

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING**

OCTOBER 7, 2015 7:00 PM

PRESENT: Council Vice Chairman Gary Levy, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns, Councilor Larry Pickering

EXCUSED: Council Chairman Phil Nazzaro

ALSO PRESENT: Town Administrator Steve Fournier, Water & Wastewater Superintendent Sean Greig

AGENDA

Vice Chairman Gary Levy welcomed everyone to the September 16, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Vice Chair Levy announced that Chairman Nazzaro was excused as he was out of town on business.

PUBLIC FORUM

Vice Chair Levy opened the Public Forum at 7:02 pm and asked if anyone from the public wished to speak.

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

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of September 16, 2015

Councilor Thompson made a motion to accept the minutes of the regular meeting of September 16, 2015, and Councilor Weinstein seconded.

As there were no changes requested, Town Administrator Fournier polled the Council and the minutes of the regular meeting of September 16, 2015 were approved by a vote of 6-0.

Acceptance of the Minutes of the Non-Public Meeting of September 16, 2015

Councilor Thompson made a motion to accept the minutes of the Non-Public meeting of September 16, 2015, and Councilor Burns seconded.

As there were no corrections or changes requested, Town Administrator Fournier polled the Council and the minutes of the Non-Public meeting of September 16, 2015 were approved by a vote of 6-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier stated that on September 27th the Fire Department conducted a **Controlled Burn at the Carpenter Property**, in conjunction with other departments. He said that everything had gone well and that the Department of Public Works was currently cleaning the site, which was spread with grass seed. He stated that he wanted to dispel a rumor that they were building a new High School on the site, and stressed that they were just leveling the land. He next addressed the matter of dormant committees in the Town. He stated that the **Advisory Heritage Commission** had met only three (3) times since January 1, 2012 and said they had difficulty finding members and that most of the authority of the Commission had been stripped away. He said that a resolution would be introduced at the next meeting to disband the Commission, and that other committees would also be reviewed and recommendations made.

Town Administrator Fournier stated that on Thursday October 2nd the Police Department was hit by a **Computer Virus Infection** called CryptoLocker, which had been known to lock government computer systems. He said that fortunately they had been able to remove the virus without losing data, and they were currently reevaluating their security and policies. Town Administrator Fournier next addressed the **FY16 Budget** stating that, pursuant to the Town Charter, he would be presenting his budget to the Town Council on October 15, 2015. He also reminded the Council that a Budget Workshop was scheduled for Saturday October 24, 2015 starting at 9:00 am.

Town Administrator Fournier announced the **Retirement** of *Kathy Castle* as the Administrative Assistant to the Town Administrator. He stressed that Kathy had been an invaluable resource to the Town for 15 years and would be difficult to replace. He said that the advertisement for the position had already been posted and the position would be filled prior to her departure in mid-December. He said that Kathy truly deserved the time to spend with her family and friends.

Town Administrator Fournier said that he had met with the Assessors yesterday and had an **Estimated Value for the Town**, though there was a small private water system for which they did not yet have the utilities values from the State. He stated that the estimated value of the Town of Newmarket was \$722,476,271, a 1.43% increase or an increase of \$10,505,659 value to the Town. He said that there had been an increase in commercial buildings of 4.84% due to the Mills complex coming online, which composed 50% of the assessed value at this point, and that there had also been a 2.96% increase in residential land. Councilor Levy asked for the percentage value of the Town, and Town Administrator Fournier replied the current value was 91%. He explained that before the revaluation, the value of the Town had been 110%, had then dropped to 99%, and was currently at 91%, which was within acceptable range. Vice Chair Levy asked if this was the first year for the Mills revenue, and Town Administrator Fournier replied that it was and they would see more revenue coming in this year.

Discussion/Questions: Councilor Weinstein congratulated Public Works Director Rick Malasky on the success of the controlled burn, and said the Fire Department and the Department of Public Works had

done a great job with the Carpenter Property. She said that someone had also brought to her attention the idea of forming a land-use committee for the Town, which would encompass taking an overall look at salable land and potential land purchases. She offered congratulations to Kathy Castle on her upcoming retirement, and hoped something formal would be scheduled to thank her for all the work she has done for the Town. Vice Chair Levy asked Town Administrator Fournier if there was any way the Council could get information for proposals coming up for expenditures 60 days in advance. As an example, he said that the information for the Recreation expenditures had been given to Recreation Director Jim Hilton some time ago, but that the Council had only received it at the first reading of the resolutions. Town Administrator Fournier felt the easiest way would be to put a copy of the Request for Proposal (RFP) in their mailboxes when projects went out for bid, as the exact amount was not known until then. Vice Chair Levy felt a one-page synopsis would suffice, or a list of proposed RFPs. Councilor Pike said he felt the Recreation Department expenses could be brought up at budget time, and said he did not want a lot more paper in his box. Councilor Thompson felt that people should understand that the Council received a lot of information that was not always complete, and they needed the specifics in order to ask more educated questions and do their job.

Councilor Pickering said that a lot of labor and a huge effort had gone into the Carpenter property project, and said he was glad to see the property cleaned up. He thanked Public Works Director Malasky and the Fire Departments for their efforts, and said he felt that this was probably one of the most cooperative efforts he had seen between the School and the Town. He asked if the Town was planning to dump snow on the property again this winter, and Town Administrator Fournier replied it would only be used if the regular snow farms filled up. Vice Chair Levy asked if the Wilson property was still being considered, and Town Administrator Fournier said that the problem was getting the snow there and trucking it out that far.

Town Administrator Fournier said that he wanted to follow up with regard to **Road Patching**. He said that Public Works Director Malasky would be patching roads using an asphalt mixture, rather than liquid patching, to make sure the patches stayed down. Vice Chair Levy was concerned that sections were already peeling away and it was not even winter yet, and Councilor Pickering added that chunks of asphalt were piling up along the roads.

COMMITTEE REPORTS

Councilor Weinstein reported on the CIP Committee meeting of the week before stating that they had reviewed all of the departmental requests for funding, and all projects had been approved. She said that some of the amounts were increased, one of which was the Road Fund request of the Department of Public Works, which was increased from \$125,000 to \$250,000 and unanimously approved. She said there would also be some money in the General Budget to cover road maintenance. Councilor Weinstein said that the CIP Committee also wished to have some clarification about the Library regarding who was responsible for the outside versus the inside. Town Administrator Fournier stated that the rule of thumb was that anything from the walls out was the responsibility of the Town, and everything inside the responsibility of the Library. He said the Newmarket Library did not fall under normal Trustees Laws as it was originally a Mills Library, and when the Mills closed the deed turned it over to the Town with the selectmen appointing the Trustees. Councilor Weinstein said the Library had

some projects they wished to take on, and asked who would put them forward if they did not. Town Administrator Fournier said that they traditionally deferred to the Board of Library Trustees who controlled their own trust fund separate from the Town. She said that the request by the Recreation Department to replace playground equipment on the younger children's playground was urgent and had become a safety hazard. She also questioned the \$90,000 remaining in the Recreation Capital Reserve Fund, saying that it was not clear how it was earmarked for future use. Town Administrator Fournier replied that procedurally he would not approve anything that was put forward in the CIP plan without backup, and said it was more about current plans for the Capital Reserve Funds and not the original intent. He said that he had emailed all department heads that if the money was not available in their budgets, the requests would not be approved. Councilor Weinstein said that the CIP members were also planning to tour the School next week and review their CIP requests as well.

Councilor Pike reported on the Planning Board Committee meeting stating that progress was being made on the Macallen Dam, and that three (3) proposals had so far been submitted for stability analysis which would be reviewed at the next meeting.

Vice Chair Levy said that the Economic Development Committee had not met, but that he had spoken to Town Administrator Fournier about requesting the Planning Board to put forward a possible ordinance to look at elderly housing. He said that it had been a unanimous request of the Economic Development Committee to change the zoning on those parcels and use them for something they could build on and utilize.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2015/2016-15 Increase of Sewer Rates

Councilor Thompson made a motion to approve *Resolution #2015/2016-15 Increase of Sewer Rates*, which was seconded by Councilor Pike

Water & Wastewater Superintendent Sean Greig provided an overview emphasizing that the increase was only for the sewer rates. He explained that several years ago, when they had to move forward to build a new wastewater treatment facility, they had had to borrow \$14.1 million. He said they then had to decide whether to have several periodic rate increases or one large increase in order to meet the bond payment, and stated that the Town Council had voted for level increases. He stated that they were now on the third increase of 76 cents, which raised the rate from \$8.98 to \$9.74 per 100 cubic feet of water, or 750 gallons. He said the rates were right on schedule though they needed to get to the \$13.72 range to meet their obligations. He added that the \$14.1 million loan did contain grants which brought the loan total down to \$10.3 million.

Discussion: Vice Chair Levy asked if usage had dropped as a result of the increased rates, and Water & Wastewater Superintendent Greig said that it had stayed pretty much the same. Vice Chair Levy asked if there was a way to evaluate this as the number of residents and usage had increased. Water &

Wastewater Superintendent Greig replied that water consumption in the Town, and in other communities, had dropped drastically. He stated that the Town used to consume 160-164 million gallons of water per year, but that over the past 2-3 years they had consistently consumed about 138 million gallons per year. He said that the drop was definitely due to the widespread use of energy-efficient faucets and appliances, but that they had also been losing approximately 25% of the water when they were pumping 164 million gallons, but were now losing only about 5% pumping 138 million gallons. Vice Chair Levy asked where Newmarket fell in relation to the water rates of other communities, and Water & Wastewater Superintendent Greig replied that the Town was on the low end for water but closer to the upper end with sewer rates.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2015/2016-15 Increase of Sewer Rates* passed by a vote of 6-0.

Resolution #2015/2016-16 Approval of 2015 MS-535 - Financial Report

Councilor Thompson made a motion to approve *Resolution #2015/2016-16 Approval of 2015 MS-535 - Financial Report*, which was seconded by Councilor Pike.

Town Administrator Fournier explained that this document was basically the tax return Newmarket needed to file with the State and that it was filed annually. He explained that it was before the Council for a vote as all Councilor signatures were required. He stated that pages 2-3 listed appropriations to actual expenditures, and said that everything that the Town took in and everything they sent out to the Schools and County had to be reported. He said pages 13-14 concerned the General Budget balance sheet. He reported that the Unassigned Fund Balance was estimated to be \$2,550,932, which equaled 8.7% and was in the middle of their Fund Balance policy of 5-10%. He said some of that money would be used during the budget process to make contributions to Capital Reserve Funds, and was also used if any debt was issued from the Town or the School. He said the current Town debt limit was \$22,426,127, the water-related debt limit was \$74 million, and there was no limit on sewer debt. He also explained that if the School maxed their debt limit, the limit for the Town would go down and borrowing would be reduced, as the Town was the collector of the money.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2015/2016-16 Approval of 2015 MS-535 - Financial Report* passed by a vote of 6-0.

Resolution #2015/2016-17 Authorizing the Town Administrator to Enter into a 5-Year Agreement with Municipal Resources Inc. for Assessing Services

Councilor Pike made a motion to approve *Resolution #2015/2016-17 Authorizing the Town Administrator to Enter into a 5-Year Agreement with Municipal Resources Inc. for Assessing Services*, which was seconded by Councilor Thompson.

Town Administrator Fournier stated that they had started working with the current assessing firm in 2012 and had been using them for the last 4 years, and explained that this agreement would get the Town through the next revaluation. He said the firm was also doing regular assessing 2 office days/week,

Town Council
October 7, 2015 - Regular Meeting

with 1-2 persons available, and said this arrangement was cheaper for the Town and that customer service had improved greatly by having 2 part-time individuals contracted.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2015/2016-17 Authorizing the Town Administrator to Enter into a 5-Year Agreement with Municipal Resources Inc. for Assessing Services* passed by a vote of 6-0.

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Town Council to Appoint Council Representative to the Municipal Budget Committee, and Alternate

Vice Chair Levy stated that there was one nomination open for a Council Representative to the Municipal Budget Committee and an Alternate. He said that he had been informed by Chairman Nazzaro that there were two (2) interested parties, Councilor Thompson and Councilor Weinstein.

Town Administrator Fournier explained that the process in the past, when there were two (2) interested parties for one seat, had been that he called the roll and the Councilors each responded with their preference. He said if there was a majority the person won the nomination, and that a tie would fail and require voting again until someone was approved.

Town Administrator Fournier called the roll and *Councilor Thompson* was elected as *Town Council Representative to the Municipal Budget Committee* by a vote of 4-2. *Councilor Weinstein* agreed to run as *Alternate Town Council Representative to the Municipal Budget Committee* and her nomination was approved by a vote of 6-0.

Town Administrator Fournier polled the Councilor and the nominations were approved unanimously by a vote of 6-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2015/2016-18 Sale of Tax Deeded Property

Vice Chair Levy read *Resolution #2015/2016-18 Sale of Tax Deeded Property*, in full.

Resolution #2015/2016-19 Contract for Waterline to Install a Well, a Waterline, a Blending Facility, and all Necessary Equipment for the MacIntosh Well Project

Vice Chair Levy read *Resolution #2015/2016-19 Contract for Waterline to Install a Well, a Waterline, a Blending Facility, and all Necessary Equipment for the MacIntosh Well Project*, in full.

Resolution #2015/2016-20 Engineering Contract for Construction Administration and Oversight for the MacIntosh Well Project

Vice Chair Levy read *Resolution #2015/2016-20 Engineering Contract for Construction Administration and Oversight for the MacIntosh Well Project*, in full.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Weinstein stated that a Community Forum was scheduled for Monday, October 26th to discuss the heroin issue. She said she had previously mentioned that there was a separate Coalition in Town working on this issue, and said the Town had been hugely supportive as well as Lamprey Health, the Business Association, and general concerned citizens. She said the Forum would not only include the Newmarket community, but people at the State level as well. She said the meeting would be held at the Recreation Center on October 26th at 6:30 pm.

Vice Chair Levy asked Town Administrator Fournier if the Town Attorney would be looking into the debacle regarding the original estimated costs for the MacIntosh Well and the additional funds required, which had come up at the Planning Board meeting. He said that the increases had nothing to do with construction costs, and felt it was difficult to understand how the firm could not be negligent when they were off by 30%. Town Administrator Fournier said that the Town had filed a claim with their insurance carrier, and had not yet heard back from their attorneys.

Councilor Pickering mentioned a reference by a resident at the last meeting regarding a solar array being constructed in Lee, which would benefit the Town of Durham. He said the resident had also stated that Newmarket was on their "favorite" list. Town Administrator Fournier explained that everything was very preliminary, and that someone had looked at the Transfer Station but gotten no further, and said that the one in Lee was being installed by the Town of Durham. He said a controversy had arisen as Durham was taking land in Lee, and Lee would be losing taxable property as they could not tax another municipality.

ADJOURNMENT

Councilor Thompson made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at approximately 8:00 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary