

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

April 1, 2015 7:00 PM

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

ALSO PRESENT: Town Administrator Steve Fournier, Water & Wastewater Director Sean Greig, Senior Project Manager Tim Vadner of Wright Pierce

EXCUSED: None

AGENDA

Chairman Nazzaro welcomed all present and called the meeting to order at 7:07 pm, followed by the Pledge of Allegiance.

Vice Chair Levy made a motion to seal the minutes of Non-Public meeting *RSA 91-A:3 II Personnel/Legal*, and Councilor Weinstein seconded the motion.

Town Administrator Fournier polled the Council and the motion passed unanimously, 7-0.

PRESENTATION OF APPRECIATION

Chairman Nazzaro presented Vice Chair Levy with a plaque in honor of his service as the Chairman of the Town Council. He thanked him for the level of professionalism he had brought to the Council and for his work on behalf of the Town of Newmarket.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:08 pm and asked whether anyone from the public wished to speak.

Mr. Paul Lebeau addressed the Council regarding a rental property he owned on 29 Central Street. He stated that at this time he had four (4) tenants with no place to park their vehicles, as the ownership of the spaces had changed hands. He said that he currently had two (2) leases but that tenants were reluctant to renew due to the lack of parking, and he would be left with an empty 3-unit building. Vice Chair Levy pointed out that there were a certain number of public spaces available in Town. Town Administrator Fournier stated that twenty (20) spaces were deeded to the Town and that the spots were still there. He said that for now street parking would be okay, but not as a long-term solution. He

encouraged Mr. Lebeau to come to his office to further discuss the matter. Councilor Pickering said that at one time parking had been allowed on one side of Central Street and asked whether this was still the case. Town Administrator Fournier said he was looking into the issue. Chairman Nazzaro said that the Council showed sufficient interest in wanting to help Mr. Lebeau. Town Administrator Fournier said that for the long term land was needed, and that for the short term he would need to look at regulations governing the issue. He added that if they did this for one property owner they would need to do it for everyone, and that eventually they would run out of spaces as there were not that many available. Councilor Thompson raised the issue of Private Property. Chairman Nazzaro felt there was sufficient energy in the Council to place the issue on the meeting agenda. Town Administrator Fournier asked Mr. Lebeau to give him a call in his office.

Town Moderator Christopher Hawkins addressed the Council regarding some upcoming changes to voting regulations in the Town. He said that previously if no photo ID was provided, another form of proof of residency had been allowed. He stated that now, if no photo ID was presented, he would be required to take a picture of the individual, and he felt that some people were bound to react to this regulation. He further specified that the Secretary of State was to provide a camera and a printer, but that the provision had been stricken from the budget. He said that he just wanted to raise awareness of the issue that he would be photographing all voters without a picture ID, and said that he would come back to the Council in future to remind the people of Town.

Chairman Nazzaro closed the Public Forum at 7:20 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of March 18, 2015

Councilor Thompson made a motion to approve the minutes of the regular meeting of March 18, 2015, and Vice Chair Levy seconded.

Changes: Councilor Thompson requested a change to the wording at the end of the first paragraph changing “*which* each Councilor” to “*with* each Councilor”. She also pointed out a misspelling of her name on page 7 under Old Business.

Town Administrator Fournier polled the council and the minutes of the regular meeting of March 18, 2015 were approved as amended, 7-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Fournier first reported on the **Spring Cleanup** days, which had been scheduled for Saturday May 2nd from 7:30 am to 4:30 pm, Wednesday May 6th from 7:30 am to 6:00 pm, and Saturday May 9th from 7:30 am to 4:00 pm, all at the Transfer Station. He stated that on those days residents could take items to the Transfer Station during the hours specified, but were limited to one pickup load

of bulky waste. He added that coupons for additional bulky loads could be purchased at the Transfer Station. He further stated that only disabled or senior residents were eligible for curbside pickup, but they needed to call the Public Works office prior to the start date to be listed on the schedule. He also pointed out that the length of time for the cleanup this year was shorter. He next addressed the **Municipal Code** stating that copies of the codified Town Ordinances from Municode had been received. He said that in the past a series of individual ordinances had constituted the Town code, but that now all adopted laws were codified and combined in one document, which would shortly be available online. He said that the Town Attorneys had worked for about two (2) years reviewing old laws, updating annotations, and eliminating portions not in compliance with State Law. As a next step, he stated that the Town Council would need to adopt an ordinance accepting the codification, which was on the agenda for a 1st reading at the current meeting. He also said that the Town Attorney would be present for discussion the night of their vote. He added that they were in the process of reviewing all current ordinances to determine if any needed to be added, updated, or repealed, and that Municode had reduced their price by \$2,000. Town Administrator Fournier next addressed **COAST Bus Route 7**, saying that COAST understood that Newmarket had been paying their fair share of the expenses. He said that they may try to at least keep the ADA services, but that Wildcat Bus Service Route 6 was available as an alternative. He said that there would be another meeting in the evening with COAST and that he continued to work with them on a possible alternate proposal.

