**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**TOWN COUNCIL REGULAR MEETING**

**February 18, 2015 7:00 PM**

PRESENT: Council Chairman Gary Levy, Council Vice Chairman Dale Pike, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Toni Weinstein, Councilor Ed Carmichael

ALSO PRESENT: Town Administrator Steve Fournier EXCUSED: None

**AGENDA**

Chairman Levy welcomed all present and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

**PUBLIC FORUM**

Chairman Levy asked whether anyone from the public wished to speak.

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

**PUBLIC HEARING** – None

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of Minutes of February 4, 2015**

Vice Chair Pike made a motion to accept the minutes of the regular meeting of February 4, 2015, and Councilor Weinstein seconded.

As there were no changes or questions, Town Administrator Fournier polled the council and the minutes of February 4, 2015 were approved 5-0, with 1 abstention.

**REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Steve Fournier first addressed **2015 Snow** stating that the Town had seen 80 inches since December. He reported that expenditures as of last week had reached 72.02% of the total budget, not including the last weekend storm. He stated that Public Works vehicle maintenance was over budget, and that overtime was high at 96%. He reported that he was still waiting to hear from the New Hampshire DEM as to whether the blizzard of January 27th would be declared a FEMA emergency, which would mean a reimbursement of approximately $30,000 for Newmarket. He reminded everyone that the Federal Government covered 75% of costs, and that what used to be the State covered 12.5%. He added that as the State reimbursement had been cut, the Town would need to make up 25% of those costs. Town Administrator Fournier reported that over the weekend three (3) water main breaks had occurred, with the alarm going off at the Water Tower Saturday evening. Due to the snow coverage, it could not be determined where the water was going, until a resident reported water on Dame Road and the first leak was discovered. The Department of Public Works discovered a second leak while plowing on Maplecrest, and the crews worked all day Sunday on these two (2) repairs. On Monday notice was received of a third leak on New Road, for which they used the new CodeRED system to contact residents in the area that their water would be shut off. Town Administrator Fournier thanked the people for their patience in going without water. He next reported that the snow dump on Beech Street near the Senior Center was full and that a second snow farm had been opened at the Carpenter Property. He said that if that became unavailable, they would have to look for other areas such as the Wilson Farm or land at the Water Treatment Facility, while continuing to look for a central location to save money on hauling. He said he had been questioned as to why the snow could not be dumped into the river or the bay as in Massachusetts, but stated that due to stricter regulations for New Hampshire, the issue was not even being looked into at this time. He then encouraged the public to make sure to clear roofs of snow due to the possibility of collapse. He said that the Department of Public Works building roof had been cleared, and that the Building Inspector was working with the Schools. He then asked if there were any questions.

Chairman Levy asked to make an exception and allow someone from the Public to speak who wished to complement the Town.

Gail Durocher-Wentworth, of Bay Road, said that speaking as a resident and community member she wanted to thank the Town employees and all related employees for clearing the roads, sidewalks, buildings including Schools, and for fixing the water breaks. She said that she could only imagine how tireless the winter had been, and wanted to share her gratitude, as well as others, for the amazing services provided to the Town and the tremendous amount of work involved. She thanked the Town Administrator for updates and Chairman Levy for allowing her to speak, apologizing for her late arrival.

Town Administrator Fournier reiterated that he could not thank the Department of Public Works enough for their tireless efforts, adding that he had received many thank you calls and comparisons with other communities. Chairman Levy added that everyone should be acknowledged for the demonstrative difference between Newmarket and other towns.

Town Administrator Fournier next addressed the **CodeRED** system, stating that the first call had been implemented last week with an “all call” for a Winter Storm Warning and parking ban. He specified that within 13 minutes 4,394 calls had been made reaching 2,253 of those called. He encouraged people to sign up and register their cellphone numbers and emails, adding that numbers for family members not in the area could also be included. Vice Chair Pike asked how big the distribution was for emails, and Town Administrator Fournier replied that approximately 1,000 residents had registered for that service, with 30% actually checking their emails.

Town Administrator Fournier next addressed the **COAST Bus Service**, stating that due to Stratham and Greenland withdrawing their support, the current Route 7 service would end in June 2015. He said that the announcement would be made sometime in March and that public hearings would be held as required. He stressed that the Town of Newmarket had consistently supported the COAST service, and had increased their support by 10% in the proposed operating budget. He stated that they were currently working with COAST on possible alternative routes, and had also reached out to Wildcat Transit. He said that if the Town did not get the same service from COAST, he recommended reducing the contribution, adding that Newmarket had the highest ridership with the main destination being Great Bay Community College.

Discussion: Councilor Weinstein asked whether there was any chance of salvaging the COAST service, and Town Administrator Fournier replied that the only way would be to increase their contribution, adding that Exeter and Newmarket alone could not fund the entire route. Councilor Weinstein asked what would happen to the funds already budgeted, and Town Administrator Fournier replied that if another option were found he would ask the Council to give the money to them. Chairman Levy asked how much was budgeted and Town Administrator Fournier replied $23,000, which would stay in the budget if an alternative route was not found. Councilor Nazzaro asked whether the door-to-door service provided by COAST to individuals who required it would also get suspended. Town Administrator Fournier replied that it would and said that he was working with Exeter to find an alternative plan. Councilor Nazzaro stated that the ridership in Newmarket was higher because it was needed, and that in 4 months those people would be stranded without transportation. Town Administrator Fournier said that he would be meeting with Wildcat Transit in a few weeks to see if there were options there.

Councilor Weinstein raised the issue of the report of three (3) drug overdoses on the Police report and asked whether the officers carried Narcan. Town Administrator Fournier replied that they did not as liability questions had not yet been clarified. Councilor Bentley raised a question from page 30 of the Water and Sewer monthly report regarding the reason for $93,000 still uncollected from the $146,000 billed from 1/1/15-1/31/15. Town Administrator Fournier replied that this amount included all liability out so far, not just the amount for one (1) month, including sewers that had not yet been liened. Councilor Carmichael commented that Fire Department Rescue always seemed to be at 75%, and wondered if this was typical for all towns. Town Administrator Fournier replied that fire departments had become rescue departments rather than fire departments, and that it was common everywhere. Councilor Carmichael asked how many people at the fire station were fulltime, and Town Administrator Fournier said that there were two (2) firefighters/EMTs present daily on weekdays, with two (2) volunteers to cover otherwise. He said that a stipend had been added for weekend work. Councilor Carmichael next questioned how Information Technology (IT) set up calls and work schedules. Town Administrator Fournier stated that they were working on a better reporting system for the IT Department, adding that they were at Dispatch the most, then either in Town Hall or at the Wastewater Plant. Chairman Levy raised a question from page 11 regarding police training in Vehicular Pursuit on Primex and the high expense of storing all the data. Town Administrator Fournier said that storage fees were included in some of the costs. Chairman Levy voiced concern that the costs were higher than anticipated and asked how long the storage would be kept up. Town Administrator Fournier replied that Police Chief Cyr would need to come up with policies to be implemented, adding that the Council did not vote on police policies. Chairman Levy next asked the Town Administrator how the winter was being handled, looking at the Department of Public Works expenses on page 21. He said that a lot of the budget had already been used in some areas and asked the Town Administrator if he had a concept for how to manage overages. Town Administrator Fournier took the opportunity to assure the public that plowing would continue, and that safety was the first priority. He said that overtime was being managed with evening schedules, and that he and the Finance Director were looking at the budget as a whole and could institute budget freezes if necessary. Chairman Levy then asked for an explanation of “caustic soda usage” cited on page 24. Town Administrator Fournier replied that it was a chemical reaction, and Chairman Levy asked if the chemicals were used to balance the pH in the system, to which Town Administrator Fournier replied in the affirmative.

**COMMITTEE REPORTS**

Councilor Weinstein gave an update from the Conservation Commission meeting of February 12th. She stated that the committee had approved $1,000 for a Conservation Commission Scholarship for a Newmarket High School senior in environmental studies, and had appropriated $500 for environmental field trips for the School.

Chairman Levy reported that the Economic Development Committee would be meeting February 26th. He recommended that people in the 152 New Road area, or people generally interested in Elderly Housing Property attend the meeting with comments as time would be taken for public input.

Chairman Levy next reported on the School Joint Advisory Committee meeting which had centered on setting up charrettes for public comment, recommending that Town Administrator Fournier and Interim School Superintendent Dr. Mike Martin set up the scheduling. He said that the groups would be composed of 8-10 residents who could sign up for 2 or 3 sessions, and that he wished the comments to be aggregated and included in a report. He added that he was concerned about getting the word out to the public and asked Town Administrator Fournier whether he had a way of using the messaging system, making clear that it was not an emergency, as it was an important issue that had been at the forefront during the last year or two. Town Administrator Fournier replied that there was a non-emergency service utilizing email that could be subscribed to, but that “emergency” could not be used for this purpose. Councilor Weinstein asked Chairman Levy if he could explain the purpose of the focus groups. Chairman Levy said that there would be sign-up sheets for different times, and that Mr. Randy Bell would put together a “fact sheet” addressing many of the concerns and separating them from fact. He felt that the difference was that these groups would be more intimate with less distraction, and that people might feel more comfortable expressing their opinions.

Councilor Wright reported on the Planning Board Committee meeting stating that there would be a continuation until March and that Demographics and Housing would be there with more information. He said that there were concerns regarding Mr. Randy Bell’s projections for enrollment, and that they would sit down with him to determine how he came up with his figures. Chairman Levy asked whether they had said where they got their information for Strafford Regional. Councilor Wright replied that the big question was regarding “affordable housing”, for which the State has its own definition. He added that he was not sure whether electricity, utilities, and fuel costs had been included as with some State agencies. Vice Chair Pike said that the language of the comments written seemed to reflect the interests of the entire region rather than being specifically for Newmarket. Councilor Wright agreed that this was a good point adding that much of the computation had been used on communities comparable in size to Farmington and Milton, rather than using Stratham or Portsmouth. Vice Chair Pike felt that this did not serve the interests of the Town and was a 180 degree turn from the previous Master Plan, adding that he hoped it would be addressed. Councilor Carmichael asked why Strafford had been chosen and Town Administrator Fournier explained that the State set up the lines for regional planning, which were not the same as county lines, and that Newmarket was impacted by Durham and UNH. Chairman Levy said that the issue was that it was not reflecting what was really happening in Newmarket and that it was being put in the Town Master Plan. Town Administrator Fournier stated that his understanding was that two (2) different people doing the study had come up with totally different numbers and that they were looking at both to come up with answers. Vice Chair Pike felt that he was raising an issue of perspective where the old Master Plan said that Newmarket was challenged due to low housing costs while trying to maintain urban services, which put an extra burden on the Town. The new Master Plan said that the entire region had a problem with a lack of workforce (affordable) housing in the area, and that the master plan should primarily represent the concerns of Newmarket. Town Administrator Fournier pointed out that Newmarket rentals were also higher than other communities in the region, though not as high as Portsmouth. Councilor Wright said that he believed New Hampshire was 20th highest on the list of states for rental income. Town Administrator Fournier said that State law required you had to have a certain percentage of affordable housing allowed in zoning, and that the issue was the difference in the definition of “affordable” in different communities. Councilor Nazzaro said that he was in total agreement with Vice Chair Pike that the Master Plan was written as a “regional” plan, but that Newmarket was its own unique ecosystem which needed the right balance of housing to insure long-term viability for the Town of Newmarket. He felt that it then became a procedural question and asked whether public meetings would be held and whether the public had access to the draft chapter of the plan. Councilor Wright replied that there would be public meetings, and Town Administrator Fournier said that he would check to make sure the chapter was on the website. Chairman Levy voiced concern about Newmarket deciding to increase the percentage of multi-family housing because the Town did not have enough work-force housing based on the Master Plan, as that would not be consistent with accuracy.

**OLD BUSINESS**

**ORDINANCES AND RESOLUTIONS IN THE 2nd READING**

**Resolution #2014/2015-43 Record Retention Policy**

Councilor Nazzaro made a motion to approve *Resolution #2014/2015-43 Record Retention Policy*, and Councilor Carmichael seconded.

Interim Finance Director Matt Angell presented an overview of the reasons for the new Record Retention Policy. He stated that the current policy was a more linear policy wherein records were directed to be taken to the storage center and after a certain number of years they were to be pulled out and destroyed. He said that the current system lacked planning and monitoring of how documents were stored, and that there were no standards for labelling, segregating data, or organizing the boxes in the storage spaces. He felt that the new system would be more efficient for the Town and would reduce storage inventory.

Discussion: Councilor Carmichael specifically asked about the records for the Accounting Department, and Interim Finance Director Angell said that they were required to retain 10 years of invoices which were stored in two (2) rooms at the Water Plant, and that they were not stored in order by year. Town Administrator Fournier said that New Hampshire records retention policy still required paper copies of all Town reports and copies of personnel records. Chairman Levy questioned whether it was still guided by RSA, and Town Administrator Fournier replied that it was but that they were even stricter. Councilor Weinstein asked whether the new policy would strictly follow RSA guidelines, rather than following a retention schedule as before. Interim Finance Director Angell said that was correct, and that a committee was being set up to evaluate whether some documents needed to be held longer. Councilor Weinstein asked who would be notified if the committee recommended a change, and Interim Finance Director Angell replied that all departments would be notified. He said that the committee would monitor the situation and make adjustments accordingly. Chairman Levy referred to the list of committee members and asked whether it might be appropriate to include someone on the committee with no stake involved. Town Administrator Fournier said that a motion would need to be made to amend the resolution to include a member of the Town. Chairman Levy asked the Council whether there were any preferences as to whether the person should be a Councilor, an elected official, or a member of the general public, and Councilor Weinstein said she preferred a member from the general public. Chairman Levy asked if the Town Council would be appointing the member and Town Administrator Fournier replied that they would. Councilor Bentley suggested scanning onto zip drives rather than storing in boxes and Town Administrator Fournier replied that State law does not allow scans to be original documents.

Vice Chair Pike made a motion to amend the resolution to provide for a committee member from the general public to be appointed by the Town Council. The motion was seconded by Councilor Bentley.

Town Administrator Fournier polled the council and the motion to amend the resolution as stated passed unanimously, 7-0.

Town Administrator Fournier then polled the council regarding the approval of *Resolution #2014/2015-43 Record Retention Policy*. The resolution passed unanimously, 7-0.

**Resolution #2014/2015-44 Town Administrator to Enter into an Agreement for Audit Services for FY2015**

Interim Finance Director Matt Angell presented a brief overview of the situation. He said that though the firm was very good and well-respected in the State, they had over-booked and had been unable to honor their contract to service Newmarket for the upcoming year, and that they had still not provided the audit from last year. Town Administrator Fournier stated that by Charter the audit must be included in the annual report of the Town, but that they did not have one.

Discussion: Councilor Carmichael asked how long the contract had been for and Town Administrator Fournier replied it was for 3 years. Chairman Levy asked whether the firm had some kind of legal obligation, and if the Town had any claim for damages. Interim Finance Director Angell replied that the new firm would charge a $3,000 flat fee, whereas the prior firm charged by the hour. Chairman Levy asked what the cost had been, and Interim Finance Director Angell said that the regular audit came to $26,500 plus the $3,000 for the single audit for a total of $29,500. Town Administrator Fournier clarified that the new firm was not coming in to finish the previous audit, and that they would be auditing the books as of June 30, 2015. He said that another part of their Charter required the Town to go out to bid every 3 years with a completely different auditor every 6 years.

Vice Chair Pike made a motion to approve *Resolution #2014/2015-44 Town Administrator to Enter into an Agreement for Audit Services for FY2015*, and it was seconded by Councilor Weinstein.

Town Administrator Fournier polled the council and the motion 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** - None

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

**Resolution #2014/2015-45 Authorizing the Town Administrator to Solicit Proposals for a Management, Organizational Structure, and Efficiency Study for all Town Departments**

Chairman Levy read the text of *Resolution #2014/2015-45 Authorizing the Town Administrator to Solicit Proposals for a Management, Organizational Structure, and Efficiency Study for all Town Departments* in full.

Chairman Levy asked Town Administrator Fournier when he would have the firm lined up, and he replied that the rules could be suspended and the vote taken at this meeting for him to start the process or wait until the second reading on March 4, 2015. Chairman Levy decided that the Council would wait.

**CORRESPONDENCE/CLOSING COMMENTS** - None

**ADJOURNMENT**

Vice Chair Pike made a motion to adjourn the meeting, which was seconded by Councilor Nazzaro. The meeting was adjourned at 8:12 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary.