



**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL AGENDA**

**REGULAR MEETING JULY 1, 2015 7PM
NEWMARKET TOWN HALL COUNCIL CHAMBERS**

6:45 p.m. NON-PUBLIC RSA 91-A:3 II

- 1) Pledge of Allegiance**
- 2) Public Forum** ***Public Forum is an opportunity for the public to address the Town Council. All comments should be addressed to the Chair of the Council. No person will be allowed to speak longer than 5 minutes.***
- 3) Public Hearing: None**
- 4) Town Council to Consider Acceptance of Minutes**
 - a) Minutes of June 17, 2015
 - b) Non-Public Minutes of June 17, 2015
- 5) Report of the Town Administrator**
- 6) Committee Reports**
- 7) Old Business**
 - a) Ordinances and Resolutions in the 2nd Reading
 - i. *Resolution #2014/2015-66 Authorizing the Town Administrator to Enter into an Agreement with Tri State Curb for Installation of Granite Curb Stone for Bennett Way*
 - b) Ordinances and Resolutions in the 3rd Reading Ordinance
 - c) Items Laid on the Table – NONE (*Items will remain on the table unless a member of the Town Council moves to remove the item.*)
- 8) New Business/Correspondence**
 - a) Town Council to Consider Nominations, Appointments and Elections
 - i. *ZBA- Regular Member – Term Expires March, 2018*
Candidate: James Drago
 - b) Ordinance and Resolutions in the 1st Reading
 - i. *Ordinance #2015/2016-01 Adoption of the Town Seal*
 - ii. *Resolution #2015/2016-01 High Efficiency Heat Pump Installation for Town Hall Auditorium*
 - ii. *Resolution #2015/2016-02 Contract with Horsley Witten Group to Implement a Coastal Zone Management grant Related to Building Resilience to Flooding and Climate Change in the Moonlight Brook Watershed*
 - c) Correspondence to the Town Council
 - d) Closing Comments by Town Councilors

9) Adjournment

DRAFT

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

June 17, 2015 7:00 PM

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

EXCUSED: None ALSO PRESENT: Town Administrator Steve Fournier, Public Works Director Rick Malasky

AGENDA

Chairman Phil Nazzaro welcomed everyone to the June 17, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

Councilor Weinstein made a motion to seal the minutes of the Non-Public Sessions of May 20, 2015 and June 3, 2015. The motion was seconded by Vice Chair Levy.

Town Administrator Fournier polled the Council and the motion to seal the Non-Public minutes passed by a vote of 7-0.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:04 pm and asked if anyone from the public wished to speak.

As no one from the public came forward, Chairman Nazzaro closed the Public Forum at 7:04 pm.

PUBLIC HEARING - None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of June 3, 2015

Councilor Thompson made a motion to accept the minutes of the regular meeting of June 3, 2015, and Councilor Burns seconded.

Changes/Corrections: Councilor Thompson requested a statement alleged to Police Chief Cyr on page 2 under Public Forum be clarified to read that he would only have a 2-week notice in the event of any resignations from his staff. She also recommended that the year "2015" be added to the date pay raises would be available. Councilor Thompson also corrected a typographical error in the spelling of "Nitronox" on page six under *Resolution #2014/2015-59*.

Town Council
June 15, 2015 - Regular Meeting

Town Administrator Fournier polled the Council and the minutes of the regular meeting of June 3rd were approved as amended by a vote of 6-0, with 1 abstention.

Acceptance of the Minutes of the Non-Public Meeting of June 3, 2015

Vice Chair Levy made a motion to approve the minutes of the Non-Public Meeting of June 3, 2015, which was seconded by Councilor Weinstein.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of June 3, 2015 were approved by a vote of 6-0, with 1 abstention.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Fournier first addressed the **Pay and Classification System**, which had been discussed at the last meeting. He stated that the process seems to have been suspended around 2005, which was the date of the last salary survey. He began with Section 6.2 of the Town Charter which outlined the creation of a personnel plan or policy, stating that the Town complied with this section and that the Council needed to create a personnel plan. He said the section that may be in question was the requirement of the classification and compensation of employees. He said that Article 3 stated that the Town Administrator and the Town Council should be responsible for a pay plan consisting of a minimum and maximum rate for each position, with the Town Administrator conducting a salary survey every three (3) years and recommending changes to the Council. He said that in addition, any merit increases would take effect July 1st and would be retroactive. He also stated that in future, all employee evaluations should be finished 30 days prior to the beginning of the fiscal year. Town Administrator Fournier said that he had instructed the Finance Director to provide a report to the Town Council in August for FY17 budget changes. The Finance Director would be taking all positions and comparing them to the labor market as well as communities of similar size to Newmarket, using an assessed value of the entire community along with socio-economic background.

Town Administrator Fournier next addressed a letter he had received inviting the Town to send one representative to a **Meeting with the County Commissioners** on July 16th. The subjects to be covered included Dispatch Services, Central Bidding/Procurement, and County Services offered and recommended. He said that he had discussed his representing the Town with Chairman Nazzaro, if there was no objection from the Council. Chairman Nazzaro said that other towns were sending their Town Administrators as representatives, and Town Administrator Fournier said that he would provide a report to the Council after the meeting. Vice Chair Levy asked Town Administrator Fournier to clarify the **routing of 911 calls** for the Council record. Town Administrator Fournier explained that when 911 is dialed the call first goes to the State System. He said that they take all calls and process them back through the County to our dispatch center in Newmarket. Vice Chair Levy asked what happened when 659-6336 was dialed and Town Administrator Fournier replied the calls went immediately to our local dispatch.

Town Administrator Fournier next reported on the **FY2015 Operating Budget** which had been 88% expended, slightly higher than the prior year. He stated that as of today it was estimated that they

would finish the fiscal year with a return of \$48,000 to the Fund Balance. As a comparison, he stated that the amount had been \$504,000 in 2012, \$518,000 in 2013, and \$130,000 in 2014. He said that the \$48,000 amount, which represented 0.8% return for this fiscal year, was a result of tighter budgeting and abnormal expenditures for snow. He next addressed the **Pedestrian Crossing near the School** saying that the School had asked for assistance in installing two (2) manually operated solar crossing beacons, as they would begin using the former Perkins building as a classroom. He said it was determined that the beacons should be installed, and that the School would purchase them and Public Works would install them cutting the project cost in half to about \$8,000.

Town Administrator Fournier next addressed two (2) items not in his written report. The first item concerned the switch to monthly billing for Water & Sewer to begin in August, which would allow the people to pay in smaller amounts. The second item related to the closing June 17th of all bids for the Downtown Pedestrian Improvement Project. He said that no bids had been received and he had conducted a conference call with DOT. He said they had explained that they were not surprised as the economy was doing better, and suggested re-bidding the project in the fall. Town Administrator Fournier said that Public Works Director Rick Malasky and the town engineer both confirmed they would get bids in November which could be started in spring of 2016. He said that if the costs for engineering and construction were to come in higher the project would be cut back or funds found to be reimbursed later by the State. Vice Chair Levy pointed out that the dollar amount the Town had come up with was less than half the original grant proposed, and suggested it might be worth contacting DOT in the event the bid comes in higher.

Discussion: Councilor Thompson asked whether the estimate for the safety crossing at the School included labor costs. Town Administrator Fournier replied that it did not but that they would probably be minimal. Councilor Thompson asked if the School would be reimbursing the Town or if the crossing was a safety issue. Town Administrator Fournier said that the Town would be doing the work anyway, and that this way they could make sure it was done correctly using the right safety specifications. Councilor Thompson then referred to the report of the Public Works Department on page 29, specifically the comment from Public Works Director Malasky that with no budget increases for paving, it would take two (2) more years to finish Ash Swamp Road. She also asked where they stood with the paving plan for the year to fix the roads. Town Administrator Fournier replied that the Public Works Department would not be submitting any proposals to the Town Council without a plan. Councilor Weinstein felt that taking four (4) years to finish one road was concerning, adding that the line item was cut every year. She questioned the Building Inspector's report noting the possibility of having Historic Preservation regulations, and asked if these recommendations would be made by the Council or the Planning Board. Town Administrator Fournier said they would come from the Planning Board to be approved by the Town Council. Councilor Weinstein commented on the Town Newsletter saying it was a good source of information and a good tool for the community. She then asked if a date had been set for the next public meeting for the bike path to be held in June and Town Administrator Fournier replied that no specific date had been set.

Chairman Nazzaro thanked Town Administrator Fournier for the update on the pay situation, and pointed out that step increases had not been part of the Town's policy for a long time. He said that two (2) years ago all comments regarding step increases had been removed from the Charter. He said that at

the May 20th meeting it was discussed that resources were available for pay increases, and that he wanted to make it clear to Town Administrator Fournier that the conversation had been going on for several months now. Vice Chair Levy raised a question regarding the Fire & Rescue Department asking if the Town was reimbursed when assisting other towns. Town Administrator Fournier replied that it depended on the type of call and that for fire it was usually a mutual aid situation. He added that some reimbursement was possible for Federal or State emergencies. Public Works Director Rick Malasky said that the State was called in for the brush fires in Hookset and Ossipee, and that he had received paperwork to apply for payment. He added that local communities helped each other and did not bill for services. Vice Chair Levy offered congratulations to the Fire & Rescue crew Bob Daigle, Garret Thompson, Tyler Dodds and Exeter paramedic Eric Jaeger, for delivering the baby on May 23rd in their ambulance. He also thanked Public Works Director Malasky for assisting with a sinkhole problem on New Road. He asked about scheduled tree work for Bay Road and other tree work Eversouce had identified in Town. Public Works Director Malasky replied that the work on New Road was completed at this time and Bay Road should be completed by tomorrow.

Councilor Thompson asked about electrical work being done on Ash Swamp Road, and Public Works Director Malasky replied that it was for the power line for the MacIntosh Well. Councilor Thompson asked for the cost of the negotiated purchase of a 140 square-foot permanent easement by the Town from Newmarket Mills on page 43. She next brought up the Shoulder Widening & Bike Path Project on page 44, specifically that the Town would need to provide an additional 20% match amounting to approximately \$40,000. She felt that as the project was originally billed as "no cost to the Town", they needed to make the potential additional costs to taxpayers clear in a Public Hearing. Town Administrator Fournier said that nothing would be done without coming before the Council. Councilor Burns raised a question regarding the Economic Development Committee expense report on page 53, as it appeared they were over by 1,336%. Town Administrator Fournier said this was correct, and that a consultant had been hired by the committee to assist in reviewing zoning in the Town, and that the Planning Board had scheduled the date as right now. Councilor Pickering voiced concern over new sidewalks for Bennett Way, and said he did not like having to pay for something the developer should have included in the original plan. Councilor Weinstein commented that she had sensed a swell in public opinion regarding sidewalks and general connectivity to the Town in the Visioning Sessions she had attended.

Vice Chair Levy asked if there might be any way for the engineers of the Bike Path Project to reduce some of the cost due to the fairly significant increase. Chairman Nazzaro asked if in preparation to vote on the project, the Council could see what had caused the cost elevation and list any cost-saving measures being put in place to mitigate that. Town Administrator Fournier replied that this could be done, and stated that the extra \$40,000 was not available in the budget and the project would either have to be revised or not done. He pointed out that the costs were very preliminary at this point and were based on the original amount of the grant. Councilor Pike asked about the bridge bottleneck in the project, and felt it would be a shame to widen the road and stop at that point. Chairman Nazzaro pointed out that the road was State owned, and that the point would be to include this concern in the conversations with the State.

COMMITTEE REPORTS

Councilor Burns reported on the Conservation Commission meeting of the prior week. She said that there had been public comment regarding some land around Moody Point, and that there were concerns voiced about runoff from building in the area and that abutters had not been notified in advance. She also asked about a gate along the river that was supposed to be open in spring/summer but was currently locked. Town Administrator Fournier said that the gate had recently been opened.

Councilor Pickering reported on the Budget Committee meeting of June 15th. He said that Mr. Dan Smith had been appointed as the Budget Committee representative to the CIP Committee and that Mr. Mike Lang would remain as the alternate. He said that Town Administrator Fournier had brought up the estimated \$48,000 left over from the current budget year, and that over-revenue estimates were approximately \$400,000 due to increases in building permits and motor vehicle purchases.

Vice Chair Levy gave a report on the Planning Board meeting of the prior week and said that they had discussed the Master Plan, and were continuing to look at the development of the Town. He said that Strafford Regional Planning was looking at all towns within the County, and there had been suggestions that Newmarket needed more affordable housing. He pointed out that a lot of the goals mentioned seemed to have already been met by the Town but they had been lumped in with other towns in the region. He said they did their best to make the plan more germane to Newmarket's needs, and that some of the goals were being redone. Vice Chair Levy felt it was important to look at the suggestions being made as ordinances and planning were predicated on the Master Plan, and that it was used as a tool to make policy. Councilor Pike stated that he had watched the tape of the meeting and felt that much of the information had been part of the Visioning Session he and Councilors Burns and Weinstein had attended. He said that the point was made that they needed to be aware of what the impact would be on taxes. He said he agreed with the importance of the Master Plan, and felt the fact that the original zoning changes did not line up with the Master Plan was the chief impetus for the Town in making changes to the original zoning proposal. Vice Chair Levy said it was important to get this right as changes were only made every ten (10) years. Chairman Nazzaro said that the Council had no say in the writing of the document and Town Administrator Fournier confirmed this.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2014-15-64 The Purchase of a Chevrolet Pickup Truck for Public Works

Councilor Weinstein made a motion to approve *Resolution #2014-15-64 The Purchase of a Chevrolet Pickup Truck for Public Works*, which was seconded by Councilor Burns.

Town Administrator Fournier stated that this was a replacement on schedule with the Capital Improvement Plan and that they had secured a State bid and received estimates for continuing maintenance costs. Public Works Director Malasky said that the current truck was a 1999 vehicle and that there was no interest from the dealership for a trade-in and it would go to State auction in Concord. He said that the truck was used every day for moving small equipment such as lawn mowers, mulch, ladders, etc. He said that he had added the cost to cover the purchase in the CIP budget last year, and

that the replacement vehicle was desperately needed. He said that the vehicle needed to be ordered and would take approximately 8-10 weeks, adding that the department had lost a couple of vehicles due to this year's inspections.

Discussion: Councilor Thompson asked about the vehicle usage, and Public Works Director Malasky replied that it was used Monday through Friday mostly in Town, and did not go home with anyone. Councilor Thompson asked why a new vehicle was being purchased and asked if used vehicles had been looked at. Public Works Director Malasky said they had looked at used vehicles in the past but were pricing to buy new and keep the truck for 16-20 years, as it was only used to move light small equipment. Vice Chair Levy asked that in future the use be explained in the narrative. He then asked how many trucks the Town had and how this compared to other communities. Public Works Director Malasky replied that in the past they had three 1-ton vehicles, two 2WD pickups for Buildings & Grounds, and two 4WD pickups. He said that from April to November there were 16 employees in Public Works Department, and that Buildings & Grounds was currently down from four vehicles to one 1-ton.

Town Administrator Fournier polled the Council and *Resolution #2014/2015-64* passed unanimously by a vote of 7-0.

Resolution #2014-15-65 The Purchase of a 2015 Mahindra 1538 Tractor for Public Works

Councilor Weinstein made a motion to approve *Resolution #2014-15-65 The Purchase of a 2015 Mahindra 1538 Tractor for Public Works*, which was seconded by Councilor Pike.

Public Works Director Malasky explained that the vehicle was used by Buildings & Grounds on all ballfields and parks and also for mowing, with occasional use by Public Works. He said that they typically put 300 hours/season on the vehicle at the going rate of \$85 per hour, and that the cost of the new tractor would be replaced in almost one (1) year. He said that the tractor was parked at this time as it was unsafe to drive on the road. He added that this vehicle was also a 1999 and would be worth \$2,000 now on trade-in. Public Works Director Malasky explained that the hydrostatic transmission was starting to go and that the amount to repair the vehicle would be huge. He said he had also looked at contracting the service out, but that the cost to purchase would pay for itself in one (1) season. He reported that he had looked at two makes, Kubota and Mahindra, and that the Mahindra was the cheapest and could be purchased nearby in Brentwood in the event parts were needed.

Discussion: Councilor Thompson stated that she understood that three (3) quotes were required but that only two (2) had been provided. Town Administrator Fournier replied that the requirement could be waived to cover three (3) types of vehicles rather than three (3) different vendors. Chairman Nazzaro pointed out that the quote received from Chappell Tractor was for two different vehicles. Councilor Pike asked if the current attachments could also be used with the new tractor and Public Works Director Malasky said that they could. Vice Chair Levy asked for the typical longevity of these vehicles and Public Works Director Malasky replied that after 5,000 hours they started having problems which amounted to approximately 150,000-160,000 miles. Vice Chair Levy then asked about the status of Kubota as the best in the line, and suggested perhaps purchasing the Kubota for a few

grand more. Councilor Pike pointed out that the difference was \$6,000. Public Works Director Malasky said that Mahindra was at the top of the line and Councilor Thompson said that they had a very good reputation. Public Works Director Malasky said that Mahindra was the number one selling tractor in the world at this time and that it would meet their needs for the money.

Town Administrator Fournier polled the Council and *Resolution #2014-15-65* passed by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 4TH READING

Resolution #2014/15-49 Town Council Rules for Proceedings

Vice Chair Levy made a motion to approve *Resolution #2014/15-49 Town Council Rules for Proceedings* which was seconded by Councilor Weinstein.

Town Administrator Fournier read a document he had put together from emails of proposed changes by Councilors Thompson and Weinstein. He said the first proposed change was under Section 1 - Council Meetings on page 1, regarding the regular business meeting ending at 10 pm unless approved by the Chairman or the Council, and that Councilor Thompson had requested the removal of "Chairman". He said the second change was proposed by Councilor Weinstein to correct the reference under Agendas from Section 6 to Section 5. He said that Councilor Weinstein also proposed Section 6A-iv be corrected to "if an Ordinance is extensively amended after the *second* reading" rather than the first. A change was also suggested in Section 8 under Filing with the Town Clerk to add "or resolution" after ordinance. The last change suggested was by Councilor Thompson under Section 17 - Committees, to change "the Chairman shall have the power to appoint such advisory committees..." to "the *Council* shall have the power".

Discussion: Vice Chair Levy suggested making a change to Section 13 - Permission to Address the Council regarding the statement that speakers should be residents of the Town of Newmarket as that was not the way they currently conducted business. He said that people from other communities had come in with valid information to share, and he did not have a problem with it if the Council wanted to vote every time. Chairman Nazzaro asked if the people had an issue with the decision being at the discretion of the Council. Councilor Weinstein felt it should state "residents of Newmarket" and that the Council could always suspend the rules. Chairman Nazzaro asked if it would be clearer if they added that for any other speakers, the Council would have to suspend the rules. Vice Chair Levy next brought up Section 13-v which stated that the Citizen Forum should not be a 2-way dialogue. He felt common sense should be used and that they were not strictly follow the rule at this time. Chairman Nazzaro said that it was not done by matter of course. Councilor Pike agreed, and said there were certain situations when a pressing matter is brought up which needs to be addressed. Chairman Nazzaro felt this referred to someone raising an issue and demanding immediate answers from the Council, and that it actually protected the Council. Town Administrator Fournier explained that two (2) things traditionally happened at most Public Forums. He said that a 2-way dialogue is not allowed to stop any arguments and that comments from the Councilors are usually brought up later in the meeting. He said there was also a recent incident in Alton regarding public comment and that they needed to follow the rules more to the letter in future. Vice Chair Levy felt that if a Councilor wanted to quickly address an issue it would not be

inappropriate. Chairman Nazzaro said that the Council vote was unofficial rather than official and that the words “deviation from this requires suspension of the rules” should be added.

Chairman Nazzaro raised a concern under Council Meetings that the rules stated that Workshop Meetings should take the exact same order of business as regular meetings. Town Administrator Fournier suggested striking “Agendas will generally follow the order of business established in Section 6 below”. He then clarified a question from Councilor Weinstein about procedures regarding resolutions and ordinances. He said that Ordinances require a Public Meeting be held by State Law, and that some resolutions stating a policy might be required to go hold a public meeting by a particular grant. Councilor Weinstein said her question was who made the determination of what those circumstances might be. Town Administrator Fournier replied that it depended on the specific circumstances, and that it would either be the Council or State Law. Vice Chair Levy brought up the issue of a Councilor only asking one question at a time, and felt it had worked well to allow Councilors to ask their questions all together. Chairman Nazzaro said that the policy did specify “unless every Councilor has had the opportunity to speak”. Councilor Weinstein brought up the issue of not being required to appoint an alternate to the Budget Committee and felt that they should. Chairman Nazzaro asked Town Administrator Fournier to look into the issue before Budget Reviews started in the fall. Town Administrator Fournier said that the rules gave the Council permission to do something but did not dictate. He then asked if the Council was in agreement with making the changes he had received by the other Councilors.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2014/15-49 Town Council Rules for Proceedings* was approved as amended by a vote of 7-0.

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS – None

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2014/2015-66 Authorizing the Town Administrator to Enter into an Agreement with Tri-State Curb for Installation of Granite Curb Stone for Bennett Way

Chairman Nazzaro read *Resolution #2014/2015-66 Authorizing the Town Administrator to Enter into an Agreement with Tri-State Curb for Installation of Granite Curb Stone for Bennett Way*, in full.

Councilor Pickering asked if the Town still had the surplus of granite curbstone, and Town Administrator Fournier said they did not.

CORRESPONDENCE/CLOSING COMMENTS

Vice Chair Levy said he wanted to thank Public Works Director Malasky again for his superb service. Councilor Pickering said that he had recently read an article about the Town Clock saying the Town

Council had not yet made a decision as to giving funds to the Church to help with the steeple repair. He said that he thought the Council had made it quite clear at the meeting that the Town would only take care of the clock and its housing, and wondered if they were perhaps waiting for written verification. Town Administrator Fournier said that it would be up to the Council whether they wanted him to send a letter to the Church. Councilor Weinstein stated that the Council had not voted on anything and her understanding had been they would wait until the next fiscal year and decide through the budget process. Town Administrator Fournier said the Church had asked for a \$1,000 contribution from the Town. Chairman Nazzaro said that there were two (2) issues here, the first being that no funds were currently budgeted for the clock and that the conversation would occur this fall for FY17. He said that the second issue related to whether they, as a municipality, should be providing finances to a religious entity. Town Administrator Fournier said he believed the Department of Revenue would not allow the Town to give money to a church. Chairman Nazzaro felt that as they could not entertain the issue until the next budget cycle, the Town Attorney should verify the legality of the situation before the budget conversation. Town Administrator Fournier reminded the Council that the Town had a Capital Reserve Fund to maintain the clock, and that they needed to determine what portion of the renovation was the responsibility of the Town. Councilor Thompson said that though individual Councilors could contribute as residents, the Council was prohibited from contributing to the church. Chairman Nazzaro stated that they should first get clarity from the DRA and the Town Attorney. Vice Chair Levy asked if the holes patched on the roads were compressed in any way to give them more life, and Town Administrator Fournier said he would look into the issue. Councilor Pickering stated that he would not be attending the next Town Council meeting.

ADJOURNMENT

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at approximately 8:44 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary



TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the TOWN ADMINISTRATOR

REPORT OF THE TOWN ADMINISTRATOR

July 1, 2015

Ordinances Missing – Town Seal: When the Town adopted the Town Code in early May, I asked the Town Attorney to review our current ordinances to determine if we are missing ones that should be in place. For the most part, these are housekeeping. Staff will be reviewing the recommendations and have suggested ordinances introduced to the Town Council.

The first item I had reviewed was whether we adopted the Town Seal. The Town under RSA 31:93 must provide a seal to the Town Clerk - Tax Collector. Traditionally, the Town Meeting adopts the seal as the legislative body. We looked into past warrants from Town Meeting and from when the Town Council became the legislative body and did not see the seal being adopted. Tonight on the agenda is an ordinance for the first reading to adopt the Town Seal.

Donation from the Town to the Church: The Town Council asked if the Town could donate funds to a church. I posed this question to the Town Attorney and he stated no. The Town could contribute funds to an established charity if the charity was providing services that the Town would otherwise have to provide. For example, the Town could contribute to a Church Food Pantry, since if those who would need those services did not get them from the pantry, the Town would have to provide that service through welfare.

Easement for Cantilevered Deck: It was asked at the last meeting what the cost of the easement for the cantilevered deck over Newmarket Mills property was. The easement for the cantilevered deck was \$1,562 as established by a Market Analysis completed by a professional real estate broker, in accordance with federal and state laws. This is included in the Town is responsible to cover 10% of this cost, Newmarket Mills will cover 10% and 80% will be reimbursed by the Federal Highway Administration.

Bikeway Project: We will be scheduling our second public information session for the bikeway project on July 22. A more formal meeting will be held with the Town Council in late summer to discuss the results of the feasible study and to decide which way to proceed. The original cost estimate for the project was estimated in 2010 over five years ago and was a preliminary cost analysis. The cost of construction has increased since that time. For that reason, the NH DOT requires that the Town conduct an engineering study to update the construction costs and provide a more detailed analysis of costs, which is what Underwood Engineering is currently doing. It will be up to the Town Council to decide which alternative to pursue, whether to scale back the project or pursue additional funding to make up the shortfall.

Town Organizational Study: Councilor Levy requested copies of the proposals that were submitted. Attached to this memorandum are the respondents. We received seven proposals from across the country. The following is a list of those firms and their proposal costs:

<u>Firm</u>	<u>Location</u>	<u>Cost</u>
Parisella Vincelli Associates Consulting Group	Boston MA	\$10,800/wk
DI Jacobs Consulting Company	Holden MA	\$14,000
Marix Consulting Group	Worcester MA	\$42,500
Municipal & Financial Services Group	Annapolis MD	\$44,900
Baker Tilly	Madison WI	\$50,000/plus travel
Municipal Resources Inc.	Meredith NH	\$40,000/not to exceed
Novak Consulting Group	Cincinnati OH	\$54,800

As you can see, the prices are from \$14,000 to \$10,800 a week, with an average of about \$40,000. I would suggest that the Council appoints a subcommittee of three councilors, the finance director and I to review them. We can determine if we want to change the scope, find the funds in the budget or something else.

Waste Water Treatment Facility: The first meeting was held this week on the construction of the Waste Water Treatment Facility. Representatives from the Town, Apex Construction, Wright Pierce, and the State met to discuss preconstruction items. Construction will begin shortly, and an official ground breaking with Town officials will be held shortly.

Replacing Directional Signs: The Department of Public Works is working with the State DOT to replace directional signs throughout the downtown. Many streets not only in Newmarket, but around the country have too many and too large street signs. We have found that Newmarket had a number of situations like this. We have begun replacing the larger signs with smaller directional signs to allow better sight for motorists. Here is an example at the intersection of Main Street and Gerry Ave.

Figure 1: Before



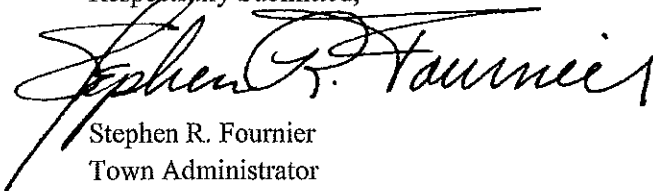
Figure 2: After

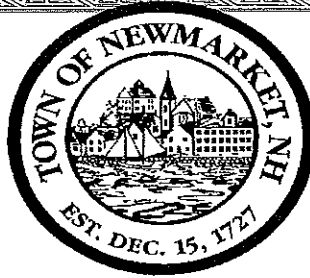


As you can see, the signs are much easier to read and are less cluttered. The State provided the signs, and we purchased black coated poles at the State's price.

We are also removing signs that are redundant, in bad shape, or are not in a place that is visible.

Respectfully Submitted,


Stephen R. Fournier
Town Administrator



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2014/2015-66

Authorizing the Town Administrator to Enter into an Agreement with Tri State Curb for Granite Curb Stone for Bennett Way

WHEREAS, the Town of Newmarket solicited for written quotes for granite curb stone for Bennett Way, and

WHEREAS, two qualified New Hampshire suppliers submitted proposals, and

WHEREAS, after evaluating the proposal the Public Works Director recommends the proposal submitted by Tri State Curb for 1,500 LF at \$16.80 per LF, for a grand total of \$25,200.

NOW, THEREFORE BE IT RESOLVED, that the Newmarket Town Council does approve the Town Administrator to enter into an agreement with Tri State Curb for granite curb stone, not to exceed twenty-five thousand and two hundred dollars (\$25,200).

First Reading: June 17, 2015

Second Reading: July 1, 2015

Approval: July 1, 2015

Approved: _____
Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE *of the* FINANCE DEPARTMENT

Memorandum

Date: June 9, 2015

To: Steve Fournier, Town Administrator

From: Matt Angell, Interim Finance Director *MA*

Re: Granite Curb Stone

Steve,

I recommend the Town utilize Tri State Curb for its curb stone needs.

Given that the procurement ordinance was put into place just recently and there are two curb stone providers in New Hampshire, we have elected to obtain written quotes, as follows:

Provider	Lineal Feet	Unit Price	Total Price
Classic Curb, Inc	1,500	16.90	25,350.00
Tri State Curb	1,500	16.80	25,200.00

Thanks,
Matt

PROPOSAL

5907



60 South Sugar Hill Road
Weare, NH 03281
PH: 603-529-4009
FX: 603-529-4014
tristatecurb@gsinet.net

PROPOSAL
SUBMITTED TO:

Newmarket, Town of
186 Main Street
Newmarket NH 03857
Rick
603-659-3093
603-659-4807

DATE: **05/15/2015**
JOB NAME: **Bennett Way**
JOB LOCATION: **Newmarket, NH**
PROJECT NUMBER:

ATTN:
PHONE:
FAX:

Quantity	Unit	Description	Unit Price	Total Price
1,500	LF	5" Straight Granite Curb	\$16.80	\$25,200.00

We hereby propose to provide the above referenced material and/or services in accordance w/project specifications & notes listed below. Dollars (\$) 25,200.00 .

Project Notes: FIELD LAYOUT, TRAFFIC CONTROL AND CONCRETE TOE BY OTHERS.

Terms: Unless otherwise specified, payment is due in full not 30DY .

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above proposal involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Our workers are fully covered by Workman's Compensation Insurance.

Authorized
Signature

Note: This proposal may be withdrawn by us if not accepted within 90 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

To confirm order and schedule please sign and return.
Thank you

Date of Acceptance: _____

Signature _____

CLASSIC CURB, INC.
24 Tonga Drive
Bow, New Hampshire 03304
Ph 603/228-1922
Fax 603/228-0416

Date: 5/18/15
To: Town of Newmarket
Email: rmalasky@newmarketnh.gov
From: Chris Marston
Attn: Rick Malasky

Quote: Bennett Way - Newmarket, NH

Furnish/Install aprx. 1,500 LF 5" Vertical Granite Straight @ \$16.90

Note:

Layout by others.
Additional gravel, if necessary, furnished by others.
Curb patch, whether asphalt or concrete, by others.
Traffic control by others.

Accepted as Quoted: _____

Dated: _____

RECEIVED

JUN 23 2015

TOWN OF NEWMARKET
ADMINISTRATOR'S OFFICE



APPLICATION FOR APPOINTMENT TO A BOARD,
COMMISSION, OR COMMITTEE POSITION WITHIN THE
TOWN OF NEWMARKET

Applicant's Name: James Drago

Address: 6 Hillside Lane Newmarket NH 03857 Phone/Cell 267-280-3119

RSA 669:19 Newmarket Registered Voter: Yes No # of Years as Resident: ~2 years
RSA 91:2 Are you an American Citizen? Yes No

Email address: jamesmdrago@gmail.com

Full membership (3 year term) position applying for ~~March 2018~~ ZBA

State what the new term expiration date is: March 2018

Alternate position (3 year term) position applying for _____

State what the new term expiration date is: _____

I feel the following experience and background qualifies me for this position: With the

experiences I have had as a process improvement consultant, and having

graduated from UNH with an MBA in 2014, I feel that I

can successfully exercise my skills to serve the town of Newmarket.

I also have a very strong passion for helping further the town
(need more room, please use the back) ➡

James Drago
Signature

6/19/2015
Date

You are welcome to submit a letter or resume with this form. Applicants are requested to attend the Council meeting to address the Town Council prior to the decision making process. Applicants will be notified of the time and date of this meeting in advance. Thank you for your application and interest in the Town of Newmarket.

RECEIVED

1988

RECEIVED - 1988
1988

as I am a homeowner. I want to help solve problems, collaborate
learn, and make sure the next generation gets involved early on.

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

ORDINANCE NO. 2015/2016-01

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE TOWN OF NEWMARKET, NEW HAMPSHIRE; TOWN SEAL

THE TOWN OF NEWMARKET ORDAINS:

1. Purpose

The purpose of this ordinance is to formally adopt the Town Seal of the Town of Newmarket pursuant to RSA 31:93

2. Amendment

Chapter 2 is hereby amended by adding the following article:

ARTICLE III TOWN SEAL

Sec. 2 - 112. Purpose

Pursuant to RSA 31:93, the Town of Newmarket by vote of the Town Council does hereby designate the following as the rules and design of the Town Seal.

Sec. 2 - 113. Keeper of the Seal

The Town Clerk shall be the ex-officio keeper of the Town Seal, but shall permit the Chair of the Town Council, Town Administrator or any officer to affix the same to any document to which the Town seal is required to be affixed.

Sec. 2 - 114. Use of the Seal

All deeds and other legal instruments made, or special contract entered into by the Town, requiring a seal, shall be sealed with the Town Seal and be signed and acknowledged on behalf of the Town by the Town Administrator.

Sec. 2 - 114. Design

The design shall consist of a disc of the size of 2.25 inches in diameter, with a smaller circle within which shall create a space of 0.25 inch between the circles, where on shall be engraved "Town of Newmarket, NH" and "Est. Dec. 15, 1727." Inside the inner circle shall be a scene of the Town of Newmarket, including a ship along the Lamprey River.

Sec. 2 - 116. Depiction of the Town Seal



3. Takes Effect

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18

First Reading: July 1, 2015
Second Reading:
Public Hearing:
Council Approval:

Approved: _____
Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Newmarket Town Clerk

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2015/2016-01
Relative to High Efficiency Heat Pump Installation for Town Hall Auditorium

WHEREAS, the Town Hall auditorium is seeing more use and has at times been uncomfortably hot, and

WHEREAS, high efficiency heat pumps provide both heating and cooling in a far more cost effective manner than other reasonable means, and

WHEREAS, the energy consultant retained by Eversource Electric identified a 50% financial savings in heating costs if the Town Hall converted to high efficiency heat pumps over using our present oil burning equipment, and

WHEREAS, the Town of Newmarket requested proposals for high efficiency heat pumps and the lowest proposal came in from Proulx Oil and Propane for \$9,486.83 to provide a 42,000 BTU two-head system, and

WHEREAS, Town Meeting created the Town Building Improvements Capital Reserve Fund on May 14, 1996 for the purpose of improving town buildings, and

WHEREAS, the Town Building Improvements fund has a balance of \$282,591 as of June 23, 2015.

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council does hereby approve a transfer from the Town Building Improvements Capital Reserve Fund not to exceed \$10,000 for the purpose of installing a high efficiency mini split heat pump, accept the bid from Proulx Oil and Propane, and to authorize the Town Administrator to execute any associated agreements.

First Reading: July 1, 2015
Second Reading:
Council Approval:

Approved: _____
Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Newmarket Town Clerk

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution # 2015/2016-02

Authorizing the Town Administrator to Enter Into an Engineering Contract with the Horsley Witten Group to Implement a Coastal Zone Management Grant Related to Building Resilience to Flooding and Climate Change in the Moonlight Brook Watershed.

WHEREAS, the Town of Newmarket has received a grant in the amount of \$57,793 from the New Hampshire Department of Environmental Services (NH DES) and National Atmospheric and Oceanic Administration (NOAA) , with 50% matching funds of an equal amount to be provided by the Town of Newmarket through in-kind services.

WHEREAS, this project was approved by the Newmarket Town Council through Resolution #2014/2015-34 on December 17, 2014.

WHEREAS, the Town's in-kind services will be derived from engineering work related to proposed stormwater management projects that will be accomplished by the Newmarket Public Works Department during the FY 2015/2016.

WHEREAS, Horsley Witten Group has submitted a proposal to the Town, dated June 4, 2015, to undertake this study and the NH DES and NOAA has approved a sole source contract with Horsley Witten Group to complete this work.

NOW, THEREFORE, BE IT RESOLVED THAT: The Newmarket Town Council does hereby approve the signing of a contract with Horsley Witten Group in the amount of \$57,793.

First Reading: July 1, 2015

Second Reading:

Council Approval:

Approved: _____
Philip Nazzaro, Town Council Chairman

True Copy Attest: _____
Terri Littlefield, Town Clerk