

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

**September 6, 2017 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved September 20, 2017**

PRESENT: Council Chairman Dale Pike, Council Vice Chairman Toni Weinstein, Councilor Amy Thompson, Councilor Gretchen Kast, Councilor Kyle Bowden, Councilor Casey Finch

EXCUSED: Councilor Amy Burns

ALSO PRESENT: Town Administrator Steve Fournier, Public Works Director Rick Malasky

**AGENDA**

Chairman Dale Pike welcomed everyone to the September 6, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:01 pm, followed by the Pledge of Allegiance.

Chairman Pike stated that that Councilor Amy Burns was excused.

Vice-Chair Weinstein made a motion to seal the minutes of the Non-Public Session, which was seconded by Councilor Thompson. Town Administrator Fournier polled the Council and the motion to seal the minutes of the Non-Public Session was approved by a vote of 6-0.

**PUBLIC FORUM**

Chairman Pike opened the Public Forum at 7:02 pm.

As no one from the public came forward, Chairman Pike closed the Public Forum at 7:02 pm

**PUBLIC HEARING** – None

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

### **Acceptance of the Minutes of the Regular Meeting of August 16, 2017**

Councilor Thompson made a motion to approve the minutes of the Regular Meeting of August 16, 2017, which was seconded by Vice-Chair Weinstein.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of August 16, 2017 were approved by a vote of 6-0.

### **Acceptance of the Minutes of the Non-Public Session of August 16, 2017**

Councilor Kast made a motion to approve the minutes of the Non-Public Session of August 16, 2017, which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Session of August 16, 2017 were approved by a vote 6-0.

### **REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Steve Fournier stated that **Rockingham Superior Court** was asking for a State Declaration of Summary Judgement against the Town of Newmarket for the Town vs State NHDOT for the bike path. He said he was working with the Town Attorney to come up with the Town's response.

Town Administrator Fournier stated that the **FY2017 Budget** year had finished \$293,907 under budget and the General Fund finished \$243,032 under budget. He stressed that all figures reported were unaudited and could change slightly. He said the main factor for the General Budget was that Health Care was under budget by \$42,572 due to the retirement of two longtime employees, and the temporary vacancies in these positions which also impacted salaries for the Police Department and Recreation. He said they had savings in Heating Oil of \$16,283 and Welfare was also under by \$15,606. He stated that Revenues came in slightly higher than expected at \$508,912 for the General Fund, Motor Vehicle Registrations were \$257,262 higher than anticipated, and Building Permits were \$19,177 higher, with Cable Franchise fees also \$42,721 higher.

Town Administrator Fournier provided a schedule of meetings and deadlines for the **FY2017-2018 Budget Season**, and asked councilors to let him know if they had any issues with the schedule.

Friday, 9/15/17	Department Heads Present Budget to Town Administrator
Sunday, 10/15/17	Town Administrator Presents Budget to Town Council
Saturday, 10/28/17	Town Council Workshop
Wednesday, 11/8/17	Town Council Workshop/Regular Meeting
Wednesday, 11/15/17	Town Council Presents Budget to Budget Committee

Town Administrator Fournier stated that a **NH Governor's Advisory Commission on Intermodal Transportation (GACIT) Hearing** would be held on October 12, 2017 at 7:00 pm in the Town Hall Auditorium, hosted by Executive Councilor Russell Prescott. He explained that New Hampshire RSA 228:99

and RSA 240 required the New Hampshire Department of Transportation (NHDOT) to propose a plan for improvements to the State Transportation System every 2 years. He said the purpose of the 10-year plan was to develop and implement a plan allowing New Hampshire to fully participate in Federal transportation improvement projects as well as projects funded with State transportation dollars. He said the GACIT commission was made up of 5 Executive Councilors and the Commissioner of the NHDOT.

Town Administrator Fournier said that he had reported in his ongoing projects that the Department of Public Works was securing the striping for the **Downtown Crosswalks**. He said because of delays by the Contractor to apply the paint and thermal plastic to the crosswalks, the Town had decided to go ahead and complete the job. He said if for some reason they could not get reimbursed, the Town could find the money in the Operating Budget.

Discussion: Councilor Bowden asked for an update on the new Phone System or an approximate schedule. Town Administrator Fournier said there had been a delay in the schedule and it would be installed within the next 2 weeks. Chairman Pike asked if the Council had heard from all major departments with regard to the MRI Efficiency Study. Town Administrator Fournier said all that was remaining was Planning and the Town Administrator. Chairman Pike asked if there would be a final version of the spreadsheet. Town Administrator Fournier explained that as part of the annual review of employees, some of the goals were rolled into their goals and said he intended to update the spreadsheet monthly.

## COMMITTEE REPORTS

Councilor Gretchen Kast said she, along with Chairman Pike, had attended the *Capital Improvement Program (CIP) Committee* meeting. She said the committee elected Rose-Anne Kwaks as Chairman and Russell Simon as Vice Chairman. She said they amended the Rules of Procedure to have the Facilities Director as an ex-officio member which was approved. Chairman Pike questioned that, and Town Administrator Fournier said it had been cleared up and that Department Heads should not be serving as ex-officio members. He explained that ex-officio does not mean “non-voting” but rather “by virtue of office”, and said he did not think they should have staff voting on a committee. Councilor Kast said she would get clarification at the next meeting. She stated that submissions by Department Heads to the CIP Committee were up-coming, and that committee members would be going on tours.

Vice-Chair Weinstein said she had attended a short *Budget Committee* meeting last Monday. She said the committee had gotten year-end reports from Superintendent Nadeau and Town Administrator Fournier, and said the Budget Committee was heading into a busy time in the next couple of months.

Chairman Pike stated that the *Macallen Dam Study Committee* had met on August 23<sup>rd</sup>. He said they had found out with regard to the spillway that if the gates were modified, it would not require them to change the granite spillway itself and they would not need a stability analysis according to the State Engineer. He said the major concern was how the abutment wall would look in the area of the Durham Book Exchange. He said they had let the GZA know early on that one of the alignments would have the abutment wall on the shoreline furthest from the Durham Book Exchange to open up that area for a pocket park, and said they would have a preliminary analysis on that in November.

## OLD BUSINESS

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

**Resolution 2017/2018-06 Resolution Authorizing the Town Administrator to enter into an Agreement with McDevitt Trucks to Purchase a 2017 Mack GU713 Roll Off Truck, and withdraw said funds from the previously-established Public Works Capital Reserve Fund**

Councilor Thompson made a motion to approve *Resolution 2017/2018-06 Resolution Authorizing the Town Administrator to enter into an Agreement with McDevitt Trucks to Purchase a 2017 Mack GU713 Roll Off Truck, and withdraw said funds from the previously-established Public Works Capital Reserve Fund*, which was seconded by Councilor Bowden.

Public Works Director Rick Malasky stated that they had purchased the current truck in 2001 for approximately \$35,000. He explained that the truck was primarily utilized by the Transfer Station to haul large cans and for the Wastewater Treatment Plant to haul sludge cans which were charged by the pull. He said Water & Wastewater Superintendent Sean Greig did 3 per month at \$350/pull and that the Transfer Station did 4-5 per week at a lower rate. He stated that they had parked the truck as it needed major repairs and Casella had been hauling their cans.

Public Works Director Malasky said typically they ordered a chassis and had a hoist mounted on the truck which took 7-8 months. He said that Mack already had a truck built and also provided a \$40,000 buyback guarantee after 15 years of use, and added that the truck was being held until tomorrow. He said he had called International to question whether they offered a buyback and they resubmitted their quote with a \$42,000 buyback. He said the 4-6 week timeframe they quoted was not realistic.

Public Works Director Malasky said he recommended the Town purchase the 2017 Mack Roll Off Truck which they could have by tomorrow and save approximately \$15,000 in pulls contracted out to Casella. He said there would be increases with the new Wastewater Plant coming online, but he had no way to measure that cost. Town Administrator Fournier stated that if the Council considered the 2<sup>nd</sup> International bid they would have to start the process all over again, as they had to use the original bids or re-bid the whole process.

Discussion: Chairman Pike asked which bid was the one that had come back a second time, and Public Works Director Malasky stated that the first 3 bids listed were all done at the same time. Councilor Thompson asked if copies of all the bids should have been included, and Town Administrator Fournier said they should have been in the packet. She asked why the 2017 Mack was better than the 2018 International bid which was \$2,000 less with a \$42,000 buyback and 4-6 weeks delivery. Town Administrator Fournier said the 4-6 weeks was for the original bid and they did not know what it would be if re-bid.

Chairman Pike asked if they were sure they would want to be turning in the truck in 15 years and Public Works Director Malasky said it was just an option. Councilor Kast asked about the timeframe and upgrade scenarios for the current vehicle, and Public Works Director Malasky said they were not using the truck in order to keep a trade-in value. He said the truck would need major repairs and said it was not worth

investing money in the vehicle. Councilor Kast said asked why the 2017 Mack cost was higher than the 2018 Mack. Public Works Director Malasky said the 2017 Mack had heavier springs on the front and back which increased the weight of the entire suspension system on that vehicle.

Councilor Bowden asked if the \$42,000 buyback from International had a time period in terms of years, and Public Works Director Malasky said it was also 15 years. Vice-Chair Weinstein said that typically the Council got background from Auto Excellence on what repairs were needed and what the cost would be. Public Works Director Malasky said it would cost \$16,000 to \$18,000 just to make it road-worthy, but that there were other issues with the truck. Chairman Pike said he felt that buyback was less interesting than the purchase price minus the trade. Councilor Thompson clarified that the listed cost already had the trade-in value subtracted.

Chairman Pike asked how long a re-bid process would take, and Town Administrator Fournier said it would take until November at least, with 4-6 weeks for the re-bid process. Chairman Pike said if the Council could not accept the last bid, the only way to get out of a 5-month delay was to accept the 2017 Mack recommended by Public Works Director Malasky. Councilor Thompson said from another point of view it would take 11 years of hiring Casella at \$15,000/year before they paid back the cost of the Mack truck, and would not have to pay for maintenance or insure the vehicle.

Public Works Director Malasky stated that they also used the vehicle for other projects to save money for the Town. Councilor Kast asked when the 15-year period would begin with the 2017 Mack truck, and Public Works Director Malasky said it would when the contract was signed. Chairman Pike said he had heard about costs for operating the Roll Off Truck, and Town Administrator Fournier said the costs were the \$15,000 estimate to have Casella haul the cans. He said he wanted to make sure everyone understood that the \$15,000 was not budgeted and the funds would have to come from Transportation,

Town Administrator Fournier polled the Council and Resolution 2017/2018-06 Resolution Authorizing the Town Administrator to enter into an Agreement with McDevitt Trucks to Purchase a 2017 Mack GU713 Roll Off Truck, and withdraw said funds from the previously-established Public Works Capital Reserve Fund was approved by a vote of 4-2.

**Resolution 2017/2018-07 Resolution Authorizing the Town Administrator to enter into an Agreement with Industrial Protection Services to Purchase a 2017 Zodiac MilPro ERB 400 Rescue Boat, and withdraw \$19,550 from the previously-established Fire Rescue Capital Reserve Fund**

Vice-Chair Weinstein made a motion to approve Resolution 2017/2018-07 Resolution Authorizing the Town Administrator to enter into an Agreement with Industrial Protection Services to Purchase a 2017 Zodiac MilPro ERB 400 Rescue Boat, and withdraw \$19,550 from the previously-established Fire Rescue Capital Reserve Fund, which was seconded by Councilor Kast.

Public Works Director Malasky stated that the current boat was a small aluminum fishing boat and they had been informed that it was a liability to be functioning with that boat. He said it had gone through the CIP Process and it was approved last year. He said he had received 3 quotes for a Zodiac Rescue Boat with trailer, all of which were within \$20 of each other, and said Industrial Protection Services was the low bid

at \$19,550. He said the Fire Department received a lot of requests from Great Bay for rescues, and said the Coast Guard called them when they could not get out.

Town Administrator Fournier asked what the other two bids were as they were not included in the packet. Public Works Director Malasky said the other bids were \$19,557 and \$19,894 for the same boat and trailer. Councilor Thompson said she preferred having the other quotes as she did not like voting without all the information. She asked if there had been some discussion about a grant to purchase the boat, and Public Works Director Malasky said not for this boat. Councilor Thompson asked whether using the rescue boat for other towns would be reimbursable like the Ambulance. Town Administrator Fournier said it would not as there was a Fire Mutual Aid Agreement across the State.

Councilor Bowden asked about the other bids and the warranties, and Public Works Director Malasky said that everything was identical and the boat was built specifically for the Fire Department with a 5-year warranty. Town Administrator Fournier asked the Council if they would agree to table *Resolution 2017/2018-07* until the other 2 quotes were available. Councilor Thompson said otherwise she would be voting against it. Vice-Chair Weinstein said she would also like some documentation of usage of the boat in the past.

Councilor Thompson made a motion to table *Resolution 2017/2018-07 Resolution Authorizing the Town Administrator to enter into an Agreement with Industrial Protection Services to Purchase a 2017 Zodiac MilPro ERB 400 Rescue Boat* until the next meeting, which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and the motion to table *Resolution 2017/2018-07 Resolution Authorizing the Town Administrator to enter into an Agreement with Industrial Protection Services to Purchase a 2017 Zodiac MilPro ERB 400 Rescue Boat* was approved by a vote of 6-0.

#### **ORDINANCES AND RESOLUTIONS IN THE 3<sup>RD</sup> 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**

##### ***Lamprey River Management Advisory Committee***

Candidate: *Michelle Shattuck – Term Expires March 2020*

Vice-Chair Weinstein made a motion to approve the nomination of *Michelle Shattuck* as a member of the *Lamprey River Management Advisory Committee – Term Expiring March 2020*, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the nomination of *Michelle Shattuck* as a member of the *Lamprey River Management Advisory Committee* was approved by a vote of 6-0.

***Energy & Environment Advisory Committee***

Candidate: *Jonathan Kiper – Term Expires March 2020*

Vice-Chair Weinstein made a motion to approve the nomination of *Jonathan Kiper* as a member of the *Energy & Environment Advisory Committee – Term Expiring March 2020*, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the nomination of *Jonathan Kiper* as a member of the *Energy & Environment Advisory Committee* was approved by a vote of 5-0 with 1 abstention.

***Council Representative to the Energy & Environment Advisory Committee***

The Council agreed to wait until the next meeting to appoint a Council Representative to the Energy & Environment Advisory Committee to allow councilors a chance to volunteer.

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

**Resolution #2017/2018-08 Authorization to Withdraw \$25,000 from the Sewer CIP for Pumping Station Improvements Preliminary Engineering**

Chairman Pike read *Resolution #2017/2018-08 Authorization to Withdraw \$25,000 from the Sewer CIP for Pumping Station Improvements Preliminary Engineering* in full.

**Resolution #2017/2018-09 Operation of Keno Games in the Town of Newmarket**

Chairman Pike read *Resolution #2017/2018-09 Operation of Keno Games in the Town of Newmarket* in full. Town Administrator Fournier said it would be on the Ballot in March if approved by the Council or approved by a certain percentage of the community.

**Resolution #2017/2018-10 Authorizing the Town Administrator to Enter into a Contract with Educational Building Consultants for Door Replacement and Opener Addition at the Sunrise Center**

Chairman Pike read *Resolution #2017/2018-10 Authorizing the Town Administrator to Enter into a Contract with Educational Building Consultants for Door Replacement and Opener Addition at the Sunrise Center* in full.

**Resolution #2017/2018-11 Authorizing the Town Administrator to Enter into a Contract with Affinity Lighting for Town Street and Decorative Lighting Upgrades**

Chairman Pike read *Resolution #2017/2018-11 Authorizing the Town Administrator to Enter into a Contract with Affinity Lighting for Town Street and Decorative Lighting Upgrades* in full.

**Resolution #2017/2018-12 Increase of Sewer Rates**

Chairman Pike read Resolution #2017/2018-12 Increase of Sewer Rates in full.

**Resolution #2017/2018-13 Increase of Water Rates**

Chairman Pike read Resolution #2017/2018-13 Increase of Water Rates in full.

**Resolution #2017/2018-14 Authorizing the Town Administrator to Enter into a Contract with Securadyne for a Visual Surveillance and Controlled Access System**

Chairman Pike read *Resolution #2017/2018-14 Authorizing the Town Administrator to Enter into a Contract with Securadyne for a Visual Surveillance and Controlled Access System* in full. Councilor Thompson said the resolution should state where the funds were coming from. Town Administrator Fournier said he would be asking for an amendment to say funds were to be withdrawn from the Facilities & Grounds Capital Reserve Fund.

**CORRESPONDENCE/CLOSING COMMENTS**

Vice-Chair Weinstein asked when the paving would start, and Town Administrator Fournier said he was hoping by the end of this month or early October, as there was a delay from all towns receiving State funding at the same time.

**NEXT MEETING:** Next regular Town Council Meeting scheduled for September 20, 2017.

**ADJOURNMENT**

Chairman Pike adjourned the meeting at 8:10 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary