fournier said that he was recommending a proposed **Bottom Line Budget** of
97 \$11,581,761, which was a 19.94% increase over last year. He said one reason for the increase was that
98 the Enterprise Funds were seeing an increase of \$1,212,651. He said this was also the first year for interest
99 on a bond payment for the Waste Water Treatment Plant, a Neptus permit of \$100,000, and bond
100 payments on their Water Line Service. He said this had all been planned for and would be offset by
101 revenues, and said the total through taxation increased \$372,168 or 4.56%. Town Administrator Fournier
102 said he proposed the following **Expenditures by Fund**: \$7,191,395 for the General Fund, \$1,031,728 for
103 Special Revenues (Library, Solid Waste, Recreation) offset by Recreation Revolving, and the Enterprise
104 Fund increase from \$2,110,781 to \$3,323,432 due to debt. He also provided a 3-Year Comparison by fund.

105
106 Town Administrator Fournier provided a breakdown of **Where the Increase Was Going**. He said there was
107 a Waste Water Bond Principle payment of \$516,140, a Waste Water Bond Interest payment of \$309,143,
108 and Waste Water Treatment Facility Electricity at \$31,000. He said by the end of FY2018 they would no
109 longer be operating 2 plants and the new plant would be online. He said there was a National Pollution
110 Discharge Elimination Permit at \$100,000/year and also a Water System Bond Principle payment of
111 \$100,104, with a Water System Bond Interest payment of \$76,130. He stressed that all of these increases
112 were funded through rates and not taxes. He stated that other increases included a Health Insurance
113 increase of \$74,351 (10%), a Retirement Contribution increase of \$14,582, an \$11,000 increase in Part-
114 time Fire Fighter salaries, a \$15,000 Contribution to Compensated Absences Reserve, \$54,000 for
115 Implementation of a New Finance Software System, and \$64,731 for a new Director of Facilities position
116 with 60% offset by the School.

117
118 Town Administrator Fournier next presented the **Revenue Budget**. He said last year they budgeted \$5.6
119 million in revenue and they were estimating a revenue of \$7,065,545 for FY2018. He said for General
120 Revenue they were anticipating an increase of approximately \$180,000, and approximately \$50,000 for
121 Special Revenues. He said the **Tax Impact** was an estimate based on data available today. He said Gross
122 Appropriations of \$11,581,761 less Revenues of \$7,065,545, plus an Overlay of \$20,000 and War Service
123 Credits of \$162,500, brought the Net Town Appropriation to \$4,698,716. With the current Assessed Value
124 of \$731,700,728 the estimated Tax Rate would be \$6.42, up from \$6.24 for FY2017. He said if the budget
125 was adopted as proposed, the **Estimated Tax Impact** based on the average home value of \$280,000 would
126 be \$1,797 annually for the Town Portion, which would be a 2.8% increase or \$50 annually.

127

128 Town Administrator Fournier said he looked forward to meeting everyone on Saturday at 9:00 am to
129 review the Operating Budget. Vice Chair Nazzaro asked that all the specifics for Compensated Absences
130 Reserve since the fund started be provided as well as the projections. Chairman Levy asked that the last
131 3 years of Revenues be provided with what was proposed and what was received. Vice Chair Nazzaro also
132 asked for details of the vehicle registration numbers over the last 5 years.

133

134 **COMMITTEE REPORTS**

135

136 Councilor Pike stated that the *Macallen Dam Study Committee* met last week. He said the Committee
137 elected Bill Arcieri as the new Chairman and he would be the new Vice-Chair. He said that new member
138 Andrew Walker had attended the meeting and would be an excellent addition as he had dam engineering
139 background and brought a lot of expertise to the Committee. He said they were getting ready to issue an
140 RFP on the abutment walls which included stability testing. He said they still needed to address flow, and
141 the next step would be meeting with Durham and the DES with their consultant present.

142

143 Councilor Pike stated that the *Sub-Committee of the Planning Board* met to discuss zoning changes. He
144 said the meeting basically accomplished laying out the order, with recommendations from the Future
145 Land Use Chapter and some from the Economic Development Committee (EDC), of priorities of what
146 should be done first.

147

148 Councilor Weinstein stated that the *Joint Town Council/School Board Sub-Committee* met last week and
149 reviewed the Memorandum of Understanding between the Town and the School for Financial Services,
150 and reviewed the job descriptions for both the Finance and the Facilities positions. She said the new
151 position would need to be included in the Budget and would be part of their conversation Saturday, and
152 felt a Workshop meeting might be needed for further discussion. Town Administrator Fournier said they
153 would probably need a 2nd meeting after Saturday due to the absence of the Department Head who
154 oversees Buildings & Grounds.

155

156 Councilor Burns stated that the *Planning Board* met last week and looked at two different plans. She said
157 the first development was the plan for 11 units on Dame Road, which the Conservation Commission would
158 review. She said the second was the Forbes Road Development Park plan for 3 units, to which more
159 landscaping was added. She said further discussion on both plans would be held at the Planning Board
160 meeting of November 15th.

161

162 **OLD BUSINESS**

163

164 **ORDINANCES AND RESOLUTIONS IN THE 2ND READING**

165

166 **Resolution #2016/2017-06 Relating to Reroofing Three Sections of the Library Building**

167

168 Councilor Weinstein made a motion to approve *Resolution #2016/2017-06 Relating to Reroofing Three*
169 *Sections of the Library Building*, which was seconded by Councilor Bowden.

170

171 Library Director Carrie Gadbois stated that they were requesting funds from their Capital Reserve to
172 replace the 3 sections on the west side of the Library roof. She said it had been leaking on and off for
173 several years and they had a problem with ice dams the winter before last. She explained that water had
174 been pouring down where the old building met the new addition as there was a space between the walls.
175 She said the ice dams were removed, all sheetrock was replaced, and insulation was added wherever
176 possible. She said all the traffic on the roof with the ice dams made the leaks worse, and said she had 2
177 contractors and an engineer who all recommended replacement of those 3 roof sections. She said this
178 area was particularly bad due to the shallow pitch of the roof.

179
180 Discussion: Councilor Pike said he saw a slate roof as having a greater longevity. Library Director Gadbois
181 said the roof was 26 years old and the roof in that area was a bad architectural design. She said there
182 were also holes in the plywood underneath the slate, and the new proposal was to install Grace Ice &
183 Water Shields all the way up to the ridgeline. Vice Chair Nazzaro felt they should go with the cheaper
184 option as the only difference he could see between the 2 bids was in the length of the warranties. Library
185 Director Gadbois said she chose Silver Brothers as they were a local firm and had been very responsive,
186 and she also wanted the rest of the roof looked at yearly. She said she thought the 10-year warranty from
187 Silver Brothers was important due to the longevity of the slate. Councilor Thompson said the first 5 years
188 were key and said she did not feel the extra \$4,000 should preclude someone else from doing the work.

189
190 Chairman Levy said he had asked a friend with a roofing company for advice, as Underwood had said that
191 area of the roof would be a problem again in the future due to its poor design. He said they recommended
192 going up 6 feet with the copper versus the 2 feet stated in the bids. He felt the \$4,000 difference in the
193 bids might be used to help alleviate future issues. Councilor Weinstein asked about a maintenance plan,
194 and Library Director Gadbois said she had talked to Silver Brothers about coming in on a regular basis. She
195 said the timing of the raking was crucial and had made a difference in the last couple of years.

196
197 Town Administrator Fournier said they could either ask the contractors to re-submit the bids or change
198 their current ones with the input provided by the councilors. Chairman Levy said he would like the
199 question answered with regard to the 6 feet of copper versus the 2 feet. Councilor Burns asked that the
200 cost of additional woodwork in the Twin Metals bid be provided. Councilor Pike suggested they find out
201 if the problem with the ice dams due to the poor design of the roof would even be covered under the
202 warranties. Councilor Thompson asked about funding and Town Administrator Fournier said the Library
203 had a Capital Reserve Fund for Building Improvements with about \$130,027 currently in the fund. Vice
204 Chair Nazzaro said he would like to get more detail from Twin Metals to be able to understand why the
205 prices were different.

206
207 Vice Chair Nazzaro proposed that the Chairman poll the Council to see if people wanted more information
208 or wanted to act tonight. Library Director Gadbois said if she asked for the 2 proposals again with more
209 specifics and more comparability, it would be another month before anyone could get started. Town
210 Administrator Fournier said the next meeting of the Town Council would be November 2nd, and if the
211 Council could act at that meeting he could sign the contract on November 3rd. He said it would be fine for
212 her to ask for an estimate for the 6 feet of copper. It was the consensus of the Council that more
213 information needed to be provided.

214

215 Town Administrator Fournier said that procedurally it would be held over for a 3rd reading at the next
216 meeting.

217

218 **Resolution #2016/2017-07 Authorizing the Town Administrator to Enter into a Three-Year Agreement**
219 **with Casella Resource Services for Waste and Recycling Services**

220

221 Vice Chair Nazzaro made a motion to approve *Resolution #2016/2017-07 Authorizing the Town*
222 *Administrator to Enter into a Three-Year Agreement with Casella Resource Services for Waste and*
223 *Recycling Services*, which was seconded by Councilor Weinstein.

224

225 Town Administrator Fournier stated that the towns of Newmarket, Newfields, and Stratham had
226 partnered to bid for solid waste and recycling services in order to get a better disposal rate. He said they
227 had received 3 bids from Casella Resource Services, Waste Management, and Triano. He said Triano was
228 eliminated as they did not propose curbside collection for Newmarket. He stated that the total costs for
229 the first year with Casella were estimated at \$261,112 and at \$281,378 for Waste Management, both with
230 a 3% increase in years 2 and 3. He stated that Newfields and Stratham had adopted and passed Casella
231 contracts, and he recommended entering into a 3-year contract with Casella Resource Services for a
232 period of 3 years.

233

234 Town Administrator Fournier polled the Council and the motion to approve *Resolution #2016/2017-07*
235 *Authorizing the Town Administrator to Enter into a Three-Year Agreement with Casella Resource Services*
236 *for Waste and Recycling Services* passed by a vote of 7-0.

237

238 **Resolution #2016/2017-08 Relating to the Acceptance of Conservation Land Formerly Owned by**
239 **Charles E. Dearborn and Family**

240

241 Vice Chair Nazzaro made a motion to approve *Resolution #2016/2017-08 Relating to the Acceptance of*
242 *Conservation Land Formerly Owned by Charles E. Dearborn and Family*, which was seconded by Councilor
243 Burns.

244

245 Town Administrator Fournier stated that in the fall of 2015 the executor of the Dearborn Estate
246 approached the Conservation Commission asking they accept a gift of 38 acres of land for open space. He
247 said the Conservation Commission voted to accept the property and the Town Attorney had reviewed the
248 deeding history. He said they received notice in the summer that the Estate had been closed and the Town
249 Attorney worked with the Estate attorney to draft a deed for the Council which was attached. He said Fish
250 & Game held the easement on the property, and that the property was valuable to conservation as it was
251 located in the Source Water Protection Area for their municipal drinking water. He said after talking with
252 the Town Attorney and the Conservation Commission he recommended accepting the property as a gift.

253

254 Discussion: Councilor Thompson asked how the Town was doing selling off other pieces of property, and
255 Town Administrator Fournier said the Sub-Committee had met on Friday. He said he had the list of current
256 properties and would either be contacting abutters or going to the realtor to determine their worth.
257 Chairman Levy asked if the Town would have any liability, and Town Administrator Fournier said they

258 would not as it was conservation land. Councilor Weinstein asked if the Conservation Commission would
259 monitor the land like they did other properties, and Town Administrator Fournier said they would.

260

261 Town Administrator Fournier polled the Council and the motion to approve *Resolution #2016/2017-08*
262 *Relating to the Acceptance of Conservation Land Formerly Owned by Charles E. Dearborn and Family* was
263 approved by a vote of 7-0.

264

265 **ORDINANCES AND RESOLUTIONS IN THE 3RD READING** - None

266

267 **ITEMS LAID ON THE TABLE** – *Resolution #2015/2016-52 Authorizing the Designation of a Portion of Route*
268 *152 as an Economic Recovery Zone.* (This Resolution is tabled from the June 15, 2016 Council Meeting
269 pending Planning Board action.)

270

271 **NEW BUSINESS/CORRESPONDENCE**

272

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

274

275 **Macallen Dam Study Committee**

276 Candidate: *Andrew Walker – Term to Expire March 2017*

277 (Fill remaining term of Peter Wellenberger)

278

279 Councilor Pike made a motion to approve the nomination of *Andrew Walker – Term to Expire March 2017*
280 as a member of the *Macallen Dam Study Committee*, which was seconded by Councilor Thompson.

281

282 Town Administrator Fournier polled the Council and the motion to approve the nomination of *Andrew*
283 *Walker* as a member of the *Macallen Dam Study Committee* passed by a vote of 7-0.

284

285 **ORDINANCES AND RESOLUTIONS IN THE 1ST READING** –

286

287 **Resolution 2016/2017-09 Generator Maintenance**

288

289 Chairman Levy read *Resolution 2016/2017-09 Generator Maintenance* in full.

290

291 **Resolution 2016/2017-10 HVAC Services**

292

293 Chairman Levy read the body of *Resolution 2016/2017--10 HVAC Services* only, and stated that the options
294 were available to the public online.

295

296 **Resolution 2016/2017-11 Approval of the Fiscal Year 2018 Budget**

297

298 *Chairman Levy read Resolution 2016/2017-11 Approval of the Fiscal Year 2018 Budget* in full.

299

300 **CORRESPONDENCE**

301

302 Town Administrator Fournier read a correspondence to the Council of an urgent request for the Town of
303 Newmarket to distance itself from the Newmarket School District in all matters. It said persons had lied
304 to the court with regard to the school Superintendent Search, and that Mr. Fournier's appointment to
305 serve on the School Supervisor Screening Committee appeared to be in violation of the Town Charter. He
306 said the Town Charter stated that no Department Head should be appointed to a Town office, nor a
307 commission or board membership or trusteeship.

308
309 Town Administrator Fournier said he did look at the law and consulted with the Town Attorney and they
310 both agreed with two portions of the letter. The first was that the School District does not have to comply
311 with the Town Charter as they are a separate government entity and there was no violation there. He said
312 the second was that the position of the Town Administrator was not a department head, but a separate
313 office in the Town.

314

315 **COMMENTS**

316

317 Councilor Weinstein said she wanted to talk about Town Council goal-setting which she said was part of
318 the job of the Town Council in working with the Town Administrator. She said though the MRI Report was
319 not yet final they had enough information to move forward and proposed they pick a date for further
320 discussion. Town Administrator Fournier suggested either November 9th or 30th as they were both
321 Wednesdays with no meetings scheduled. Vice Chair Nazzaro pointed out that November 9th was the day
322 after the general election, and Town Administrator Fournier said he would talk with Primex about what
323 dates were available in December. Councilor Thompson suggested having the discussion sooner before or
324 after a regular meeting. Town Administrator Fournier said the problem was that they would be adopting
325 the budget on November 2nd and he would not be present for the November 16th meeting. He said MRI
326 would probably be finalizing the report next week.

327

328 Vice Chair Nazzaro asked that Primex provide any pre-work to the Council ahead of time to make the
329 meeting more productive. He said he also had a public service announcement that on November 11th from
330 4:00-7:00 pm at the Hall of the American Legion, a dinner would be held for all veterans and their partners.

331

332 Chairman Levy said that with the new design of the Website, names on committees had gotten mixed up
333 and some telephone numbers were missing.

334

335 **NEXT MEETING:** The next regular meeting of the Town Council is scheduled for November 2, 2016.

336

337 **ADJOURNMENT**

338

339 Councilor Bowden made a motion to adjourn the meeting, which was seconded by Vice Chair Nazzaro.
340 The meeting was adjourned at 8:25 pm.

341

342 Respectfully submitted,

343 Patricia Denmark, Recording Secretary