Discussion: Vice Chair Levy asked Town Administrator Fournier whether he had come up with the requested figures relating to the increases in Motor Vehicle registrations and Building Permits and Town Administrator Fournier replied that he did not yet have the figures. Councilor Thompson inquired on the status of the Website updates that had been requested. Councilor Weinstein made a comment regarding the issue of Wildcat Bus Service, saying that she felt concerned about a reduction in services during Spring Break, etc. Chairman Nazzaro asked whether there was anything else they could do to provide encouragement to the Town Administrator or whether the Council was waiting on any other information that had been requested and not yet provided. Town Administrator Fournier stated that there was a missing MS2 ordinance, which was a policy they carried with no law backing it up, and that he would need the signatures of all the Councilors. Councilor Pickering asked how many phone calls had been received regarding the COAST Bus issue, and Town Administrator Fournier replied that he had received two (2) letters, three (3) emails, and (6) phone calls, and that he had met with some of the people. Vice Chair Levy asked for a ballpark figure of how many people used the COAST Bus Service. Chairman Nazzaro stated that there were 3,000 annually, and Councilor Pike said it came to approximately 15 riders per day. Councilor Weinstein said that although the ADA ridership was not large, these were the very people who would be impacted by the decision. Councilor Burns said that a survey of 20 people taking the COAST Bus had found ridership to be 33%. Chairman Nazzaro pointed out the ADA ridership was significantly lower, and added that there were a few months remaining before the service was pulled out of Newmarket.

WASTEWATER TREATMENT REGIONALIZATION

Water & Wastewater Director Sean Greig provided a PowerPoint presentation on the **Town of Newmarket Wastewater Treatment Facility** and the **Regional Wastewater Treatment Facility** proposed by Portsmouth. He began with the EPA AOC Requirements which included beginning construction on the

improvements to the Wastewater Treatment Plant (**WWTP**) in order to meet the Total Nitrogen permit limit by May 31, 2015, with construction to be completed by May 31, 2017. The requirement also specified that an 8.0mg/L Total Nitrogen limit be met one year from substantial completion.

Water & Wastewater Director Greig first provided an update on the **Newmarket WWTP**, stating that the design was complete and the project had gone out to bid, with bids due April 16, 2015. He said that the budget for the project was \$14,068,000, which included several grants. These grants included an NHDES State Revolving Loan, Rural Development funding, and a Rural Development Loan of \$10,340,000. He next provided an aerial view of the current plant with all proposed upgrades targeted and detailed, followed by an aerial view of the future WWTP site as it would look upon completion.

Water & Wastewater Director Greig next addressed the **Regional WWTP**, breaking down the components of the proposed project. The first component consisted of conveyance, or pumping the wastewater from Newmarket and other communities to the proposed wastewater treatment plant to be constructed at the Pease Tradeport in Portsmouth. The treated wastewater would then be discharged through an outfall pipe back into the environment. Water & Wastewater Director Greig then provided approximate costs for conveyance calculated by Wright Pierce and based on current Newmarket flows. These costs included a new pump station in Newmarket, a force main from the Newmarket WWTP to the intersection of Route 33 and Squamscott Road, and Newmarket's share of the cost of the force main from Route 33 to the Pease Tradeport WWTP. The approximate costs for pumping and conveyance to the Regional WWTP were estimated at \$16,750,000. Water & Wastewater Director Greig next reviewed the changes proposed by the City of Portsmouth. As part of the regional plan, they would be constructing a completely new WWTP at the Pease Tradeport, which would combine the current Portsmouth WWTP at Pease with their WWTP on Pierce Island. This new facility would have the ability to take flow from other communities, and Portsmouth was expected to provide preliminary costs at the end of April or the beginning of May. The Portsmouth proposal was considering three (3) different locations for the outfall pipe: Pierce Island WWTP, Deer Street Pumping Station, or Pease WWTP. To assess these options, permitting issues such as antidegradation/antibacksliding and shellfish bed impacts had to be taken into consideration.

Water & Wastewater Director Greig lastly reviewed issues that needed to be considered in order to decide on the best option for the Town. He said that that Exeter had not yet decided between regionalization or constructing their own WWTP, and the question of the total costs to Newmarket for the proposed regionalization plan were unknown. He therefore proposed continuing with the bidding for the Newmarket WWTP, waiting for the estimate of costs from the City of Portsmouth, and then evaluating the two approaches within timelines.

Discussion: Councilor Pike thanked Water & Wastewater Director Sean Greig for his presentation, saying that for the regional plan to work additional funding would be needed. Vice Chair Levy asked for the current limit for Portsmouth outflow, and Water & Wastewater Director Greig replied that they were trying for eight (8) and their nitrogen level was the same as Newmarket. Councilor Pike pointed out that their limit could change depending on the outfall location. Vice Chair Levy asked why Newmarket would lose funding if they decided to go with the regional plan. Water & Wastewater Director Greig replied that they would then no longer be eligible for Rural Development funds, but could

keep the State revolving loan portion. Vice Chair Levy questioned the nitrogen contribution to the Lamprey River of 20,259 from non-point sources for Newmarket. Water & Wastewater Director Greig explained that environmental impact included both point sources and non-point sources of nitrogen which was determined by modeling and sampling. He said that there had been an 80% reduction in levels from point sources, which reduced the total nitrogen released into the Lamprey River to 10% for Newmarket. Senior Project Manager Mr. Tim Vadney of Wright Pierce stated that most of the load of nitrogen in the Lamprey River was not from Newmarket. Councilor Pickering questioned whether the available grants were 100% guaranteed, and Water & Wastewater Greig replied that they were all set. Councilor Pike said that he had attended a talk on Nitrogen at UNH which had stressed a difference in the biological effect of organic versus non-organic nitrogen, with the most intense nitrogen going into the Bay, and that they were looking at the total load. Chairman Nazzaro felt that the non-point source amount was so low that it might be difficult to get it down lower. He then asked about the costs involved.

Mr. Vadney replied that they would have all the tools they would need available to be able to make an informed decision. Chairman Nazzaro asked about the other communities in the area. Water & Wastewater Director Greig stated that Stratham would be pumping to Exeter, as they did not have their own treatment plant. Town Administrator Fournier explained that they were looking at going to Exeter as a means of limiting growth by limiting sewer availability. Vice Chair Levy said that the costs of the plant upgrades for Newmarket were known, and that they would need to see the benefit and economy of scale to the regionalization plan, for which the real costs were necessary. Town Administrator Fournier pointed out the new plant at the Pease Tradeport would not be a regional plant, but a Portsmouth plant, and that Newmarket would have to pay their share of any upgrades. Water & Wastewater Director Greig felt there were three (3) possible scenarios: 1) that they would find that the regional plan was not cost effective, 2) that Exeter would decide pull out of the plan and proceed with their own, and 3) that the Regional Plan would work. He felt the greatest difficulty was in the distance. Councilor Weinstein asked what the timeframe for Exeter would be and how it would affect Newmarket. Mr. Vadney replied that Exeter was in the same situation as Newmarket, and though the regional solution did not look promising, they were waiting for the cost analyses. Town Administrator Fournier pointed out that Exeter was also running out of time to begin construction. Chairman Nazzaro asked about the costs of conveyance, and Mr. Vadney replied that it would be very little for Stratham to send wastewater to Exeter, but that outfall would be an issue. Town Administrator Fournier added that the nitrogen would stay in the river longer, and that it was better to put the effluent directly into the ocean. Chairman Nazzaro asked if there were any further comments. Mr. Vadney stated that he would come back when the numbers were received. Vice Chair Levy added that they were also waiting on another cost assessment of the Newmarket plan from Hoyle Tanner.

COMMITTEE REPORTS

Councilor Weinstein said that she had there had been a meeting of the Conservation Commission and gave a brief report.

Councilor Pike said that the Planning Board had withdrawn their application, as the application had been incomplete, and contained inaccuracies and other errors.

Vice Chair Levy reported on the Economic Development Committee meeting, stating that the site options for Elderly Housing were Route 152 and the Wilson Farm. He said that they had discussed land uses and would provide a long list of uses for the different zones at the next meeting. He again raised the issue of the number of committee members, and suggested looking instead at a 9-member committee, due to the difficulty of getting all 11 members to an early meeting. Chairman Nazzaro said that they would have to amend a resolution. He agreed that the committee was too large and that it was hard to find enough people, but felt that they also needed to look at the makeup of the members as it was too specific. Vice Chair Levy reiterated that the zones and uses would be addressed at the next meeting, and that Town Administrator Fournier was looking into Legal Council.

Vice Chair Levy reported that the School Joint Advisory Committee would be meeting on April 7th, and would be discussing the Model with the public. He said that the prior meeting had been packed and the people had voted 29-3 to keep the School here in Newmarket. He added that the next steps in the process would be on the meeting agenda.

Councilor Pickering briefly reported on the Budget Committee meeting of March 30th. He said that Mr. Dave Foltz had been elected as the new Chairman of the Budget Committee, and that they should know who the School Board Representative would be at the next scheduled meeting.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2014/2015-47 Agreement with Wright Pierce for Bidding Services for Wastewater Treatment Plant (WWTP) Improvement Project

Councilor Thompson made a motion to approve *Resolution #2014/2015-47 Agreement with Wright Pierce for Bidding Services for Wastewater Treatment Plant (WWTP) Improvement Project*, and Vice Chair Levy seconded.

Discussion: Senior Project Manager Tim Vadney of Wright Pierce explained that the bidding process was fairly involved, and that after opening the bids, they would all be reviewed. Vice Chair Levy voiced his concern regarding the \$28, 414 cost for services, and the need for voting at this meeting. Mr. Vadney specified that these costs were for just for the bidding process to begin, and Water & Wastewater Director Greig added that if the vote was put off the prices would only go up. Town Administrator Fournier also reminded the Council that an EPA extension would have to be applied for, and said that they would be using bonded money which they already had. Vice Chair Levy felt that he personally preferred to wait, and asked if the cost of \$28,414 was firm. Mr. Vadney replied that if the money was not used, it would not be spent. Vice Chair Levy then questioned whether 5% would be added to any sub-contractor fees and services, and Mr. Vadney replied that there were no sub-contractors on the project. Councilor Pike said that he felt comfortable moving forward as he felt the chance of the regional plan being a better solution was a longshot. Mr. Vadney felt that it would be

best to get the bids out before companies started filling up with work for the spring. Chairman Nazzaro asked for the turnaround time, and Mr. Vadney replied that there was a 60-day window. Water & Wastewater Director Greig brought up the O&M costs, and Mr. Vadney said that Exeter would have to equalize with a source lagoon. Water & Wastewater Director Greig stated that they would have a decision by May. Town Administrator Fournier said they could then use this information to determine whether to go with the Regional or the Town option.

Town Administrator Fournier polled the Council and *Resolution #2014/2015-47* passed by a vote of 6-1.

Resolution #2014-2015 – 48 DBU Construction to Perform Horizontal Directional Drill for MacIntosh Well Project

Councilor Thompson made a motion to approve *Resolution #2014-2015 – 48 DBU Construction to Perform Horizontal Directional Drill for MacIntosh Well Project*, and Councilor Weinstein seconded.

Discussion: Water & Wastewater Director Greig briefly reviewed the two (2) bids received for the project and the choice of DBU Construction, Inc. as the low bidder. He said that he had received a bid from DBU for \$233,725 which was \$133,050 lower than the next bidder, Henniker Direction Drilling, LLC with a bid of \$366,775. After evaluation of their qualifications and checking of references, it was determined that DBU was a responsible and responsive bidder and they were selected to be awarded the contract for the project. Vice Chair Levy pointed out that the analysis of the low bidder had revealed that the bid was \$38,000 higher than the engineer's estimate. Water & Wastewater Director Greig explained that it was 15% higher due to a difference in the pilot hole portion of the bid, as the engineers expected to encounter more ledge during excavation.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2014/2015-48* passed unanimously, 7-0.

ORDINANCES AND RESOLUTIONS IN THE 3ND READING - None

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Appointment of Town Council Representatives to a Committee/Commission

Chairman Nazzaro thanked the Councilors for submitting their preferences for assignment to committees and commissions. He announced the following appointments of Town Council Representatives:

Advisory Heritage Committee – Councilor Phil Nazzaro

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Highway Safety Committee– Councilor Larry Pickering (Phil Nazzaro Alternate)
CIP Committee – Councilor Weinstein
Conservation Commission – Councilor Burns
Economic Development Committee– Councilor Thompson and Councilor Levy
Cable Franchise Renegotiations – Councilor Levy
School/Town Joint Advisory Committee – Councilor Levy and Councilor Pike
Macallen Dam Committee – Councilor Pike

Appointment of Candidates to Committees/Commissions

Advisory Heritage Committee: 4 Vacancies, 4 Alternate Vacancies - NO CANDIDATES

Cemetery Trustee Committee: 2 Vacancies – 2 Candidates

Councilor Thompson made a motion to nominate *Michael Pelczar* and *Richard Alperin* with terms expiring March 2018, as members of the *Cemetery Trustee Committee*. The motion was seconded by Councilor Pike.

Town Administrator Fournier polled the Council and the motion passed unanimously, 7-0.

Conservation Commission: 2 Vacancies, 2 Alternate Vacancies – 2 Candidates

Councilor Weinstein made a motion to nominate *Jeffrey Goldknopf* and *Drew Kiefaber* terms expiring March 2018, as members of the *Conservation Commission*, which was seconded by Councilor Burns.

Mr. Drew Kiefaber was present at the meeting and briefly addressed the Council, stating that he had enjoyed serving on the Conservation Commission and looked forward to continuing his work. Councilor Weinstein commented that both candidates were sources of a wealth of information, and highly recommended them.

Town Administrator Fournier polled the Council and the motion passed unanimously, 7-0.

Economic Development: 1 Vacancy At Large – 1 Candidate

Vice Chair Levy made a motion to nominate *Bill Arcieri* as a member at large of the *Economic Development Committee*, which was seconded by Councilor Pickering.

Town Administrator Fournier polled the Council and the motion passed unanimously, 7-0.

Housing Authority: 2 Vacancies, 1 Candidate

Councilor Thompson made a motion to nominate *Dominic Rovetto* term expiring March 2020 as a member of the *Housing Authority*, which was seconded by Councilor Burns.

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Town Administrator Fournier polled the Council and the motion passed unanimously, 7-0.

Trustees of the Library: 1 Vacancy, 1 Candidate

Councilor Weinstein made a motion to nominate *Joan DeYoreo* term expiring March 2018 as a member of the *Trustees of the Library*, which was seconded by Councilor Pike.

Town Administrator Fournier polled the Council and the motion passed unanimously, 7-0.

Veterans Memorial Trust: 2 Vacancies, 1 Candidate

Councilor Burns made a motion to nominate *Philip Nazzaro* term expiring March 2018 as a member of the *Veterans Memorial Trust*, which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the motion passed unanimously, 7-0.

Zoning Board of Adjustment: 2 Vacancies, 5 Alternate Vacancies – NO CANDIDATES.

Chairman Nazzaro noted that work was stopping in Town as a result of these vacancies.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Ordinance #2014/15-02 Adopting the Codification of the Ordinance Book

Chairman Nazzaro read *Ordinance #2014/15-02 Adopting the Codification of the Ordinance Book* in full.

Town Administrator Fournier stated that the Town Attorney would be providing the details.

Resolution #2014/15 Town Council Rules for Proceedings

Chairman Nazzaro read *Resolution #2014/15 Town Council Rules for Proceedings* in full.

CORRESPONDENCE TO TOWN COUNCILORS

Chairman Nazzaro said that he had received one email regarding the water situation.

CLOSING COMMENTS BY TOWN COUNCILORS

Councilor Thompson said that she had read the Town Council Rules, and asked if at the second meeting they would be going back to a workshop event. Vice Chair Levy asked whether the School would participate. Chairman Nazzaro said that Council rules required bringing a facilitator, and Councilor Weinstein stated that the School Board was annually invited per the Charter. Councilor Pickering raised the issue of the ownership of Ash Swamp Road, saying that it was State owned before being renamed. Town Administrator Fournier replied that if it was State owned, they would be

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completing the project. Councilor Pickering asked for the costs involved to complete the project, and Town Administrator Fournier said that he would get the answers.

Councilor Pike suggested that the Town Council goals and the Town Administrator goals should be somehow linked. Vice Chair Levy pointed out that they might want to prioritize their goals as some of the Council goals might have to be done independently of the Town Administrator. Vice Chair Levy suggested that a goal for Town Administrator Fournier might be looking into the issue of possible leasing of parking spaces in the Town. He added that he felt the Council was not always as effective as they should be. Chairman Nazzaro said that a workshop was needed to discuss the goals for the Council, and Town Administrator Fournier suggested that it could be held before the regular meeting. Chairman Nazzaro mentioned that the Veterans Committee was sponsoring their annual golf event, and encouraged everyone to participate.

ADJOURNMENT

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at 8:01 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary.