**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**TOWN COUNCIL REGULAR MEETING**

**JUNE 4, 2014 7:00 P.M.**

**TOWN COUNCIL CHAMBERS**

PRESENT: Council Chair Gary Levy, Council Vice Chair Dale Pike, Councilor Phil Nazzaro, Councilor Toni Weinstein, Councilor John Bentley

ALSO PRESENT: Town Administrator Steve Fournier

EXCUSED: Councilor Wright, Councilor Carmichael

6:30 p.m.: Councilor Nazzaro moved to enter non-public session under RSA 91-A: 3 II (c) Deeding. Councilor Bentley seconded.

Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

**AGENDA**

Council Chairman Levy opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance.

**PUBLIC FORUM**

Tom Swiatek spoke in favor of the Council approving the use of school impact fees for the first payment for portable classrooms. He related the history that led to the need for replacing the old portable. He said this was a problem that had to be solved immediately and stressed that the fees would be used for the initial payment only. Mike Cahill also spoke in favor of using impact fees for the initial payment of the modular classrooms. He said this was not an ideal solution, but what was available with a short time frame and limited funds. As there was no further public comment, Chair Levy closed the Public Forum at 7:10.

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES: May 21, 2014**

Vice Chair Pike moved to accept the minutes of the May 21, 2014 meeting. Councilor Weinstein seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

**REPORT OF THE TOWN ADMINISTRATOR**

Town Administrator Fournier reported that the Heritage Festival went well. In response to Council questions, he said that reviewing the elderly tax exemption policy was part of the evaluation process that was being done. State law stated that exemptions on property valuation within qualifications could be made for those over 65. Currently in Newmarket there were 24 people between the ages of 65 and 74, 9 between the ages of 75 and 79 and 27 who were 80 and over who qualified for the exemption. This amounted to a reduction in the Town’s valuation of $6,060,000 and a total of $148,277.60 that was made up by other taxpayers. Chair levy suggested that they look at other towns, and felt the exemptions would be possibly 4 cents on the overall tax rate. As the exemption amounts and qualifying limits were being reviewed by the Assessor and Town Administrator, there would be the first reading of a Resolution at the next meeting and a discussion at the first July meeting.

The Town Planner and Dubois King Engineers would make a presentation at the Council’s June 18th meeting on plans for pedestrian safety in the downtown area. Designating the area as an urban compact would not be possible within the time frame allowed for the Town to receive funding. The State would maintain the road and would not allow raised crosswalks, speed tables or brick inlayed crosswalks. However, the Town could still have bumped out areas leading to crosswalks, stamped and painted crosswalks and increased signage. The State preferred pedestrian activated lights for crosswalks rather than the constant lights the Town had installed. The Town could add lanterns highlighted crosswalks. It had been determined that a Town could ask to reduce the speed limit in a developed area from 30 to 25 without having an urban compact. The Town would have to present a traffic and engineering study with the request. It was important that the Council act on recommendations at the next meeting to order to retain State funding.

Tax bills had been mailed on May 21st and were due on July 1st. There was a proposal to hold a half and full marathon on October 26th for those hoping to qualify for the Boston Marathon. Newmarket would be one of the towns included in the circuit. There would be limited impact on traffic in Newmarket. There had been an incident the previous Friday when shots were fired on Salmon Street. Town Administrator Fournier commended the professionalism of Chief Cyr, the Newmarket Police Department, Seacoast Response Team, Sherriff’s Office, SERT Team and other communities who had responded to the incident.

DISCUSSION: The details of the pedestrian safety plan would be included in the next packet. Vice Chair Pike asked what was required by the State for the speed limit to be reduced. Town Administrator Fournier said the Town would have to show that it had a problem with speeding and that the area could handle a lower speed limit, research that the State had already been given. Councilor Nazzaro pointed out that the last study showed that the average speed in the downtown was actually closer to 25. Chair Levy thought bump-outs would be important in the most dangerous crosswalks and felt the use of portable barriers should be considered. Councilor Bentley felt that signage to discourage jaywalking would be helpful... Vice Chair Pike expressed concerns that there was no crosswalk at the three-way intersection, but as this was outside the area being addressed, Town Administrator Fournier said they were considering painting a crosswalk there as a separate project. Information about the plan will be in the packet for the next meeting and the Council will have to suspend the rules and act on the proposal in order to retain funding.

**COMMITTEE REPORTS**

The EDC had met on May 2oth and concluded that it knew what would be done on Route 108 as it had been the focus of the report. It would also look into elderly housing facilities in the B2 and B3 zones. There would be no efforts toward securing heavy industry as it was not considered appropriate for the Town. Also under consideration would be offering bonus densities for property enhancements and low-lying design standards to maintain the architectural character of the town. Councilor Nazzaro added that the Committee would suggest changes to the table of permitted uses to the Planning Board and Council in tandem to reduce the process time. The Committee would meet again in either the 2nd or 3rd week in June.

**OLD BUSINESS: Ordinances and Resolutions in the 2nd Reading**

**Resolution #2013/2014-68 Transfer Funds from the Downtown TIF Capital Reserve Fund**

Councilor Bentley moved to accept Resolution #2013/2014-68 Transfer Funds from the Downtown TIF Capital Reserve Fund. Vice Chair Pike seconded.

DISCUSSION: Interim Finance Director Angell said the funds, which had come from the project’s revenue, had been placed in a Capital Reserve Fund, and were sufficient to cover the entire principal and interest payments for the bond. This was the annual transfer to cover the FY2015 July and January payments. There was a clause in the bond that prevented early payoff and there were 9 years remaining until the bond was paid in full.

Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

**Resolution #2013/2014-69 Authorizing the Town Administrator to Enter into an Agreement for Asphalt**

Councilor Nazzaro moved to accept Resolution #2013/2014-69. Councilor Bentley seconded.

DISCUSSION: Town Administrator Fournier said there had been one bidder for asphalt, Pike Industries. The price was $67 per ton for base/binder and $70 per ton for top coat. The asphalt would be used for in-house work, and as such there was no total amount expressed. The amount spent would depend upon the budgeted figure and if the total exceeded the Town Administrator’s limit, he would go back to the Council. The contract would lock in the rate.

Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

**Resolution #2013/2014-70 Naming Certain Streets in Town – Rockingham Green Subdivision**

Vice Chair Pike moved to accept Resolution #2013/2014-70. Councilor Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

**Resolution #2013/2014-71 Naming Certain Streets in Town – Mill Development**

Councilor Bentley moved to accept Resolution #2013/2014-71 Naming Certain Streets in Town – Mill Development. Vice Chair Pike seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

**Resolution #2013/2104-72 Contract for Installing a New 16-Inch Water Main from Route 108 to Great Hill Water Tower, Includes Improvements to Utilities and Tank Vault**

Councilor Bentley moved to accept Resolution $2013/2014-72 Contract for Installing a New 16-Inch Water Main from Route 108 to Great Hill Water Tower, Includes Improvements to Utilities and Tank Vault. Councilor Nazzaro seconded.

DISCUSSION: Water Superintendent Sean Greig gave a brief overview of the project. Work had begun some years back and most of the design work had been completed by Underwood Engineers. The project design would be completed and the construction management and oversight would be done By Underwood. This would be a SRF project with funding from a 2.72% interest loan. There would be no sub-contractors or consultants used on the job. The contract had been reviewed by the State as it provided the loan.

Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

**Resolution #2013/2014-73 Purchase of Portable Classrooms Utilizing School Impact Funds**

Councilor Bentley moved to adopt Resolution #2013/2014-73 Purchase of Portable Classrooms Utilizing School Impact Funds. Councilor Weinstein seconded.

DISCUSSION: School Board Chair Gail Durocher-Wentworth made a brief statement in support of the Resolution as the state of the modulars had been of concern. Interim Finance Director Angell stated that the portable structure had been declared unusable after the budget had been set, and the School was looking for funding for the first year of a lease to replace it. The proposed modular would expand the classroom capacity, which was a criterion for the use of impact fees. There was about $85K available in School Impact fees and the first lease payment would use about $61K. The School was presented with either a 5 or 7 year lease term and was asking for the amount for the 5 year initial payment. If the 7 year option was selected, the School would ask for a lower amount.

Impact fees were collected from developers when property was sold and a certificate of occupancy was written, and it was expected that not much would be added in the coming year. However, the funds would be replenished in the future. Councilor Nazzaro said the School’s CIP was not included with the packet and asked how the use of the funds would skew other future projects for the School. Town Administrator Fournier said the School had maintenance issues, but those would not expand facilities and the impact fees could not be used for those purposes. Mr. Angell added that there were be savings in energy costs and repairs with the new modular. It was noted that the Resolution was numbered 2011/2012, which would be corrected to read 2013/2014.

Councilor Weinstein asked how the purchase of the modular fit into a larger plan for the Elementary School and if it could be moved if an addition to the building was approved. School Board Chair Durocher-Wentworth said this had been discussed as part of the CIP, and the portable could be moved depending on the needs of the District. Chair Levy asked where the money would come from if not for the Impact fees, and Mr. Angell said the money would have to be found somewhere in the budget or they could attempt to relocate the students in the existing building which would create an over-staffing issue. Town Administrator Fournier read correspondence from Jennifer Dionne of Kimball Way into the record. “I support the Town Council’s release of Impact Fees to acquire the modular classrooms for the Newmarket Elementary School.” Chair Levy said he and perhaps other Councilors had received emails in support of the Resolution.

Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

**NEW BUSINESS/CORRESPONDENCE TO THE TOWN COUNCIL**

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

**Resolution #2013/2014-75 Setting the Polling Hours for the September 9, 2014 State Primary Election:**

Chair Levy read the Resolution in full.

**Resolution #2013/2014-76 Authorizing the Town Administrator to Enter into an Agreement with Bell & Flynn for Paving of Ash Swamp Road:** Chair Levy read the Resolution in full.

**Resolution #2013/2014-77 Fiscal Year 2014 Year-End Budget Transfers:** Chair Levy read the Resolution in full.

**Discussion of Town Council Goals FY2015**

Town Administrator Fournier read the top 5 FY2015 goals identified by Councilors: Regionalization, including increased collaboration with the School District; address town-owned land/property; address long-term decisions on Macallen Dam; review elderly exemption; address parking issues. He also included the individual goals of each Councilor in his memo. The Council discussed the tracking and importance of communicating updates toward meeting goals and whether or not a time-line for deadlines should be set. If deadlines were set for goals, other timelines should be considered, such as budget preparation and work toward the Deliberative Session. It was noted that the elderly exemption policy was being updated as part of the revaluation process and an updated policy would soon be complete subject to Council review. Increased parking could be taken into account when decisions were being made on town-owned land. The Assessor and Town Administrator could prepare a list of probable town-owned properties to consider selling, but Council members could provide help in determining the history and actual ownership of some of the properties. Decisions on the Dam would not be finalized during the year, but it was important that work continue toward a solution including communication with the State and community members and further studies if deemed helpful or necessary. Regionalization and collaboration with the School also would be on-going efforts that would continue beyond the fiscal year, but attempts toward reaching the goal should be communicated to the Council. Town Administrator Fournier would prepare a timeline for the top 5 goals for the Council’s consideration.

The Council discussed whether 2 goals that had been on individual lists should be added to the FY2015 goals: the preparation of a 5 year plan, beyond the scope of that mandated by the new Charter, that took foreseeable future projects into account that would affect the tax rate; and further work on the findings of the EDC with Council actions on its recommendations. As 2 members of the Council had been excused from the meeting, it was suggested that this decision be made when all were present. The Council had agreed during the previous meeting to set the goals based on the top 5 submitted. The goals did not represent all that would be worked on during the year, and some of the goals from the previous year, such as EDC and the wastewater treatment facility, continued to be worked on during the current year. It was pointed out that one goal in particular, elderly exemptions, could be looked at as a task that soon would be addressed, and other goals that would not be completed in one year should be included to encourage on-going work toward a solution. It was noted that there were issues that had been discussed in the past, but no decisions had been reached. The 2 goals mentioned above could be added to the list, rather than substituted for any of the top 5 goals. However, the full Council should be present to decide as the goals represented the Council as a body. Chair Levy suggested that, during the budgeting process, the Council look at line items that had been underspent for some time and consider reallocating the funds toward identified priorities, such as road work. Councilor Nazzaro pointed toward underfunded CIP items and suggested that it would be important to see average expenditures for line items to rule out aberrations. Budgeting decisions were related to the pressure to have a level tax rate. The Council consensus was to add the 2 goals to the list and ask for agreement from the 2 non-present Councilors at the next meeting.

**Closing Comments by Town Councilors**

Councilor Bentley announced that the annual Fishing Derby would be held on Saturday, June 14th. It was open to those under age 15. The full announcement would be in the weekly newsletter. Councilor Weinstein announced that a group would meet at the Elementary School at 12:30 on Sunday, June 8th to help with roadside litter cleanup. Those interested could contact her.

**ADJOURNMENT:** Councilor Nazzaro moved to adjourn and Councilor Bentley seconded. Motion passed unanimously and the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary