

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

**September 20, 2017 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved October 4, 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, Facilities Director Greg Marles, Water & Wastewater Superintendent Sean Greig, Public Works Director/Fire Chief Rick Malasky

**AGENDA**

Chairman Dale Pike welcomed everyone to the September 20, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:00 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 5-0 with 1 abstention.

***Tax Deeds for Map/Lots R5-165 and U2-108***

Councilor Thompson made a motion to accept the Tax Deeds for Map/Lots R5-165 and U2-108, which was seconded by Councilor Kast. Town Administrator Fournier polled the Council and the motion to accept the Tax Deeds for Map/Lots R5-165 and U2-108 was approved by a vote of 5-0 with 1 abstention.

**PUBLIC FORUM**

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

Rose-Anne Kwaks, Chairman of the CIP Committee, stated she was interested in *Resolution #2017/2018-15* which was up for a first reading tonight, and Town Administrator Fournier said that they would not act on it until the second reading. Ms. Kwaks stated that she was very concerned about an issue that was brought up to her, and asked what the cost would be to fix the Town Council Dais. Town Administrator Fournier said the cost would be “not to exceed \$10,000” for the complete rewiring and woodworking. Ms. Kwaks asked how necessary this was, and Town Administrator Fournier stated that they had been having wiring issues with the microphones for some time.

Ms. Kwaks asked what percent of the cost was for the wiring, and asked if that could be done without the rest of the updating. Town Administrator Fournier said he would discuss it with the Council at the next meeting. Ms. Kwaks said they needed \$10,000 to fix the Tiger Building. Town Administrator Fournier explained that the money for the wiring would come from the Cable Fund and money for the Tiger Building would come from the Building Improvements Capital Reserve Fund. He said the Facilities Director was now going through all the buildings and would have a report later this year. Vice-Chair Weinstein asked what the Tiger Building was, and Ms. Kwaks said it was a historical building which housed a historic artifact and was in complete disrepair. She said if \$10,000 could be found in the budget, she would like to see that done before anything else.

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 Joint Town Council/School Board Meeting of August 30, 2017**

Councilor Thompson made a motion to accept the minutes of the Joint Town Council/School Board Meeting of August 30, 2017, which was seconded by Vice-Chair Weinstein.

Town Administrator Fournier polled the Council and the minutes of the Joint Town Council/School Board Meeting of August 30, 2017 were approved by a vote of 5-0 with 1 abstention.

##### **Acceptance of the Minutes of the Regular Meeting of September 6, 2017**

Vice-Chair Weinstein made a motion to approve the minutes of the Regular Meeting of September 6, 2017, which was seconded by Councilor Bowden.

Changes/Corrections: Chairman Pike corrected “GCA” to GZA on page 3 of the minutes, line 124.

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

##### **Acceptance of the Minutes of the Non-Public Session of September 6, 2017**

Vice-Chair Weinstein made a motion to approve the minutes of the Non-Public Session of September 6, 2017, which was seconded by Councilor Kast.

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

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

Town Administrator Steve Fournier stated that the **Paving Projects** for this year had begun last week with the start of the reclamation of New Road. He said Granite Street had been done and they were currently paving on the hill in Downtown, which they expected to complete in 3 weeks. He said they had gone out to RFP for the update of the **Town Financial Software System** and received 3 proposals, which were quite extensive and currently under review by a team composed of IT, Finance, the Town Clerk and other departments. He said they had the funding for the first-year lease payment in the Current Budget.

Town Administrator Fournier said there was nothing out of the ordinary with the **FY2018 Budget** at this time, and said the Revenue Budget would not be included until the Tax Rate was set in a few weeks. He said currently budget revenue estimates were zero, but said the Town was also doing well there. He stated that he received the lawsuit for **NHDOT vs. the Town of Newmarket** for the South Route 108 Widening Project. He said the State filed a Summary Judgement against the Town, and they would be filing their reply shortly.

Town Administrator Fournier announced a procedural change that would have all motions made by Vice-Chair Weinstein going forward to prevent confusion.

Discussion: Councilor Kast asked for the status on the joint community challenge to the MS4 situation, and Town Administrator Fournier said he had not yet received that information. Vice-Chair Weinstein commented that the Police Report statistics given for heroin-related overdoses and deaths had declined, which said a lot about the work of the Newmarket Police Department.

Chairman Pike had a question on the Facilities Report with regard to the Stormwater Integrated Pest Management Program. Facilities Director Marles explained that part of their Stormwater Program included looking at pests, fertilizers, herbicides and pesticides and creating a plan on how that worked as part of their Stormwater Compliance MS4 Program. Chairman Pike also pointed out a misprint under the CIP Report which should state that the CIP would submit their formal recommendations by October 1<sup>st</sup>.

#### **COMMITTEE REPORTS**

Councilor Kast reported on the *Capital Improvements Program (CIP) Committee*. She first cleared up the issue of the amendment to their Rules and Procedures from the last meeting with regard to ex-officio members. She said Town departments had provided facilities tours to the Committee on September 11th, and that Department Heads had presented requests for CIP review for the School and the Town, on September 14<sup>th</sup> and 18<sup>th</sup> respectively. She said a common concern heard by Department Heads was proper

support of asset maintenance. She said though it was not part of the CIP Process per se, it was key for protecting assets to insure the realization of full life value for those assets.

Councilor Kast said deliberations and preparations of CIP recommendations were scheduled for Monday September 25<sup>th</sup>, and Thursday September 28<sup>th</sup> if more time was needed. She stated that she agreed that the Council should have more details of the CIP, particularly with long-range planning. Chairman Pike said the Town Council would hear directly from the CIP Committee at their first meeting in October, and would have time to talk about the process.

## **OLD BUSINESS**

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

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

Vice-Chair Weinstein made a motion to approve *Resolution #2017/2018-08 Authorization to withdraw \$25,000 from the Sewer CIP for Pumping Station Improvements Preliminary Engineering*, which was seconded by Councilor Thompson.

Water & Wastewater Superintendent Seam Greig stated that the Town had 6 pumping stations which pumped wastewater to the Wastewater Treatment Plant. He said they had started looking at the stations and performed some evaluations on what needed to be done, and planned to start a list of prioritized items. He said this resolution would provide engineering to figure out how to best do the work, and they would then get back to the Town Council to ask for any additional monies needed to move to the next step of the design and building of the work. He said the Sewer Capital Reserve Fund had approximately \$580,000 currently.

Discussion: Councilor Thompson pointed out that the resolution said funds were to come from the Sewer CIP, which should be the Sewer Capital Reserve Fund. She said the two were perpetually confused, and that the CIP was a plan which had nothing to do with funds or funding. Chairman Pike asked about the bid process, and Water & Wastewater Superintendent Greig said they had gone through the process of getting an engineering firm that had provided costs. He said he was here because the amount being requested was over \$10,000.

Town Administrator Fournier polled the Council and *Resolution #2017/2018-08 Authorization to withdraw \$25,000 from the Sewer CIP for Pumping Station Improvements Preliminary Engineering* was approved by a vote of 6-0.

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

Vice-Chair Weinstein made a motion to approve *Resolution #2017/2018-09 Operation of Keno Games in the Town of Newmarket*, which was seconded by Councilor Thompson.

Town Administrator Fournier explained that in order to fund some aspects of Full Day Kindergarten, the New Hampshire State Legislature had passed Bill 191 allowing Keno Games in certain establishments. He said as part of that bill, municipalities were required to vote on whether or not to authorize Keno in their communities. He explained that the vote tonight was whether or not to place the question on the Ballot in March, and said the Town Council would need to hold a Public Hearing on the issue.

Councilor Bowden asked how much of the money raised by Keno actually went to the Kindergarten Educational Trust Fund. Town Administrator Fournier said it was usually the amount raised minus the costs to run the program. Vice-Chair Weinstein said she had given the issue a lot of thought and wanted to express some of her concerns to the Council and the community. She said Newmarket had voted to fund full-day Kindergarten a few years ago because they valued education. She said she felt strongly that it was the responsibility of the State to fund education and fund it adequately in the State of New Hampshire. She said she did not think this policy did that, and said she could not in good faith support the resolution and would be voting against it tonight.

Councilor Thompson said she seconded everything Councilor Weinstein said and for the same reasons. She said this would put an unfair burden on towns like Newmarket, and she felt the positives did not outweigh the negatives and she would also be voting against it tonight. Councilor Kast said she also agreed but with the exception that it should be put to a vote to allow the townspeople to decide. Councilor Finch said he shared some of the same concerns with using Keno to fund Kindergarten but that he felt torn on whether or not the voters should be able to choose.

Town Administrator Fournier polled the Council and Resolution #2017/2018-09 Operation of Keno Games in the Town of Newmarket was approved by a vote of 4-2.

**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**

Town Administrator Fournier stated that there was an error in this resolution and it should read: *to withdraw up to \$9,950 from the Building Improvements Capital Reserve Fund*, and said there was currently \$249,747 in the fund. He said he had found out that the Newmarket Housing Authority could provide up to \$5,000 towards the project, but said they would only withdraw the amount needed.

Vice-Chair Weinstein made a motion to amend Resolution #2017/2018-10 to specify that funds would be withdrawn from the Building Improvements Capital Reserve Fund, which was seconded by Councilor Thompson. Town Administrator Fournier polled the Council and the motion to amend Resolution #2017/2018-10 was approved by a vote of 6-0.

Facilities Director Marles stated that the resolution was to replace the 2 exterior side doors at the Sunrise Sunset Center, as they were rusted out. He said they would be replaced with 2 steel doors with steel frames, and an ADA opener at the main entrance (right side) to be in compliance with ADA access. He said the current front door was technically only an egress by code and not an entrance. Vice-Chair Weinstein asked about the up-coming installation of the access security system for the Town, and Facilities Director Marles said the system they were putting in would allow for that.

Town Administrator Fournier polled the Council and 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* was approved as amended by a vote of 6-0.

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

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-11 *Authorizing the Town Administrator to enter into a Contract with Affinity Lighting for Town Street and Decorative Lighting Upgrades* which was seconded by Councilor Bowden.

Town Administrator Fournier said the Town had been working on replacing the Downtown decorative lighting with LED lighting and replacing the cobra-head lighting throughout the Town. He said they had worked with Eversource to secure funding as a part of their Energy Rebate Program, and had applied to the Community Development Finance Authority (CDFA) for a 2.5% loan to fund the project and should know if their application had been approved in about 3 weeks. He said that this would replace every streetlight in Town with LED lighting, as well as the decorative lighting in the Downtown area. He explained that both types of lighting were billed differently, with streetlights billed on a flat basis and parking lots and Downtown lights City Metered.

Town Administrator Fournier said the initial proposal was from Affinity Lighting in Dover and they had received one other proposal from Energy Management Consultants. He said he was recommending Affinity Lighting due to their proximity, and said the company was also working with a number of other communities in the area. He stressed that the project would only go forward with approval of the CDFA Loan and would not be done without CDFA authorization, though Eversource was already committed.

Discussion: Councilor Thompson asked about the timeframe if the loan went through, and Town Administrator Fournier said the decorative lighting would be done by the end of this calendar year and the street lighting done early in 2018. Councilor Thompson asked why they needed to vote on this tonight if it was contingent on the loan. Town Administrator Fournier said he wanted the flexibility to be able to move forward when the loan was approved so they could begin manufacturing the cobra-head lighting. He said if the loan does not go through he would have to start over and obtain new prices to reapply.

Town Administrator Fournier polled the Council and Resolution #2017/2018-11 *Authorizing the Town Administrator to enter into a Contract with Affinity Lighting for Town Street and Decorative Lighting Upgrades* was approved by a vote of 6-0.

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

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-12 *Increase of Sewer Rates* which was seconded by Councilor Bowden.

Water & Wastewater Superintendent Greig stated that when the Town started with the Wastewater Treatment Plant years ago he had come to the Council with several plans on how to pay for it. He said the Town Council at that time decided not to have a one-time increase but to increase over time by 76 cents/year on the Sewer Rate, and said he was before the Council to ask for the yearly increase. He said there would be a few more years of increases until they reached the projected \$13.50/cubic foot, adding that 100 cubic feet equaled 750 gallons.

Discussion: Councilor Thompson felt it was hard for her to know what to do as she was not on Town sewer or water. Water & Wastewater Superintendent Greig said he created the numbers and the model which had been confirmed by Wright Pierce. He explained that if they stopped doing the yearly increases while starting to make payments on the Wastewater Treatment Plant, there would be a lack of funds at some point.

Town Administrator Fournier polled the Council and Resolution #2017/2018-12 Increase of Sewer Rates was approved by a vote of 6-0.

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

Vice Chair Weinstein made a motion to approve Resolution #2017/2018-13 Increase of Water Rates which was seconded by Councilor Bowden.

Water & Wastewater Superintendent Greig stated that Water Rates had not moved since 2010, and felt they needed to start moving rates up or they would be at a deficit. He said all the goals put forward for the Water Department by the Town Council in 2011 had been completed, which included the MacIntosh Well, the Tucker Well, and moving the water mains on North Main Street. He said they needed to start increasing water rates to keep up with the cost of chemicals, and said another problem in the past year was the drought.

Discussion: Councilor Kast asked if this was a one-time increase, and Water & Wastewater Superintendent Greig said he would be coming back to the Council, as Asset Management had forecast a cost of \$8 million over the next 10 years for water main replacement. He said they also did not know the cost of treatment for the MacIntosh Well or the costs to bring the Tucker Well online, and said they would be coming back to the Council to begin a study to look into those costs and come up with a plan which had the least impact on water users.

Town Administrator Fournier polled the Council and Resolution #2017/2018-13 Increase of Water Rates was approved by a vote of 6-0,

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

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-14 Authorizing the Town Administrator to Enter into a Contract with Securadyne for a Visual Surveillance and Controlled Access System, which was seconded by Councilor Thompson.

Town Administrator Fournier stated that he needed an amendment to the resolution to read: *to withdraw up to \$23,711.50 from the Building Improvements Capital Reserve Fund and \$23,711.50 from the Dispatch/Police Equipment Capital Reserve Fund.* He said the Building Improvement Fund had a balance of \$249,747 and the Police Equipment Fund had a balance of \$182,842.

Vice-Chair Weinstein made a motion to approve the above amendment to Resolution #2017/2018-14, which was seconded by Councilor Thompson. Town Administrator Fournier polled the Council and the amendment was approved by a vote of 5-0 (Councilor Finch was out of the room during the vote).

Town Administrator Fournier polled the Council and Resolution #2017/2018-14 Authorizing the Town Administrator to Enter into a Contract with Securadyne for a Visual Surveillance and Controlled Access System was approved as amended 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.)

**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.* (This Resolution is tabled from the September 6, 2017 Council Meeting.) ***(Town Administrator requests this item be taken off the Table for action.)***

Vice-Chair Weinstein made a motion to remove Resolution #2017/2018-07 from the Table, which was seconded by Councilor Bowden and approved by the Council with a vote of 6-0.

Fire Chief Rick Malasky said he had provided the calls for service and all of the quotes as requested by the Council.

Discussion: Vice-Chair Weinstein asked for an explanation of the difference between the current boat and what the new boat would provide. Fire Chief Malasky said they currently had an aluminum fishing boat which was easily tipped over, and that the new Zodiac MilPro ERB 400 Rescue Boat was a military-approved inflatable craft. Councilor Thompson asked if use would increase with the new boat. Fire Chief Malasky said not all communities had boats but he did not see calls for service increasing. Councilor Thompson asked if Town personnel would go with the boat if a call came through, and Fire Chief Malasky said only their personnel would take out the boat.

Councilor Kast asked about maintenance costs, and Fire Chief Malasky said there would be no maintenance, and said it was a military-approved boat which would reach the end of its useful life after 20 years. He said the boat they currently had was a huge liability, and said that training would be needed on

the new boat. Chairman Pike asked if the Fire Department would sell the old boat, and Fire Chief Malasky said he was not sure as the boat was purchased by the Police Department. Town Administrator Fournier said they would need to look at the grant used to purchase the boat as there might be Federal rules they needed to follow.

Town Administrator Fournier polled the Council and 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 was approved by a vote of 6-0.

## **NEW BUSINESS /CORRESPONDENCE**

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

#### ***Energy & Environment Advisory Committee***

Candidate: *Donald Sanders – Term Expires March 2020*

Vice-Chair Weinstein made a motion to approve the nomination of *Donald Sanders* 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 *Donald Sanders* as a member of the *Energy & Environment Advisory Committee* was approved by a vote of 6-0.

#### ***Capital Improvement Program (CIP) Committee***

Candidate: *Russell Simon– Term Expires March 2020*

Vice-Chair Weinstein made a motion to approve the nomination of *Russell Simon* as a member of the *CIP Committee – Term Expiring March 2020*, which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and the nomination of *Russell Simon* as a member of the *CIP Committee* was approved by a vote of 6-0.

### **ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING**

#### **Resolution #2017/2018-15 Resolution Authorizing the Town Administrator to Enter into an Agreement with Educational Building Consultants, Access TV, and Daniels Electric for Town Council Dais Improvements**

Chairman Pike read Resolution #2017/2018-15 Resolution Authorizing the Town Administrator to Enter into an Agreement with Educational Building Consultants, Access TV, and Daniels Electric for Town Council Dais Improvements in full.

**CORRESPONDENCE – None**

**CLOSING COMMENTS**

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

Vice-Chair Weinstein reminded the Council that they needed to appoint a Town Council Representative to the *Energy & Environment Advisory Committee*, and said she volunteered for the position.

Councilor Thompson made a motion to appoint *Vice-Chair Weinstein* as *Council Representative* to the *Energy & Environment Advisory Committee* which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the appointment of *Vice-Chair Weinstein* as *Council Representative* to the *Energy & Environment Advisory Committee* was approved by a vote of 6-0.

**NEXT MEETING:** Next regular Town Council Meeting is scheduled for October 4, 2017.

**ADJOURNMENT**

Chairman Pike adjourned the meeting at 8:08 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary