**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**TOWN COUNCIL REGULAR MEETING**

**OCTOBER 1, 2014 7:00 PM**

PRESENT: Council Chair Gary Levy, Council Vice Chair Dale Pike, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Toni Weinstein, Councilor Ed Carmichael, Town Administrator Steve Fournier

EXCUSED: Councilor John Bentley ALSO PRESENT: Public Works Director Rick Malasky

**AGENDA**

Chairman Levy called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance. Chairman Levy announced that Councilor Bentley was excused as he was away on business. Chairman Levy then opened the Public Forum.

**PUBLIC FORUM**

Mr. Allen of Moody Point brought up one of the tasks of the recently elected Special Advisory Committee to weigh the town’s options regarding the school, specifically busing students to other communities. He suggested the Council consider the Hudson Plan where grades 11-12 have the summers off for college preparation work and grades 8-10 would rotate. He stressed weighing the options available, including the cost of purchasing buses and the square footage currently available to the School for classes. He also suggested that utilizing other communities, with families paying for busing, provided the option of choice allowing students to go out of district. Several other points brought up included the possibility of evening classes for students and using public transportation.

Chairman Levy reminded the Public that there was a Town Meeting and that School Board issues could also be brought up at those meetings.

Mr. Pete Ellis of Wiggen Road then addressed the Council bringing up two (2) separate issues, the first being the non-public meeting of the Joint Advisory Committee and the selection of members to that committee. He asked that Chairman Levy share some of the discussion at the meeting and elucidate the criteria that emerged. Chairman Levy stated that he would not address the closed-door discussion, and pointed out that the candidate selection was unanimously agreed upon by all the members of the School Board. Mr. Ellis then questioned the level of participation of some of the committee members at the last meeting and asked for more information to be brought forward. He stressed the importance of the unique opportunity of experts available to the Town, but recommended more commentary and feedback.

Councilor Levy then stated that he had done his best to facilitate the meeting, stressing that all of the questions raised had been answered. He asked that the Public allow more time for the committee to develop fully.

As there were no further public comments or questions, Chairman Levy closed the Public Forum at 7:15 pm.

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF SEPTEMER 17, 2014 MINUTES**

Chairman Levy announced that the minutes of the prior meeting were as yet unavailable and would be approved at the next meeting on October 15, 2014.

**REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Steve Fournier then commenced the reading of his report of October 1, 2014, which included: the Lubberland Creek Grant Application, the paving of state roads, the five-year budget forecast and the valuation of the Town of Newmarket.

Town Administrator Fournier first addressed Phase I of the Lubberland Creek Grant Application which was to begin the study, design and cost estimate for the replacement of a culvert on Bay Road for Lubberland Creek. This study is to be done in conjunction with the Nature Conservancy, which has pledged $10,000 in matching funds. With the success of the grant application, and as soon as Town funds are available, the Phase II installation of the culvert could begin.

Chairman Levy questioned the length of time the project had been under consideration and the overall cost of the study. Town Administrator Fournier stated that the cost to complete the Engineering phase would be $25,400. With the Engineering phase completed, the Town would at least have the documentation ready to go pending availability of Town funds. He also added that this was currently only an application to apply for the grant, that the cost was as yet unknown and eventually something would have to be done to address the flooding issues in the area. He explained that the concern of the Nature Conservancy was to increase the fish flow in that region, and that without their assistance the study would not be feasible.

Town Administrator Fournier then addressed the issue of paving of state roads. He first pointed out that the town had only been given a 12-hour notice from NHDOT that the paving was to begin, and otherwise would have given the public more advance notification. The roads in question are state roads and are not under the control of the Town of Newmarket. Town Administrator Fournier stated this was a common issue with the state and that he had contacted NHDOT District 6 and the Director of Public Works expressing his frustration. Chairman Levy asked for a time line for the project. Town Administrator Fournier stated he had been given a time of four (4) days which would likely be longer. Councilor Nazzaro suggested finding a way to prevent late notifications in the future, and Town Administrator Fournier stressed his constant contact with the Director of Public Works and the contractors, and that had even addressed the issue higher to the State Delegation. Councilor Pike recommended signs be posted in the Town for public notification.

Town Administrator Fournier reminded the Council of the major reconstruction next week on Route 108 as far as Durham and Public Works Director Rick Malasky briefly addressed the issue. He cited that contractors had pulled out of the Rte 108 project due to a crisis in Somersworth, and that he had recommended night work due to the extent of that project.

Town Administrator Fournier next addressed the Five-Year Budget Forecast which had gone out to all Council members. He reiterated that it was just an estimate due to the timing of five-year forecasts, and that it was made by weighing budget needs against funds available. He explained that 1.6% inflation index had been used for this year, which is based on the Consumer Price Index over the last five (5) years. He stressed difficulty with revenue side of the budget which is not always as stable as expenditures, and cited as an example the fluctuation of revenue from Motor Vehicle Registration.

Town Administrator Fournier next proceeded with the Valuation of the Town of Newmarket, stating that the value of the Town was finalized after the year’s statistical update. He reported that there was a reduction of the Town value for the year of about 2.2%, this value being used to set the tax rate. He stated that the Town was currently at 100% versus a former assessment of 102-103%, but that any tax increase was offset by a drop in property values. As far as the budget, he stated that for every $1.00 of Tax Rate the Town was able to raise $744,000 in the past, but that the rate had dropped to only $713,000. He stated that the assessment had been finalized and submitted to the DRA for finalization.

**COMMITTEE REPORTS**

Councilor Nazzaro reported on the last CIP Committee meeting, and stated that all CIP plans for all departments had been approved with the exception of Water. The CIP Committee would meet again tomorrow to discuss the Water Capital Reserve Fund and that they were waiting on the plans from the School Board. Chairman Levy asked Town Councilor Fournier for an update of the total Capital Reserve Funds currently available to the Town. Town Councilor Fournier cited a figure of approximately three (3) million in funds, with 2.4 million available minus Water and Sewer.

Councilor Pike then reported on the Budget Committee meeting at which an overview of the fiscal year budget from the School Board was presented by Christine Blouin. She had reported that the School had underspent expectations for Special Education and FY13-14 had ended with a net surplus of $722.000, which was welcome news. Councilor Pike pointed out that some of this pertained to warrant articles that had been voted on the previous year. Chairman Levy asked if the tax rate would be lowered as a result or if the surplus would go against this year’s increase. Councilor Pike pointed out that either way the tax rate would be lower.

Chairman Levy then stated that the Economic Development Committee would be choosing someone tomorrow and asked Town Administrator Fournier when this decision was to be finalized. Town Administrator Fournier hoped a decision would be made at the next meeting. Councilor Nazzaro stressed the excessive amount of time already lapsed and Chairman Levy suggested the Town Council address the issue at the next meeting.

Chairman Levy reported on the School Advisory Committee presenting an overview of the meeting agenda. The agenda had included the contract length, i.e. using a longer contract term of 15-20 years versus 3-5 years. There was also a discussion regarding busing and the evaluation of grades 9-12 and 6-12, specifically weighing the issue of whether to have all students attend one school or allow the option of choice. He stated that for Technology the Town would continue to utilize Exeter as long as a tuition deal could be made. He estimated a busing times at approximately one (1) hour, based on the longest time of 45 minutes at present.

Councilor Carmichael then asked Chairman Levy to revisit Economic Development, specifically the issue of Elderly Housing and whether Recreation would be of benefit to the Town. Chairman Levy stated that the Economic Development Committee had decided to research areas for viable elderly housing options, including area density and traffic. He stated that based on the study conducted by Peter Foss, most of the development would likely be along the 108 corridor with some off-route areas suggested. Chairman Levy then stated that all information regarding the different types of elderly housing (i.e. subsidized, blended, etc.) would be compiled before any consideration of re-zoning of the Town. Town Administrator Fournier added that the cost so far would be$10,000 at a minimum.

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

**Resolution #2014/2015-14 Approval of 2014 MS-535 – Financial Report**

Councilor Nazzaro moved to adopt Resolution #2014/2015-14 Approval of 2014 MS-535 – Financial Report, and Councilor Pike seconded.

Discussion: Chairman Levy asked if there were any questions regarding this issue, and Councilor Nazzaro asked that a brief be provided. Town Administrator Fournier explained that the State requires the Town of Newmarket to fill out an audit using a form provided by the NH Department of Revenue Administration (DRA). He reported an unassigned fund balance of $2,391,319, which was $131,000 under-expended, and that the Town was budgeting closer to realization.

Town Administrator Fournier then polled the council. The motion passed unanimously, 6-0.

**Resolution #2014/2015-15 Purchase of International Truck and Equipment**

Councilor Pike moved to adopt Resolution #2014/2015-015 Purchase of International Truck and Equipmentand the motion was seconded by Councilor Weinstein.

Discussion: Public Works Director Rick Malasky presented an overview of the request for the vehicle purchase. He stated that the vehicle that due to daily use in winter, the truck needed replacing and had broken down several times last year. He reported that they had used the State pricing of $77,000. Councilor Nazzaro commended the capital improvement plan which had been used to set aside an annual allocation of $7,000 for all Public Works vehicles. He noted that more was being spent currently on maintenance. Councilor Pike asked the current mileage of the vehicle which was reported as 56,577. Public Works Director Malasky emphasized that wear-and-tear of the vehicle resulted more from years of service versus the number of miles, and stressed that vehicles were inspected and maintenance performed on regularly. Councilor Pike asked about rusting of the vehicle, and Councilor Wright pointed out that a list of repair costs would be a helpful addition to the information provided. Public Works Director Malasky offered to provide this information, and stated that conversion of the truck was not possible.

Councilor Carmichael asked whether the State bid was the only one received. Town Administrator Fournier clarified that the State gets a proposal, based on a higher volume of bidders, which is usually the lowest in price. He stated that trade-ins were negotiable. Councilor Carmichael questioned whether maintenance records were kept for every Public Works vehicle. Town Administrator Fournier replied that fuel and mileage records were both maintained. Chairman Levy brought up the possible benefit of Council members visiting the DPW to inspect the vehicle damages. He asked if the cost to make the current truck operational were not an alternative to a new purchase, and mentioned again the low mileage on the vehicle. Public Works Director Malasky pointed out that it was not simply the cost of the vehicle but also the cost of all associated equipment. He stated that refurbishment is not recommended due to a typical life-span of 10-14 years for the trucks and constant seasonal use. Chairman Levy offered that the decision of whether or not to purchase the truck would be made more easily with some context for comparison.

Councilor Wright pointed out that these conversations, which are always lengthy, could be shortened if a benchmark formula could be provided. Town Administrator Fournier agreed that the information requested could be provided. Councilor Weinstein asked about the CIP process and whether the funding would continue to be set aside. Town Administrator Fournier stated that the request for contributions to the fund would continue but that the entire contribution is not always budgeted. Chairman Levy asked for a status on other Town vehicles and questioned how often all six (6) trucks would be in use at the same time. Public Works Director Malasky stated that the freight liners were 10 years old and that in winter all trucks were in use daily

Town Administrator Fournier polled the council. The motion passed unanimously, 6-0.

**ORDINANCES AND RESOLUTIONS IN THE 3RD READING**

As there were no ordinances in the 3rd reading presented and no items on the table, Chairman Levy proceeded to New Business.

**NEW BUSINESS/CORRESPONDENCE**

**Town Council to Consider Nominations - Appointments to the Macallen Dam Study Committee**

Chairman Levy announced that he had appointed **Councilor Pike** as representativetotheMacallen Dam Study Committee.

**Ordinances and Resolutions in the 1st Reading – TA Requests to Suspend the Rules**

**Resolution #2014/2015-17 Setting the Polling Hours for the General Election, November 4, 2014**

Chairman Levy read Resolution #2014/2015-17 Setting the Polling Hours for the General Election in full, with new polling hours set for the November 4, 2014 from 7 am to 7 pm. Town Administrator Fournier then asked that the rules be suspended and a vote be taken. Chairman Levy asked for a motion to suspend the rules only.

Councilor Pike made a motion to suspend the rules, which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the council and the motion to suspend the rules was approved unanimously, 6-0.

Discussion: Town Administrator Fournier reported that he had received information from both the Moderator and the Town Clerk that community members had tried to vote after polling hours had ended. He also pointed out that the Attorney General had mandated that a Council Member be present at all times during the voting process and a schedule would be set up and distributed. He added that the process would in future be set once every year. Councilor Weinstein emphasized the importance of making sure the Public be notified as to the changes.

Councilor Pike made a motion to accept Resolution #2014/2015-17 and the motion was seconded by Councilor Weinstein.

Town Administrator Fournier polled the council and the motion was approved unanimously, 6-0.

**Correspondence**

Chairman Levy asked if there were any correspondence issues to be addressed. He mentioned the heavy volume of emails he had received regarding the selection of the School Board Advisory Committee selection process, and again asked that the Public allow the committee time to develop. Chairman Levy felt that concerns were over-estimated and stressed that all committee members were in complete agreement regarding the candidates selected. Councilor Weinstein offered that the heavy email volume would likely continue for anyone who felt they did not have a voice and wished to contribute to the issue.

Councilor Carmichael had received correspondence regarding the hours of operation of the Town Council Hall. Town Administrator Fournier stated that the change in hours was made due to increased productivity and not a cost-saving measure.

**ADJOURNMENT**

As there was no further business, Councilor Nazzaro made a motion to adjourn the meeting. Councilor Weinstein seconded. The motion was passed unanimously and the meeting adjourned at 8:34 pm.

*Respectfully submitted, Patricia Denmark, Recording Secretary*