

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

December 16, 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

AGENDA

Chairman Phil Nazzaro welcomed everyone to the December 16, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:01 pm and asked if anyone from the public wished to speak.

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

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of December 2, 2015

Councilor Thompson made a motion to approve the minutes of the regular meeting of December 2, 2015, which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the motion to accept the minutes of December 2, 2015 was approved by a vote of 7-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier stated that **Engineering Firms** were being interviewed for the Town Engineering contract. He said they were currently reviewing their cost proposals and references, and should have a proposal before the Council at the next meeting. He stated that the **Surplus Land Committee** meeting would be held prior to the January 6th meeting, and a contract for the proposal of the **Organizational Study Committee** should be available for a first reading at that time. He next provided an update on the **FY2016 Budget**, stating that with 42% of the year completed, they were currently running under budget with 39% expended. He explained that the main reason for this was that they had not completed road projects and had not done a sidewalk improvement project for fall. He said revenues continued to be healthy, and that the 89% collected also included all the property taxes for the year. He said he had gotten an update from the Town Clerk-Tax Collector, and 95% of all taxes had been collected.

Town Administrator Fournier next addressed a question which had been raised with regard to the current **Drought Conditions** in the Town, and said they were still in a Stage 3 Drought Emergency as they had not had any significant rainfall. He said the Sewall Well was currently at 60 feet below the pump and should be at 52 feet, and the Bennett Well was currently at 31.6 feet below and should be at 27 feet. He said though the wells had stabilized over the past two months, a wet spring was needed to replenish both Aquifers. He stated that the Water & Sewer Superintendent was also doing other research to see if the usage in the wells could be extended, and said a refurbishment of the wells had not been done for a number of years. He explained a refurbishment would involve purging the pump and clearing out materials built up over time, then cleaning the wells and getting them flowing again. He added that if the MacIntosh Well came online in early summer, it would help to alleviate the emergency situation.

Town Administrator Fournier said he wished to introduce *Wendy Chase* who was in the audience, as the new *Administrative Assistant to the Town Administrator*, who had been onboard for about a week. He said this was also the last day for *Kathy Castle*, and that she had wanted to take this opportunity to thank everybody, including the Council, the Town employees, and all the well-wishers who stopped by, and said she would miss everyone. He said he also wanted to take the opportunity to wish the Town Council and everyone a very happy and safe holiday.

Discussion: Councilor Thompson asked a question from page 50 of the packet under Planning Board, with regard to a statement that a booklet of CIP recommendations for the School was being prepared for the Town Council. Town Administrator Fournier replied that it should say School Board instead of Town Council. Vice Chair Levy asked if there were any updates on the rezoning recommendations and Town Administrator Fournier said he would be contacting Mr. John Connery. Vice Chair Levy questioned the significant increase in diesel gas use under the Department of Public Works on page 35, as fewer projects had been done. He also questioned the differences in Overtime in the department for 2016 and last year, and Town Administrator Fournier said this was due to fewer sidewalk projects. Vice Chair Levy raised an issue under the IT Department from page 44, asking if last year's budget could also be included. He said it was difficult to compare the 34% expended this year versus the 48% expended at the same time last year

without these numbers, and that he had the same question under Recreation. He then brought up the development on Exeter Street including the parking, and Councilor Pike confirmed there would be 11 apartments and said the Planning Board had granted a variance on the parking last week.

Chairman Nazzaro, in reference to the issue of providing year-to-year differences in the departmental reports, said he was also concerned as to “why” there was a percent difference, and felt that a synopsis explaining the variation should also be included. He said if they were currently at 89% of revenues collected, he would also like to see where they were at this point last year. Town Administrator Fournier said it was already in the yearly report and that at this date last year they had \$20,259,413.98 at 89% collected, and this year they had \$2,289,875.52 at 89% collected, and were right on target. Chairman Nazzaro also asked if it was known how many inches of rain it would take to get the Bennett and Sewall wells back to the correct levels. Councilor Weinstein said she was aware of another fatal overdose in Town a few weeks ago, and said she was not sure this it got reported but felt they should know about it. Town Administrator Fournier said they did provide police reports, but said he was not sure if they reported those figures

COMMITTEE REPORTS

Councilor Pike stated that the *Planning Board* had met last week, and said the discussions of what developments were out there and what proposals were before the Board were well-reported by Town Planner Diane Hardy, and were all either approved or were in Technical Committee. He said the Future Land-Use Subcommittee had met and the draft for that Chapter would be coming out by the end of the year, to be reviewed by the Planning Board early next year. He said they had been able to use a lot of the language of the consultants in the draft, which saved them a lot of work. Vice Chair Levy asked when they would be meeting next on the re-zoning for the elderly, and Councilor Pike said another meeting had not yet been set up.

Councilor Thompson stated that the *Budget Committee* had met a week ago Monday to discuss the School Board Budget Review process. She said that last Monday at 7:00 pm the Public Hearing was held for the Town Budget, which passed as the Town Council had recommended it, and that there had been some interesting questions and debates. She said the next Budget Committee meeting would be January 11, 2016 at 7:00 pm for the School Public Hearing, and that they were finished on the Town side. Councilor Pike asked what the vote had been and Councilor Thompson said it had been unanimous, though they were missing two members of the Committee.

Councilor Burns stated that the *Conservation Commission* met last Thursday, and they were looking at updating the Wiggan Farm-Tuttle Swamp management plan. She said they talked about a few of the kiosks that had been damaged by wind, to determine if they could be salvaged or would need to be replaced. She said they were also finishing up their year-end Easement Monitoring report.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2015/2016-26 Changing the Calculation for Holiday Pay

Vice Chair Levy made a motion to approved *Resolution #2015/2016-26 Changing the Calculation for Holiday Pay*, which was seconded by Councilor Thompson.

Town Administrator Fournier informed the Council that they would have to vote down the resolution so that the language could be changed. He said that after the resolution had been submitted it had become clear that there were unintended consequences for some departments with regard to Holiday Pay. He said he wanted to sit down with the Department Heads first to rewrite and clarify it before bringing it forward to the Council.

Discussion: Vice Chair Levy asked what the issue was and whether it really needed to be addressed. Town Administrator Fournier explained that different departments had different schedules, and that the holiday falling on Friday would mean different hours for different departments. He said some departments also had Friday off already, and he was trying to make sure the number of hours for the holiday was the same for everyone. He also explained that the policy stated that if you have the day off already, you get the day before or the day after, and that all municipalities worked that way. Chairman Nazzaro said his concern was that if one department worked 8-hour days and another 10-hour days the number of hours off would not be equal, and Town Administrator Fournier replied that was why they were pulling the resolution.

Town Administrator polled the Council asking them to vote “no”, and the motion to approve *Resolution #2015/2016-26 Changing the Calculation for Holiday Pay* failed by a vote of 7-0.

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS - None

Conservation Commission - Julie Sinclair, Alternate Term Expires March 2018

Councilor Burns made a motion to approve the appointment of *Julie Sinclair, Term Expires March 2018* as an *Alternate* to the *Conservation Commission*, which was seconded by Councilor Pike.

Ms. Julie Sinclair addressed the Council saying that she had been living in Newmarket since 1998, and that she and her husband had bought land and built a house on Dame Road in 2001. She said she loved living in Newmarket and she loved and appreciated the land in the area and in all of New Hampshire. She said she was also very much for wildlife, and was a member of Voices of Wildlife, and felt she wanted to get involved in that on a local level.

Newmarket Community Development Corporation (NCDC) – Steve Minutelli, Term Expires December 2018

Town Council Regular Meeting
December 16, 2015

Councilor Pickering made a motion to approve the nomination of *Steve Minutelli, Term Expires December 2018* to the *Newmarket Community Development Corporation (NCDC)*, which was seconded by Councilor Thompson.

Discussion: Councilor Thompson said she questioned the terminology in one of the letters for Steve Minutelli, which recommended him as a “Town Council representative to the NCDC”. Town Administrator Fournier said that the Town Council did not have a representative on the NCDC and that the ex-officio member was the Town Administrator. Chairman Nazzaro added that Mr. Minutelli was a former member of the Town Council.

Town Administrator Fournier polled the Council and the nomination of *Steve Minutelli, Term Expires December 2018* to the *NCDC* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2015/2016-28 Approval of the Fiscal Year 2017 Default Budget (*Town Administrator Requests Suspension of the Rules*)

Chairman Nazzaro read *Resolution #2015/2016-28 Approval of the Fiscal Year 2017 Default Budget* in full, and then asked for a motion to suspend the rules.

Town Administrator Fournier explained that he had asked the Council to suspend the rules in order to meet the deadline set by the Town Charter to have the Default Budget adopted. He said the Town was on a different timetable than the School and things needed to be wrapped up before the first week in January.

Councilor Thompson made a motion to suspend the rules which was seconded by Councilor Burns.

Discussion: Chairman Nazzaro asked why this was not voted on at the last meeting, and Town Administrator Fournier said they needed the final numbers from the Budget Committee first. He said in the event things were not recommended they would need to be moved into the default formula.

Town Administrator Fournier polled the Council and the motion to suspend the rules was approved by a vote of 7-0.

Councilor Weinstein made a motion to approve *Resolution #2015/2016-28 Approval of the Fiscal Year 2017 Default Budget*, which was seconded by Councilor Burns.

Discussion: Town Administrator Fournier said the Default budget would be \$9,895,953, which was \$100,989 less than proposed and \$239,534 higher than the current FY2017 Budget. Chairman Nazzaro asked the reason for the increase, and Town Administrator Fournier said it was due to increases in healthcare and liability insurance. Vice Chair Levy asked if the rates were a guesstimate at this point and Town Administrator Fournier replied that it was a guaranteed maximum, though it could go lower. Vice Chair Levy asked if the money would be fungible if the rates came in lower and asked if there was any way they could know the fixed rates ahead of time. Town Administrator Fournier said the money would

become fungible, but that the healthcare rates were not determined by the Board of Directors until spring so they offered a guaranteed maximum until they were set. Councilor Thompson explained the Budget was due before the rates came out. Chairman Nazzaro asked if they would have the rates ahead of time if they had a spring budget cycle, and Town Administrator Fournier said they would. He stated that when he came to Newmarket he started a Healthcare Stabilizer Fund, so that if they had a significant difference he would put the funds there. He said if they had a large increase one year he could then ask the Town Council to withdraw from those funds to offset expenses. Vice Chair Levy asked how the numbers had worked out for last year, and Town Administrator Fournier said the numbers for last year had come in at the rates, and that the overages seen in healthcare had been due to changes in Personnel. Vice Chair Levy asked what else contributed to the increase and Town Administrator Fournier said Unemployment and Workers Compensation. Vice Chair Levy asked for a ballpark total figure and Town Administrator Fournier estimated over \$1 million, with Human Resources the second largest after Police.

Vice Chair Levy asked if they had a choice in the size of the liability deductible, and Town Administrator Fournier replied it was a flat \$1,000 deductible. He reiterated that the market for all those products was shrinking and that Property Liability Trust was winding down business, which would leave Primex as the only carrier. He said Healthcare currently had two companies, SchoolCare and Health Trust, but that if Anthem Blue Cross-Blue Shield merged with Cigna there would be only one there as well. He added that Workers Comp and Unemployment fell under property/liability. Chairman Nazzaro recommended scheduling a Workshop to go through all the mechanics of what goes into benefits and healthcare so they would have a better understanding. Councilor Thompson asked if at some point several communities could get together and “self-insure” making their own pool. Town Administrator Fournier said they did look at self-insuring through the Town but that many of the insurance companies had *non-compete* clauses, which barred other insurance carriers from offering the same coverage to the municipality. He said it also had to do with the size of the town for processing claims, etc. and said the only two municipalities that did not participate in the risk pool were Manchester and Nashua as they were large enough to cover it on their own.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2015/2016-28 Approval of the Fiscal Year 2017 Default Budget* passed by a vote of 7-0. He stated that he also needed the Town Council members to sign the MS-DT form required by the State.

Resolution #2015/2016-29 Authorizing the Town Administrator to Enter into a Lease Agreement with Newmarket Community Church to House the Newmarket Town Clock

Chairman Nazzaro read *Resolution #2015/2016-29 Authorizing the Town Administrator to Enter into a Lease Agreement with Newmarket Community Church to House the Newmarket Town Clock* in full.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Weinstein said that according to the Charter, they were supposed to invite the School Board to an annual meeting, and Chairman Nazzaro said the invitations had already gone out.

Town Council Regular Meeting
December 16, 2015

Councilor Burns wanted to thank Linked Together and Ms. Ree Cooper for making the little snowmen for the Councilors.

Councilor Pickering said he had participated in a senior event sponsored by the Newmarket Firefighters Association on Saturday. He said it was a wonderful meal for the seniors and the association had worked hard to make it successful. He said the seniors were very grateful for making a special day for them.

Chairman Nazzaro extended a thank you, on behalf of the Council, to Kathy Castle for all the work she had done. He said she had been incredible to work with and was great in supplying the packets and supporting them when they needed support, and she would be missed.

NEXT MEETING

Chairman Nazzaro said that the next Town Council meeting was scheduled for January 6, 2016. He wished everyone a happy holiday season.

ADJOURNMENT

Councilor Thompson made a motion to adjourn the meeting, which was seconded by Councilor Burns. The meeting was adjourned at 7:31 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary

Approved January 6, 2016