

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

February 1, 2017 7:00 PM

TOWN COUNCIL CHAMBERS

Approved February 15, 2017

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

ALSO PRESENT: Town Administrator Steve Fournier, Town Moderator Chris Hawkins

AGENDA

Chairman Gary Levy welcomed everyone to the February 2, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:17 pm, followed by the Pledge of Allegiance.

Vice-Chair Nazzaro made a motion to seal the minutes of the Non-Public Meeting which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the motion to seal the minutes of the Non-Public Meeting was approved by a vote of 7-0.

PUBLIC FORUM

Chairman Levy opened the Public Forum at 7:18 pm.

As no one from the public came forward, Chairman Levy closed the Public Forum at 7:18 pm.

PUBLIC HEARING - None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Non-Public Meeting of January 18, 2017

Vice-Chair Nazzaro made a motion to approve the minutes of the Non-Public Meeting of January 18, 2017 which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the motion to approve the minutes of the Non-Public Meeting of January 18, 2017 passed by a vote of 7-0.

Acceptance of the Minutes of the Regular Meeting of January 18, 2017

Councilor Bowden made a motion to approve the minutes of the Regular Meeting of January 18, 2017 which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of January 18, 2017 were approved by a vote of 7-0. Vice-Chair Nazzaro pointed out a misspelling of his name.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier reminded everyone that the **Deliberative Session** was scheduled for Saturday, February 4, 2017 at 9:00 am at the Junior-Senior High School. He stated that Election Day would be held on March 14th from 7:00 am-7:00 pm also at the High School. He said councilors needed be present that day, but that anyone running for Council office could not attend. He said the filing period was currently open for all Town and School offices and would be closing Friday February 3rd at 5:00 pm.

Town Election Day– Town Moderator Chris Hawkins

Town Moderator Chris Hawkins said that he liked to check in before the Deliberative Session to see if there was anything unusual coming up for the Town. He said that all the usual rules would be in effect and reminded people that after the Town Session ended they would need to go back and re-register for the School Session as they were completely different governing bodies. He asked the number of warrant articles to be presented and Town Administrator Fournier stated that there would be the Election of Officers and the FY2018 Budget.

Mr. Hawkins stated that the Town would begin at 9:00 am followed by the School from 10:00 am to whenever it finished. Councilor Weinstein asked if any organizations were doing a bake sale, and Mr. Hawkins said that any non-profit organization was free to set up a table as long as they did not disrupt the event. He said the School would be in session during the election and there would be a lot of movement at the site.

Town Administrator Fournier next addressed the **Town Council Goals**, and said he had received the final report from Primex. He said they outlined the following goals for the coming year: Goal #1 – a Unified Town-wide CIP plan, building the process by June 2017 and delivering a unified request to the Town Council by October 2017, which would be his responsibility. Goal #2 was to develop increased parking in downtown by completing a parking study and identifying additional parking options by December 2017. Goal #3 was to continue relations with the School Board and SAU to find further efficiencies and solidify

the current agreements, and Goal #4 was to meet with the Planning Board to work to align goals for the year with a meeting to take place in the first or second quarter of 2017. He said the Planning Board meeting was still scheduled to be held at the Council meeting on March 1, 2017.

Town Administrator Fournier next announced that the **Child Advocacy Center** of Rockingham County had recommended **Chief True** and **Lieutenant Beaudet** as two of their Champions for Children. He said this was awarded to people across the country who they felt worked tirelessly to prevent child abuse and enhance the lives of children in the community. He said he wanted people to know that the Police Department worked diligently on these issues.

Discussion: Councilor Pike said that the Town-Wide CIP plan was also one of the Town Administrator goals, and asked what was meant by a “unified request to the Town Council”. Town Administrator Fournier said the unified request was the CIP plan that was due by law every October. He said it would be unified to ensure all departments had the same information and he would implement the policy from June into what would be presented in October. Councilor Pike suggested the Council begin discussing the Town Administrator goals for 2017/2018 at their second meeting in June.

Councilor Weinstein said it was her understanding that the Town Administrator would provide a document describing how he would implement the CIP Plan. Vice-Chair Nazzaro said his concern was that department heads came to the CIP Committee to present their needs and wants, but that the numbers from the Town Administrator in the budget were significantly different without any explanation of the Town CIP Plan as it was represented in the budget. Town Administrator Fournier pointed out that the CIP plans listed priorities from low to high, and that high priorities were included in the budget. Chairman Levy said often the numbers were identical and recommended that they vary a little with some rationale included.

Councilor Weinstein said that a mother whose son had died of a heroin overdose had requested donations be made to the Newmarket Association for Substance Abuse Prevention (ASAP), and said this spoke to Chief True and Lieutenant Beaudet as individuals and as Police Officers in the community. Vice-Chair Nazzaro said that a resident had reached out to him about possibly renting parking spaces by the Library. Town Administrator Fournier said he as well as others had received the same request, but that a comprehensive parking study needed to be done first.

Chairman Levy understood that they had previously identified additional areas for parking which included the property at the railroad tracks across the street and some parking on the other side of the Town Hall. Town Administrator Fournier said the spaces owned by the Town Hall could not be leased as they had an agreement with the Archdiocese to share the front and back lots. Chairman Levy said they had also identified an area off of Bay Road. He said he had gotten a call from a downtown business owner who planned to sell his property as he had no place to park. Town Administrator Fournier said they did have spaces in the Railroad Avenue lot for lease.

Town Administrator Fournier next presented the proposed **2017 Calendar** for the Town Council. He said no meetings were scheduled for the first meetings of July (5th) and August (2nd) due to vacation. He said he had scheduled the Budget Workshops for Saturday October 28, 2017 and Saturday November 4, 2017.

He said the second meeting in March was scheduled for March 15th, and explained that the March meeting would be 1 day after the election of a new Town Council and that the new members would not be sworn in until the following Monday. Councilor Thompson suggested that either the present councilors meet or they could wait until the next week for the new Council. Chairman Levy recommended they make the decision at the March 1st meeting.

Town Administrator announced the appointment of Timothy Cremmin as the new **Channel 13 Station Manager**. He said Mr. Cremmin had extensive experience and had begun working today part-time. He said they were also encouraging people to come on board and work so that they would have a contingent to fill in if needed.

Chairman Levy said he had checked on the Bond Rates as he had heard they were moving 50-75 basis points higher than the rates received in June 2016. He asked if the bonding for a warrant was for a dollar amount with tax impact or rate payer increases included. Town Administrator Fournier said the warrant was the amount of debt that would be issued, and that out of courtesy an estimated tax impact was included. He said voters were approving the amount the governing body was allowed to borrow and that the interest was not included in that number. He said he had spoken with the Bond Director today and the numbers being used by the School were very conservative and they had estimated high to be safe, but said that rates could move either way.

Committee Reports

Councilor Burns said that the *Planning Board* had met and held a public hearing to amend Chapter 32 Zoning. She said concerns had been raised about re-zoning the area and that it was still in discussion and no decisions had been made. Chairman Levy asked if there were concerns with CCRC. Councilor Burns said one concern was that Residential (R) zoning would be better than B-3, as the properties in that area were so divided it might be hard to coordinate one buyer. Councilor Pike said that no decisions had been made on CCRC and that the intention was to go back to the Sub-Committee with a meeting scheduled for tomorrow at 4:00 pm. He said they had gone over the sign ordinance as well as accessory apartments, and said that several ordinances and zoning changes were completed.

Councilor Burns said the area would be zoned B-3 but with an overlay to remove some of the categories and add others. Chairman Levy said that the EDC had gone through each of the uses of B-3 in order to come up with the most reasonable uses for that neighborhood. Councilor Pike said it was done as a way to prevent a lot of residential and eventually allow a CCRC in a reasonable period of time. He said they needed to allow the landowners to have value, and if not, CCRC should be going to residential with an appropriate density. Councilor Weinstein asked the location of the area and Councilor Pike said it was where Route 152 and Ash Swamp Road came together. Chairman Levy asked that a link be sent out to the EDC meeting minutes, but Town Administrator Fournier said only an audio tape existed.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2016/2017-19 Approval of Memorandum of Understanding Between the Town and School for Facilities Director Services

Councilor Burns made a motion to approve *Resolution #2016/2017-19 Approval of Memorandum of Understanding Between the Town and School for Facilities Director Services*, which was seconded by Councilor Thompson.

Discussion: Vice-Chair Nazzaro pointed out that there were a number of errors in the document, and Town Administrator Fournier said the resolution would be delayed until the next meeting. Councilor Thompson referred to section 4a in the agreement, and asked if the Facilities Director would be overseeing a staff of people as she thought this would be a higher level person. Town Administrator Fournier said that with the creation of the Department of Buildings & Grounds at the January 4th meeting, the Facilities Director would be supervising some employees. He said on the Town side it would be the Superintendent of Buildings & Grounds and it would be the Head Custodian on the School side. Councilor Thompson questioned section 8 in the agreement with regard to the length of termination of the agreement and felt it should be 3 months instead of 6 months. Town Administrator Fournier said he felt 6 months would give them more time to plan.

Councilor Thompson said that in both positions the School was paying 2/3 but that in this case it would be a Town employee. She said she did not feel comfortable that the Town had an equal say and felt the Town could be stronger in their interests. Councilor Pike said it was the same situation in trying to come up with a balance for an agreement that would give both parties time to pull out and time to change their planning. He said he was highly optimistic of success and he felt the time period was reasonable. He said he assumed that the current workload was tied to the budget with the School having the biggest projects at this time, and said allocations could change in the future.

Councilor Bowden said he felt the 3-month time period was fair, as the decision to pull out had to be agreed on by both parties. He questioned section 4p in the agreement with regard to required knowledge of heating and cooling systems and asked about whether other systems should be included. Town Administrator Fournier said it referred to all systems. Councilor Bowden referred to section 4l with regard to repairs and asked if it should be repairs/replacements instead for projects based on life expectancy. Vice-Chair Nazzaro said the Facilities Director would be managing individuals, but that there was nothing in the document about management or supervision of employees and he felt it should be included. He said he also preferred under section 5 that disputes go to the whole Town Council and the School Board instead of the chairs, and said he agreed with the 3-month time period.

Chairman Levy said he also agreed with the 90 days and said a lot of these questions would not have come up if they had a well thought out, workable plan as to how it would be implemented. He pointed out that in Cape Elizabeth the Facilities Director did not cover grounds. Councilor Weinstein asked about the salary, as she felt it might be a challenge find someone of the caliber they were looking for the salary listed. Town Administrator Fournier said it was a unique situation as there were not a lot of communities for comparison. He said it could be off a little but he wanted to see what they got, and said the job did require 3 years' experience with a degree in Civil Engineering preferred.

Councilor Burns asked who currently took care of the School grounds, and Town Administrator Fournier said the Town did the plowing and the mowing was contracted out. He said the Council had adopted an ordinance to amend the Administrative Code in January to move Buildings & Grounds to its own

department and this individual would be overseeing that department on the Town side. Chairman Levy asked if they could make changes with an amendment, and Town Administrator Fournier said they would have to rescind the last resolution to amend the Administrative Code. Councilor Pike asked if they would be restricted to the salary if they had an outstanding candidate, and Town Administrator Fournier replied that the salary could always be changed though they would have to find it in the budget. He said if they hired someone by July 1st the School would have to fund it as the Town had not budgeted for it.

Councilor Weinstein asked about equipment, how it was factored into the overall cost, and what would happen moving forward. Town Administrator Fournier said they were two separate departments and they were only sharing the director. He said if with the School or the Town needed replacement equipment the Facilities Director would work with them individually.

Town Administrator Fournier asked the Council for clarification on the requested changes to the MOU. He said he had 3 topics they wished to amend: (1) change 6 months to 3 months in section 8, (2) add a statement about management of employees under section 4, and (3) add the word "replacement" after repair in section 4I. The Council was polled on each item separately and all amendments were approved. Vice-Chair Nazzaro stated that he preferred to see a clean version before the Council voted on the resolution.

Town Administrator Fournier stated that *Resolution #2016/2017-19 Approval of Memorandum of Understanding Between the Town and School for Facilities Director Services* would be held over for a 3rd reading.

Resolution #2016/2017-20 Approval of Director of Facilities Job Description

Vice-Chair Nazzaro made a motion to approve *Resolution #2016/2017-20 Approval of Director of Facilities Job Description*, which was seconded by Councilor Weinstein.

Discussion: Councilor Weinstein pointed out that there was also no mention of management or supervising in the job description. The Council was polled and all were in favor of adding the amendment. Councilor Bowden suggested the language in number 16 under Performance Responsibilities be changed from heating and cooling to include all systems. The Council agreed to change the wording to "all mechanical systems".

Vice-Chair Nazzaro asked how adjustments to the Department of Public Works would be addressed. Town Administrator Fournier said it had not been done yet as the position had to be approved first, but suggested it be discussed in Non-Public Session at the next meeting.

Resolution #2016/2017-20 Approval of Director of Facilities Job Description was held over for a 3rd reading.

Resolution #2016/2017-21 Resolution Regarding 12-Month Extension of Current Cable Television Franchise with Comcast

Vice-Chair Nazzaro made a motion to approve *Resolution #2016/2017-21 Resolution Regarding 12-Month Extension of Current Cable Television Franchise with Comcast*, which was seconded by Councilor Weinstein.

Discussion: Chairman Levy felt it was highly unusual that it had been 3 years in negotiations and said he had originally served on the committee. Town Administrator Fournier explained that as soon as the Council approved the start of negotiations with Comcast the attorney sent them an audit. He said Comcast never responded to the audit until November, and as the negotiations were based on the outcome of the audit, they did not have time before the end of the Franchise to review the audit questions and were asking for an extension.

Councilor Thompson asked if there was anyone else who could provide the service and Town Administrator Fournier said any new company coming in would need to invest in putting up all their own cables which was cost prohibitive. Vice-Chair Nazzaro asked why they were authorizing for a period of 12 months that would end in 8 months. Town Administrator Fournier said the agreement was retroactive to November 3, 2016.

Town Administrator Fournier polled the Council and *Resolution #2016/2017-21 Resolution Regarding 12-Month Extension of Current Cable Television Franchise with Comcast* was approved by a vote of 5-2.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING - None

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

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS – None

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2106-2017-22 Resolution Relating to Town Hall Bollards

Chairman Levy read *Resolution #2106-2017-22 Resolution Relating to Town Hall Bollards* in full.

Chairman Levy asked what this was predicated on and how many accidents had occurred over the last 2 year. Town Administrator Fournier said he was not sure if they kept records but there had been at least one incident this year, and said he had spoken with Public Works and the Safety Committee about the issue.

Resolution #2106-2017-23 Resolution Relating to a Withdrawal from the Compensated Absences Expendable Trust Fund

Chairman Levy read *Resolution #2106-2017-23 Resolution Relating to a Withdrawal from the Compensated Absences Expendable Trust Fund* in full.

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Town Administrator Fournier explained that one dollar was kept in the fund to keep the account open.

Resolution #2106-2017-24 Resolution Relating to the Purchase of Certain Easements for Access to and Use of land Owned by the Newmarket Community Church

Chairman Levy read *Resolution #2106-2017-24 Resolution Relating to the Purchase of Certain Easements for Access to and Use of Land Owned by the Newmarket Community Church* in title only.

Resolution #2106-2017-25 Resolution Relating to the Refurbishment of the Water/Sewer Vac-Con Truck

Chairman Levy read *Resolution #2106-2017-25 Resolution Relating to the Refurbishment of the Water/Sewer Vac-Con Truck* in full.

Councilor Thompson recommended that the resolution be amended to read “the Newmarket Town Council does hereby authorize \$50,535.08 *each*” from the 3 Capital Reserve funds.

Resolution #2106-2017-26 Resolution Relating to Transferring Funds from the Downtown TIF Capital Reserve Fund

Chairman Levy read *Resolution #2106-2017-26 Resolution Relating to Transferring Funds from the Downtown TIF Capital Reserve Fund* in full.

CLOSING COMMENTS/CORRESPONDENCE - None

NEXT MEETING: The next regular meeting of the Town Council is scheduled for February 15, 2017.

ADJOURNMENT

Councilor Burns made a motion to adjourn the meeting, which was seconded by Vice-Chair Nazzaro. The meeting was adjourned at 9:11 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary