**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**TOWN COUNCIL REGULAR MEETING**

**JULY 2, 2014 7:00 P.M.**

**TOWN COUNCIL CHAMBERS**

PRESENT: Council Chair Gary Levy, Council Vice Chair Dale Pike, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Toni Weinstein, Councilor Ed Carmichael, arriving at approximately 7:30, Councilor John Bentley

ALSO PRESENT: Town Administrator Steve Fournier

A motion was made and duly seconded to enter non-public session at 6:00 p.m. under RSA 91-A: 3 II Legal. Motion passed unanimously, and the Council entered non-public session at 6:01 p.m.

**AGENDA**

The Council returned from non-public session at 7:00 pm. Council Chairman Levy opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance. He announced that Councilor Carmichael would be arriving later in the meeting.

Vice Chair Pike moved to seal the minutes of the previous non-public session. Councilor Bentley seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

Councilor Nazzaro moved to authorize the Town Administrator to sell 4J Bass Street. Councilor Bentley seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0. 4J Bass Street was a property that had been tax deeded to the Town.

**PUBLIC FORUM**

Councilor Bentley sent his condolences to the family of Norman Pleadwell. Public comment was closed at 7:05.

**COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES OF THE JUNE 18, 2014 MEETING**

Councilor Bentley moved to accept the minutes of the June 18, 2014 meeting. Councilor Weinstein seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed 5 – 0 – 1, with Councilor Bentley abstaining as he had been absent from the meeting.

**REPORT OF THE TOWN ADMINISTRATOR**

Town Administrator Fournier reported there had been telephone calls concerning traffic tie-ups for the repaving of Route 108 from the Irving gas station to the Newfields town line. The State has been filling potholes and putting on a skim coat mostly in non-peak hours; drivers were asked to obey the temporary traffic lights that were installed. This part of the project should be complete by the end of the present week. In the Fall, the State will do the same preparation work on Route 108 to the Durham town line. Those with concerns were asked to contact NHDOT at (603) 868-1133.

In the coming months, the Town Administrator, Water/Sewer Superintendent, Finance Department and Town Clerk/Tax Collector will be implementing a change in policy for overdue water bills from placing a lien on the property to shutting off service after 60 days of non-payment. Currently the Water/Sewer Department was owed over $200,000 in past bills. Although sewer usage is tied to water usage, the sewer will not be shut off for sanitary and practical reasons, and non-payment would still result in a lien on the property. A system of monthly billing will be looked into for Newmarket as some towns had found it easier to collect fees in smaller increments. Any change would have to be approved and well- advertised.

On June 23rd a public information session was held on the results of the Gomez and Sullivan preliminary report on removal of the Macallen Dam. After Gomez and Sullivan make their final report, Town Administrator Fournier will recommend a more formal ad-hoc committee to decide on further studies and recommendations. It was expected that the committee could meet for several years. The make-up of the committee will be presented in the next few months in the form of a Resolution.

Later in the meeting, there would be the first reading of a Resolution to contract out custodial services for Town buildings. Although the cost would be somewhat higher than the current system of 2 part-time staff custodians, there would be back-up if one worker was out sick. Also, the DPW Director would save time by not having to monitor the workers.

The Town Administrator, Town Planner, Dubois & King and Council Chair had a conference call with NHDOT concerning the pedestrian safety project earlier in the day. The State had agreed to extend the project from Elm Street to Exeter Road, add another crosswalk, create textured crosswalks and increase the number of bump outs. A public information session on the first draft of the project had been scheduled for Wednesday, July 9th. The proposal would then be submitted at the beginning of August.

The new Town Charter had taken affect on July 1st, and Councilors had been provided with copies.

DISCUSSION: To Councilor Wright’s question, Water/Wastewater Superintendent Greig said that monthly billing had once been suggested, but not implemented. He added that there would be no additional time required to read the meters, but a small cost for preparing bills and for postage. Town Administrator Fournier thought that the increase in collections could cover the costs. The change in custodial service would be for a one-year contract. Councilor Nazzaro said that before the 2nd reading he would like to know how much more it would cost, and what had necessitated spending more. To Councilor Weinstein’s question, Town Administrator Fournier said they could advertise immediately for at-large members for the CIP Committee and then prepare a list for the Council’s decision on appointments. As the Town Planner is the staff member on the Committee, she will tend to scheduling the first meeting. To Councilor Bentley’s concern about additional bump outs, Town Administrator Fournier said they had taken plowing into consideration as well as pedestrian safety. Chair Levy thanked DOT for being amenable to allowing extensions to the project, and noted the Town had come in way under budget from the original bridge proposal.

**Wastewater Treatment Plant Facility Update Presentation by Wright Pierce**

Tim Vadney, lead engineer on the project from Wright Pierce, presented background and an update of the wastewater treatment plant facility. The Town had agreed to build the facility to first reduce the nitrogen level going into Great Bay to 8M per liter as an interim limit, and then subsequently, if necessary, build to reduce the limit to 3M per liter. The preliminary design report had been completed. The goal was to work within the existing funding limits to best position the Town to comply with the interim limit, and to have the flexibility to comply with future requirements and projects. One of the main challenges would be maintaining operations while the new facility was being built. The design was the result of a collaborative process between the engineering firm, Mr. Greig and his department and the State. Town staff, along with Wright Pierce, had visited other towns to view similar facilities and projects.

During the PDF process, they reviewed flows and loads, related to the volume and the concentration and strength of the flow. From that they were able to determine the correct nutrient removal technology and equipment, select the design, determine the layout and fine-tune the cost and schedule for the facility. The preliminary design recommended a 4-stage Bardenpho process, which was confirmed upon further review. The process cleans sewerage and removes nitrogen; solids are biologically broken down in an aeration tank and nitrogen is removed. In the second aeration tank, clear water is disinfected before flowing out of the system. They had found it would be cost-effective to rehabilitate the existing clarifiers and re-use them, which allowed them to downsize the original proposed tanks by about 35%, and reduce the number of buildings from 3 to one control building. New, less costly technology would be used for handling solids.

Mr. Vadney showed a rendering of the new plant and parts of the existing plant which would be reused. The solids handling building would remain, but its equipment would be replaced; the pumping transfer room would remain with new equipment. He added that the facility would have tree screening facing the river. He said the project costs were on track, there were O & M savings that looked promising and they were aware that they would have to structure the bids to meet an uncertain economic climate. According to the Administrative Order of Consent, construction of the project was to begin by March 31, 2015 and finish by March 31, 2017. In order to meet the deadlines the final design on-site investigations, equipment selections and site visits would have to be completed, the bidding documents competed and the bidding for services prepared.

Mr. Vadney asked if there were any questions or comments. Councilor Wright who had served on the selection committee for the wastewater facility said they had asked about any on-going litigation the firm was experiencing. Mr. Vadney said the firm had not been sued in 30 years but was now in the midst of a lawsuit. However, the case did not relate to the type of work being done in Newmarket. Councilor Nazzaro asked about running the system while rehabbing the primary clarifiers and Mr. Vadney said that while this would be challenging, the system could operate on one clarifier. Vice Chair Pike asked about the parts of the current system that would not be reused. Mr. Vadney said they felt to best to build new aeration tanks, but they would not be demolished as Mr. Greig felt they might have a use in the storm water treatment project. Councilor Carmichael asked what projects had been done by Mr. Vadney that were similar to Newmarket’s, and Mr. Vadney cited current projects in Dover and Durham in addition to some in Connecticut. Chair Levy asked whether the Town Attorney had reviewed the contract with Wright Pierce, and Mr. Greig said he had heard earlier in the day from the Attorney that the contract was all set.

**COMMITTEE REPORTS**

Chair Levy said the Economic Development Committee was waiting for answers to certain questions before scheduling its next meeting. Vice Chair Pike reported that the Budget Committee had met with the School Board for a preliminary budget process session. He had also attended part of a Macallen Dam meeting and said that progress was continuing. The Council discussed the involvement of Durham in discussions on the Dam, and the possibility of asking for financial help in some of the studies as decisions on the Dam also affected parts of Durham.

**OLD BUSINESS**

**Resolution #2013/2014-74 Increasing the Elderly Exemption**

Councilor Nazzaro moved to approve Resolution #2013/2014-74 Increasing the Elderly Exemption. Councilor Bentley seconded.

DISCUSSION: Town Administrator Fournier reviewed the current policy: those between the ages of 65 and 74 with incomes of $35,000 (S) or $50,000 (M) and assets not above $110,000 receive $80,000 off the value of the property; those between the ages of 75 and 79 with the same income and asset restrictions receive $100,000 off the value of property and those 80 and above, with the same income and asset restrictions receive $125,000 off the value of the property. Currently there were 24 persons receiving the exemption between the ages of 65 and 74, 9 between 75 and 79 and 27 over the age of 80. This results in an adaption in the valuation of the Town of $6,060,000, and the need for an additional amount of $148,277 to be made up by other taxpayers representingabout $37,000 or 6 cents on the tax rate. He said that Newmarket was below some area towns in asset and exemption amounts and he was recommending both be increased. The proposed exemption would increase asset amounts to $150,000 for all categories and increase the exemption amount to $100,000 for those between 65 and 74, $125,000 for those between 75 and 79 and $150,000 for those 80 and above. This would result in an adaption in the valuation of the Town of $7,775,000, and the need for an additional amount of $185,284 to be made up by other taxpayers. He said they did not know the impact of this as they only had the asset records of those who currently qualified. Those applying for the exemption have to fill out a detailed form and backup material, but the value of the residence and 2 acres would not be included in the assets. Town Administrator Fournier did not believe the exemption had been reviewed since 1997, although it should be done as part of the revaluation process.

Chair Levy pointed out that the column for those over 80 did not include income and asset amounts. Town Administrator Fournier said they were the same as for the other 2 groups. The Council discussed the possible confusion this could make, and the policy will clarify that the income and asset limits are the same throughout.

Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

**Resolution #2013/2014-78 Changing Employees’ Pay Date to Thursdays**

Councilor Bentley moved to accept Resolution #2013/2014-78 Changing Employees’ Pay Date to Thursdays. Councilor Nazzaro seconded.

DISCUSSION: As the pay date was written in the Personnel Policy, the Council had to vote to amend the policy. The change was recommended because of the number of Monday holidays, which meant there was little time to prepare payroll during those weeks. The staff was in favor of the change.

Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

**Resolution #2013/2014-79 Agreement with Woodward and Curran to Develop Total Nitrogen Non-Point Source Tracking/Accounting System**

Councilor Weinstein moved to accept Resolution #2013/2014-79 Agreement with Woodward and Curran to Develop Total Nitrogen Non-Point Source Tracking/Accounting System. Councilor Bentley seconded.

DISCUSSION: Water/Wastewater Superintendent Sean Greig outlined the system that was to be developed. He explained that when the Town and EPA agreed to the interim 8M per liter of nitrogen, one of the conditions was that the Town would develop a total nitrogen non-point source tracking/accounting system and plan. The Town went out for an RFQ which included prices. There were 5 responses, 4 firms were interviewed and Woodward and Curran was selected as the most qualified for Newmarket’s needs; also, the firm was the least expensive. He was asking the Council to authorize the Town Administrator to enter into a contract with Woodward and Curran. Mr. Greig said he had attended State meetings, the last of which included Durham and Exeter, and the State was including a storm water group from UNH to help with the work. He said they were working with others so that work would not be duplicated. He emphasized that with the Town’s permit, if this work is not carried out, the EPA could tell Newmarket to build the facility to reduce the nitrogen to 3M per liter.

Councilor Nazzaro said in meetings there had been talk of other communities participating in this effort, and pointed out that the tracking/accounting system did not include a plan at this point. Mr. Grieg said the Resolution was just for a system of tracking changes in Newmarket, such as the building of a new house and new driveway, which would add to the total of impervious surfaces. The accounting system would monitor any change in nitrogen. In the future the Town would have to devise a nitrogen plan after the system determined a base point. As far as the State contributing funds at this point, Mr. Greig believed the State had only decided to pay for the UNH portion of the study, and was asking each community to pay for its own consultant for data that was unique to each. There were other communities, such as Durham and Exeter, which were working on non-point sources, but Mr. Greig said that neither had devised a tracking system and he was not sure of the total cost of tracking and then preparing a plan. He added that Durham was not required to do anything, as it did not have an Administrative Order, but Exeter and Newmarket were required to do the work. To Councilor Nazzaro’s next question, he said that they were working with Exeter, but there was no sharing of the cost of consultants as each community was unique. However, they were sharing data when possible.

Councilor Nazzaro referred to original conversations in which it was determined that this process would be expensive, but that communities would get together to set up an overall system which could then be tailored for each community. Mr. Greig said that rather than specific funding, the State would allocate existing information to help with the process. Councilor Nazzaro stated that this was a prime example of a missed opportunity for regionalization. Councilor Carmichael pointed to the $20,000 to $30,000 difference between other bids and that of Woodward and Curran and asked if the tracking systems were the same. Mr. Greig said 2 of the firms had different systems; 3 had the same methodology as Woodward and Curran but he felt that the ones not selected had included processes that he did not feel were necessary. To Councilor Carmichael’s question, he said that the cost for devising the system would be the first step and although he was not certain of the cost of the subsequent plan, he had asked the bidding firms to include those costs and they could be an additional $60,000 to $70,000.

Councilor Bentley, to Councilor Nazzaro’s point, reiterated conversations with the State that had included some of the data that would be collected, and emphasized that much of the non-point source nitrogen came from communities up river from Newmarket. The State had agreed that 75% of the nitrogen came from sources other than wastewater treatment facilities. He felt that Newmarket was having to pay for nitrogen released by other communities. He didn’t know who would step up and ask other communities to regionalize and help pay for the efforts. Town Administrator Fournier said that would be part of the MS4 process to monitor storm water runoff for towns east of Manchester. He added that part of the Administrative Order of Consent included an agreement that Newmarket would track its own nitrogen impact and devise a plan to reduce it. He said they had agreed to a regional approach, but the region was now reduced to 2 from the original coalition: Newmarket and Exeter. The other towns were still waiting to get their permits. Mr. Greig said this Resolution would cover what is happening in Newmarket only, and would keep the Town in compliance with the Administrative Order which mandated this procedure. The nitrogen control plan had to be in place by 2017, and the Resolution would provide information to devise the appropriate plan. Mr. Greig said that towns other than Newmarket and Exeter could have the same mandate if they did not meet the EPA limits. Vice Chair Pike pointed out that the MS4 process had been covered the previous week in an informational meeting with environmentalists.

Chair Levy said he would support the Resolution, but it was difficult when they had to choose between different methodologies. Mr. Greig said it was difficult to prepare an RFQ/RFP for this was there was more than one approach and methodology. He said they evaluated the bids on what seemed best for Newmarket, and concluded that Woodward and Curran had the most appropriate approach. Councilor Nazzaro said that 75% of the nitrogen going into the Bay was from non-point sources, and he agreed that Newmarket should be tracking its own contribution, but because they were not going in with other communities in this, he could not support this particular Resolution. Chair levy said that this was mandated, and if they did not do the tracking system, they would be going against the contract they had signed. Councilor Nazzaro said that they should combine with Exeter to come up with a tracking system. Town Administrator Fournier said that Newmarket would still have to do its own system. Chair Levy brought up the subject of the different methodologies and wondered what would happen if the criteria Newmarket used was not acceptable to the EPA. The EPA had not signed off on the methodology Newmarket would be using. The Council discussed the possible implications of not having EPA approval prior to accepting the Resolution and having the work done. It was agreed that the bid would be sent to the EPA immediately and that Town Administrator Fournier would not sign the contract with Woodward and Curran until the EPA had signed off on the methodology. He would let the Council know when he heard back from the EPA.

Town Administrator Fournier polled the Council. Motion passed 6 -1-0, with Councilor Nazzaro voting against. Councilor Carmichael stated he was voting in favor, but only because it was mandated. He felt as Councilor Nazzaro did, that there should be more communities involved. Councilor Bentley said he was voting a reluctant aye.

**NEW BUSINESS/CORRESPONDENCE**

**Town Council to Consider Nominations/Appointments/Elections: Town Treasurer Position**

Pursuant to the new Town Charter, the Town Administrator appoints the Town Treasurer with approval by the Council. Town Administrator Fournier was appointing Belinda Camiere, who had been the Town Treasurer since 1989. In addition, she had 20 years of banking experience and currently worked for UNH where she served as a Senior Business Assistant. He said she had been performing very well as a separate set of eyes and would ask necessary questions before signing checks. He pointed out that since this was now an appointed position, there was no term involved, and as Town Administrator he had the authority to terminate her if necessary in the future. The Council would serve as the appeal board.

Councilor Bentley moved to appoint Belinda Camire as Town Treasurer. Vice Chair Pike seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

**Resolutions in the 1st Reading**

**Resolution #2014/2015-01 Authorizing the Agreement with Wright-Pierce for Engineering Services for the Final Design of the Wastewater Treatment Facility:** Chair Levy read the Resolution in full.

**Resolution #2014/2015-02 Custodial Services for Town-Maintained Buildings**: Chair Levy read the Resolution in full.

**Closing Comments by Councilors**

Councilor Nazzaro thanked the Town Administrator for the memo on property appraisal methods, and asked what criteria was used to chose one method over another. Town Administrator Fournier said they chose the most common method, one that should have been used for years. He will meet with Councilor Nazzaro to further explain details of each method. He asked that phone calls be directed to him so that he could set up meetings with business owners and the Assessor.

**ADJOURNMENT:** Councilor Bentley moved to adjourn and Vice Chair Pike seconded. Motion carried unanimously, and the meeting adjourned at 8:28 p.m.

Respectfully submitted, Ellen Adlington, Recording Secretary