**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**TOWN COUNCIL REGULAR MEETING**

**JULY 16, 2014 7:00 P.M.**

**TOWN COUNCIL CHAMBERS**

PRESENT: Council Chair Gary Levy, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Toni Weinstein, Councilor Ed Carmichael, Councilor John Bentley

EXCUSED: Council Vice Chair Dale Pike

ALSO PRESENT: Town Administrator Steve Fournier

Council Chair Levy opened the meeting at 7:01 p.m., followed by the Pledge of Allegiance.

**PUBLIC FORUM**

Michael Di Croce, a candidate for Rockingham County Attorney, and 17-year Prosecutor for the Newmarket Police Department introduced himself. He said he was running to clean up the image of the office and to increase its efficiency. He stated that he had more experience than other candidates and was the only candidate not currently linked to the office. He commended the leadership and work ethic of the Newmarket Police Department. Although Newmarket showed a higher crime rate than some of the other communities he serviced, he attributed that in part to the activity and work ethic within the department. To a question, he said that jury selection currently came 50% from voter registrations and 50% from drivers’ licenses. The County Grand Jury had an approximate 99.9% indictment rate.

Chair Levy closed the Public Forum at 7:12.

**TOWN COUNCIL TO CONSIDER APPROVAL OF JULY 2, 2014 MINUTES**

Councilor Weinstein moved to approve the minutes of the July 2, 2014 minutes. Councilor Nazzaro seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed, 5 – 0 – 1, with Councilor Carmichael abstaining as he had been excused from the meeting.

**REPORT OF THE TOWN ADMINISTRATOR**

Town Administrator Fournier reported that the Town and Dubois King had met with NHDOT to finalize the preliminary design for the pedestrian safety plan which was due on August 1st. A public informational meeting was held on July 9th, and most of the feedback was positive. They were looking into questions from the public about the proposed number of signs before submitting the design.

The Town had a kick-off meeting with Underwood Engineering on the proposed bike path on Route 108 from the Pelczar Funeral Home to the Newfields’ town line. A public informational meeting will be held in August prior to the preliminary design being submitted to NHDOT. The work is slated to begin in May, 2015 and be completed by December, 2015.

There would be a first reading of a Resolution later in the meeting to form a Macallen Dam Study Committee made up of 1 Town Councilor and 6 Newmarket citizens. The original/current Committee focused on dam removal, while the proposed Committee would work with Town staff and consider all options for the dam before arriving at a recommended course of action.

Town Administrator Fournier regretfully announced the retirement of Martha McNeil as coordinator of the Sunrise Sunset Center, where she had been instrumental in its founding and operation, and Ellen Adlington as recording secretary to the Council and other boards, although she had agreed to prepare minutes remotely until a replacement was found.

ITEMS NOT IN THE WRITTEN REPORT:

Town Administrator Fourier asked for clarification from the last Council meeting on agreement that Cromet Creek, LLC be made an offer to purchase land surrounding the MacIntosh Well. Should the property owner not agree to the offer, the Town would then proceed with condemnation or eminent domain. Chair Levy asked if there should be a vote. Town Administrator Fournier said they could vote later in the meeting when he had the exact address.

One of the large issues the Economic Development Committee had been dealing with was reviewing some of the large parcels in the B2 zone for their best use. Town Administrator Fournier said there had been various ideas presented concerning the parcels, and he would be issuing an RFP for consulting services, in part to determine the cost and also to get an idea of best use, especially for the town-owned properties. He said the staff did not have the time to conduct the necessary market research, and there was money in the budget for economic development. Chair Levy said that there was a list of questions that had been asked at the last Committee meeting concerning types and density of elderly housing, etc., and the answers were difficult to come by so he supported looking into using a consultant. He added that Committee members could forward any questions they had to the Town Administrator before meeting again.

Town Administrator Fournier said the lot being discussed for condemnation procedures was Tax Map R5, lot#134. Councilor Bentley so moved to proceed and Councilor Weinstein seconded. Town Administrator Fournier polled the Council. Motion passed 4 – 1 – 1, with Councilor Nazzaro voting nay and Councilor Carmichael abstaining.

COUNCIL QUESTIONS AND DISCUSSION:

Councilor Bentley thanked the recording secretary and Martha McNeil as she was the heartbeat of the Sunrise Sunset Center. Chair Levy agreed. Councilor Nazzaro agreed with Chair Levy’s assessment of the issues before the Economic Development Committee and added that they would be looking into other zones and development, including the B3. He added that the minutes of the last non-public session were not in the Council packet. Town Administrator Fournier would see that they were distributed, and added that the minutes could be unsealed because of the vote that had been taken in this public session.

Chair Levy asked if it might be beneficial to hire a couple of part-time dispatchers to replace the full-time person who had resigned. Town Administrator Fournier said he knew the Chief had looked at staffing levels, but he would ask. Councilor Bentley commended Officer Stevens who had received national recognition as a school resource officer and was one of only two in the State certified for school safety assessment. Councilor Nazzaro noted that there were several department reports that only said, “On vacation”, and he would prefer to see a report for 2 weeks rather than a blank page. Town Administrator Fournier said he agreed, but had not given that instruction prior to the department heads leaving.

Chair Levy noted that on the tax lien page, the figures for 2011 were much lower than for 2012 and 2013. Town Administrator Fournier said that 2011 was the tax deeding year, and often, those owing taxes would pay for only the year when property would be deeded. Next year, the 2012 figure would drop.

**COMMITTEE REPORTS**

Councilor Weinstein reported on the Conservation Commission meeting. There had been a discussion of the use of metal detectors on public property and a question of ownership of anything found. The Commission also discussed the endangered turtle signs that had recently been put up, and the need to remove them when the season ended. They were asking for DPW assistance in removing the signs.

Councilor Wright reported that the Planning Board had discussed Lot 6, Forbes Road and a continuation on that proposal. Also, there would be a site walk for the 2 lot subdivision at 74 Bald Hill Road on July 20th at 6:00. Geological studies were being done on the site.

Town Administrator Fournier had met with the Town Planner earlier in the day concerning scheduling a CIP meeting. The 2 at-large positions had been advertised, but no one had as yet applied. Councilor Nazzaro highly encouraged anyone interested in the long-term planning for the Town to apply. Councilor Weinstein asked where the positions had been advertised and Town Administrator Fournier said they had advertised in the Newsletter and on the board in front of Town Hall. He would check the website and TV for postings.

Councilor Bentley expressed concerns about the impact on safe crossing and traffic, especially for those taking a left turn from the parking lot, when a coffee drive-through was placed at the Riverdale site, and hoped the necessary studies had be done. Councilor Wright said there had been extensive traffic studies and the busier of the 2 drive-throughs in Dover had been looked at as there was concern about the length of lines. It had been determined that the average coffee only transaction took 45 seconds with 2 windows. The same formula had been used for Newmarket. There would be 2 windows at Riverdale, and there was room for 6-8 cars to be in line at the one entrance to the complex without spilling onto Route 108. Councilor Wright said he had also received calls questioning the need for more coffee shops. The Council discussed the safety implications of the site and ways in which it would be monitored. The first step would be to have the owner try to solve the problem and post signs forbidding stacking beyond a certain point. Then the Police could ticket drivers if traffic backed up on Route 108, and, if necessary, the Town could revoke the site plan.

**OLD BUSINESS: ORDINANCES AND RESOLUTIONS IN THE 2ND READING**

**Resolution #2014/2015-01 Authorizing the Agreement with Wright-Pierce for Engineering Services for the Final Design of the Wastewater Treatment Facility**

Councilor Bentley moved to accept Resolution #2014/2015-01 Authorizing the Agreement with Wright-Pierce for Engineering Final Design of the Wastewater Treatment Facility. Councilor Carmichael seconded.

DISCUSSION: Water/Wastewater Superintendent Sean Grieg was present to answer any questions. The time and materials agreement for the final design at $695,000 had been reviewed by NHDES and Rural Development. It was noted that this type of agreement, as required by NHDES and Rural Development, rather than a fixed price, would be favorable for Newmarket because of continuing staff involvement and assistance which was expected to result in an approximate 20% reduction in the anticipated cost of $415,000 for the preliminary design phase. The Town would pay as parts of the project were competed, and the Council would be apprised of monies spent. The entire project was slated for completion in the spring of 2015. There was discussion of a recent lawsuit against the firm and any clauses in the agreement that would protect the Town. The Town Attorney had requested that an insurance rider was added to the agreement, which Wright-Pierce had provided. The firm continued to be very active with projects and in addition, because of the cost of the final design, a second engineering firm was required to review the design.

It was noted that the department report showed a 1% water loss. Although Mr. Grieg said this was possible, he wanted to recheck the figures.

Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

**Resolution #2014/2015-02 Custodial Services for Town Maintained Buildings**

Councilor Bentley moved to accept Resolution #2014/2015-2 Custodial Services for Town Maintained Buildings. Councilor Weinstein seconded.

DISCUSSION: DPW Director Rick Malasky and Interim Finance Director Matt Angell were present to give an overview of the proposal and answer any questions. Mr. Angell said they had solicited proposals for cleaning the Town’s portion of Town Hall, the Recreation Center, Police Department and the DPW Building to streamline supervision at night and to insure coverage when one of the current part-time staffers was on vacation or out sick. Mr. Malasky said the proposal was for more buildings than the staff currently covered, as the Sunrise Sunset Center had been added and the DPW Building which was being cleaned by DPW staff when time allowed. He said this was difficult as DPW had not added any seasonal help and their hours had been trimmed, even though Buildings and Grounds had additional work to do. He said the Town had no back-up which the cleaning company would provide internally, and he felt that for a little more cost, there would be an increase in services. The MOD rate for Workman’s Comp would increase with Town employees if one was hurt, whereas the cleaning company would provide its own Workman’s Comp insurance.

Currently one of the part-time cleaning positions was vacant, and the other person had been in the position for about 4 years. Councilor Carmichael said he had a personal problem with letting a staff member go. Councilor Weinstein noted that the other 2 proposals had not been included in the packet and asked if they were comparable to that from Seacoast Cleaning by Kristin of $37,455 annually for 2 years. Mr. Angell said the other 2 proposals were significantly higher, saying that he thought one was about $54,000. Councilor Nazzaro said that they would be spending $4,600 more from a budget that was tight and letting someone go who had been with the Town for almost half a decade. Mr. Malasky said that more buildings would be getting the attention that they deserved, such as the DPW and Sunrise Sunset Center. Councilor Nazzaro questioned the condition of both of the buildings, and added that if they were shifting labor, they should see more in services, such as additional projects that could be done by freeing up time for the DPW staff. Mr. Malasky said the DPW staff was basically removing trash and cleaning the bathrooms, not doing other cleaning such as vacuuming or cleaning glass. Weekly, the current cleaners spent about 4 hours at the Community Center and fluctuated from 2 – 3 at Town Hall and over an hour at the Police Department. Mr. Malasky said that in the summer, DPW was overwhelmed with projects and had no time to clean buildings, adding that there were things that did not get done that should be done. Councilor Nazzaro said he wanted to know what would be done that wasn’t being done to justify spending an additional $4,600.

To Councilor Wright’s question about language in the contract that would cover the Town if the cleaning service was not satisfactory, Mr. Angell said he had not yet written the contact. He was waiting for approval from the Council, but would include such language along with specific tasks and duties. The Town would have 24-hour access to the cleaning company which would monitor work and additional services requested, which was not possible with the current system. Town Administrator Fournier said that anyone coming into the buildings, including substitutes, would have to pass a police background check. To Councilor Weinstein’s question about review of the work by the cleaning company, Mr. Angell said this would be constant. Councilor Carmichael asked about current supervision, and Mr. Malasky said that 2 staff members checked and wrote notes or made phone calls to the cleaning staff. Chair Levy asked for a comparison of the hourly wage for the 2 cleaners versus that for the cleaning service. Mr. Angell said he had an annual figure of $28,000 for 2, 20-hour a week people. With benefits, the cost was about $32,000. Town Administrator Fournier said this came to about $15.38 per hour including everything. The proposal from Seacoast Cleaning was for $37,455. He added that there would be additional tasks for the cleaning company, and so the time involved could be 40 hours a weeks, more or less, but they were not being paid by the hour.

Chair Levy asked if they had looked to see if there were 2 people in house who could do the cleaning, and if they had looked at reducing the services requested or reducing by one the number of buildings to keep the budget flat. Mr. Angell said they had looked at the services and this was their second request for proposals. He said that Mr. Malasky was trying to fit work in as best he could, but to keep the budget flat, he would have to assume responsibility for a building, which would cut into other projects. Chair levy said he was not necessarily opposed to the Resolution, but was looking for a way to have fiduciary responsibility without letting work fall through the cracks. Councilor Carmichael asked if the Town was obligated to pay unemployment for a 20-hour position and Mr. Angell said it was. Town Administrator Fournier clarified that this would be a claim against the Town’s unemployment insurance. Councilor Bentley asked about vacation time for 20-hour employees, and Mr. Angell clarified that this along with sick time, etc. was not paid time off. Councilor Bentley said he could appreciate the concerns about the Resolution, but he recognized that this was the second set of proposals and could understand the strain on the DPW when a staff janitor was not at work, especially since there were fewer seasonal employees to cover additional work. He felt they should vote.

Town Administrator Fournier polled the Council. Motion passed 4 – 2, with Councilor Nazzaro and Councilor Carmichael voting nay.

**NEW BUSINESS**

**Town Council to Consider Appointments**

Councilor Bentley moved to appoint D. Diane Germanowski to the Advisory Heritage Commission with a term to expire in March, 2017. Councilor Nazzaro seconded. Councilor Bentley said he appreciated anyone who stepped up and wanted to become involved. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

**Ordinances and Resolutions in the 1st Reading**

Resolution #2014/2015-03 Formation of a Macallen Dame Study Committee: Chair Levy read the Resolution in full. Councilor Bentley asked about procedures for appointing at-large members. Town Administrator Fournier said they could apply through his office, and then the Council would approve the appointments. The current Macallen Dam Committee only had one remaining member.

**Closing Comments by Councilors**

Chair Levy thanked Martha McNeil for her time, as did Councilor Carmichael, and wished her the best, noting that she had had a rather serious illness. He thanked the recording secretary for a high quality job.

**ADJOURNMENT**

Councilor Bentley moved to adjourn. Councilor Nazzaro seconded. Motion passed unanimously and the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary