

TOWN OF NEWMARKET, NEW HAMPSHIRE TOWN COUNCIL AGENDA

REGULAR MEETING NOVEMBER 4, 2015 7PM NEWMARKET TOWN HALL COUNCIL CHAMBERS

- 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 October 21, 2015
- 5) Report of the Town Administrator
- 6) Committee Reports
- 7) Old Business
 - a) Ordinances and Resolutions in the 2nd Reading
 - i. Resolution 2015/2016-21 Setting Polling Hours for all 2016 Elections
 - ii. Resolution 2015/2016-22 Disbanding the Advisory Heritage Commission
 - b) Ordinances and Resolutions in the 3rd Reading
 - 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. Conservation Commission: Patrick Reynolds, Alternate Term Expires March 2018
- b) Ordinance and Resolutions in the 1st Reading
 - i. Resolution #2015/2016-23 Town Budget FY201 (TA Requests Suspension of Rules)
 - ii.Resolution #2015/2016-24 Historical Society Stone School
- c) Correspondence to the Town Council
- d) Closing Comments by Town Councilors
- 9) Adjournment

TOWN OF NEWMARKET, NEW HAMPSHIRE TOWN COUNCIL REGULAR MEETING



OCTOBER 21, 2015 7:00 PM

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

ALSO PRESENT: Town Administrator Steve Fournier, Water & Wastewater Superintendent Sean Greig, Engineer Nick Ellis of Hazen & Sawyer

AGENDA

Chairman Phil Nazzaro welcomed everyone to the October 21, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:01 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 7:01 pm.

PUBLIC HEARING - None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of October 7, 2015

Councilor Thompson made a motion to accept the minutes of the Regular Meeting of October 7, 2015, and Councilor Burns seconded.

<u>Corrections</u>: In the Report of the Town Administrator, under *Estimated Value for the Town*, a statement regarding the percentage value of the Town alleged to Councilor Pike was corrected to Vice Chair Levy. The first sentence of that same paragraph was rewritten to improve clarity.

Town Administrator Fournier polled the Council and the minutes of October 7, 2015 were approved as amended, by a vote of 6-0, with 1 abstention.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier stated that he had submitted his proposal for the **Fiscal Year 2017 Operating Budget** to the Town Council, pursuant to Section 5.2 of the Town Charter. He said that the first Budget Workshop was scheduled for Saturday October 24th at 9:00 am, and that a list of all presenting departments had been provided. He next stated that the Finance Director had completed an

independent **Salary Survey** of Town employees comparing their pay scale to communities of similar size. He said that any positions above or below the maximum would be addressed, and that a copy of the survey was attached. Also, pursuant to Section 6.2 of the Town Charter, he stated that he would be submitting a wage plan for employees as part of the personnel plan, and that the Town Council would have 90 days to act on it after submission.

Town Administrator Fournier next addressed the **Road Management Plan**, stating that he had met on October 4th with the Director of Public Works and representatives from UNH and the Strafford Regional Planning Commission to begin the update of the plan. He said that they had begun data collection by reviewing the conditions and infrastructure of all Town roads. He said that the process should take a few weeks to complete after which UNH would devise a plan, and he would keep the Town Council apprised on the process. He next addressed the **FY16 Budget** saying that after reviewing the revenue and expense report for September, everything was on track with 21% of the operating budget expended after the first quarter. He said that revenues were running higher and that the figures for the budget were being revised as part of the tax rate setting process.

Town Administrator Fournier announced that the New Hampshire Municipal Association's (NHMA) Annual Conference would be held in Manchester on Thursday November 19th and Friday November 20th, with 1-hour sessions on a variety of topics. He said this was a great opportunity for training for Councilors and other officials, and that anyone interested should let him know. He said there would also be a Trade Show offering a chance to meet with companies and other municipal services.

Questions/Discussion: Councilor Pike said that he had been hoping for a discussion of the methodology of the Salary Survey, and Town Administrator Fournier replied that the Finance Director would be providing a presentation, probably at the next meeting. Councilor Pike also expressed concern that some of the department reports did not seem to be updated, for example the dates listed on page 58 for the MacIntosh Well and the Water main replacement. Town Administrator Fournier said he would address the issue with department heads to make sure their reviews were updated. Councilor Thompson asked if there was any way to pre-buy fuel or buy it in bulk to take advantage of the drop in fuel costs, and Town Administrator Fournier replied that the Finance Director was currently securing bids. Councilor Weinstein asked if a copy of the previous Road Plan could be provided for comparison. Councilor Weinstein mentioned the Community Forum on the heroin crisis, which was scheduled for 6:30 pm on October 26th at the Recreation Center, to educate the community on the crisis. She said that a great partnership had been provided by the Police Department, the Town, and multiple agencies in Newmarket and she encouraged Councilors and townspeople to attend.

Vice Chair Levy felt that the Salary Report was confusing and felt it was easier to understand when the range of salaries was shown in comparison to what their employee was making, but felt a percentile of their rate should also be provided in each range. Chairman Nazzaro said that he agreed with Councilor Pike that some of the departmental reports appeared to be republished from the previous month. He mentioned the Halloween Haunt Parade on Saturday and the Loco Marathon on Sunday and asked about impact on traffic. Town Administrator Fournier said that there would be no road closures for the race, and that the parade would be held from 2:30-5:00 pm with information available on newmarketrec.org. Chairman Nazzaro asked about a police officer who was out on medical leave and

Town Administrator Fournier said that he could not discuss it as it was a personnel matter. Chairman Nazzaro mentioned the high overtime levels for the Police Department for holidays and vacation and said he would like to have a conversation regarding the matter.

Vice Chair Levy stated that he hoped they would be coming up with a Bike Path option that was within the original budget. Town Administrator Fournier replied that they had made it quite clear that the Council would not approve any increased costs associated with the project, and said they were working with the engineers on a plan which he hoped would be approved by the State. Vice Chair Levy asked if the project had been expanded and Town Administrator Fournier replied that the project had been reduced and would only go as far as the Town line and not up to the bridge.

COMMITTEE REPORTS

Councilor Burns reported that she had attended the *Conservation Commission* meeting on October 8th, and they had discussed the Great Bay project called SOAK. She explained that project SOAK had received a grant and funding to help people mitigate storm water from property and address drainage and erosion issues, and they were currently looking for a location to stage the project. She said they had also received notification from DOT regarding the Packers Falls Road culvert replacement and the Osprey Lane Wetlands at Moody Point. She said that the Osprey Lane project had been suspended until it could be proven to no longer be a wetlands, which could take years. She said the committee was also conducting annual easement monitoring. Chairman Nazzaro mentioned the Capital Improvement Plans for storm-water mitigation and suggested the Commission might speak with the Department of Public Works (DPW).

Councilor Pike reported on the *Planning Board* meeting of October 13th, which was mostly for the proposal by Cheney Property Management for 52-54-56 Exeter Road, and said the application had been approved but that the special use permit required additional steps. He said that the economic analysis that was part of the Council deliberations a few years ago needed to come back for that part of the process.

Councilor Pike also reported on the *Dam Committee* saying they had interviewed engineering firms, but that everything with the dam was turning out to be more complicated than expected. He said they had agreed on a number for the 100-year flow and what it would mean if the walls needed to be armored, but that questions about some of the calculations had come up in the Engineering Report and the numbers had to be nailed down before they could proceed to the stability analysis. Vice Chair Levy asked if they had mentioned who would be doing the physical impact study, and Councilor Pike replied that it would be their choosing and not the developer.

Councilor Weinstein reported on the *Capital Improvement Plan (CIP) Committee*, saying that they had toured the Elementary School and the High School and would be meeting again on November 2nd or 3rd. Chairman Nazzaro said that per the Charter the CIP Committee had oversight and input to the Capital Improvements of the Town but not the School. Councilor Weinstein said that the School now needed to participate in the CIP program in order to receive impact fees, but that formerly their plan was not approved by the CIP Committee.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Proclamation: National Make Your Mark Week October 17-25, 2015 – Linked Together

Chairman Nazzaro stated that *Linked Together* was unable to be here to present the proclamation, due to being over-scheduled. He read the *Proclamation for National Make Your Mark Week* in full and stated that the "Town of Newmarket does hereby proclaim October 17-25, 2015 as *National Make Your Mark Week* in Newmarket." Councilor Weinstein expressed thanks to Ree Cooper and the children of *Linked Together*.

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

Councilor Weinstein made a motion to approve *Resolution #2015/2016-18 Sale of Tax Deeded Property*, which was seconded by Councilor Thompson.

Town Administrator Fournier stated that the purpose of the resolution was to allow the Town to secure the services of a realtor to sell the property at 41 Exeter Street which had been taken in tax deeding. He said their options were to either go to auction or sell through a realtor, and that in their experience a higher price could be obtained through a realtor. He explained that they were now engaged in the eviction process with the current tenants, who had also hired an attorney to argue the case. He said they preferred not to have a tenant when the property was sold, and that after the Town received their taxes the remainder would go back to the original owner. He said they had gotten copies of their certificates of insurance and that the Town Attorney was making sure everything needed was there

Town Administrator Fournier polled the Council and Resolution #2015/2016-18 Sale of Tax Deeded Property was approved unanimously, 7-0

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

Councilor Burns made a motion to approve 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, which was seconded by Councilor Weinstein

Water & Wastewater Superintendent Sean Greig stated that they had been working on the project for the MacIntosh well for several years and that the project had gone out to bid. He said they had received five (5) bids which were all pretty close with the lowest at approximately \$2.1 million and the highest at \$2.5 million. He said the project was to install the pump house, install a waterline to connect the pump house to the blending facility, and to construct the blending facility. He said that the blending facility would then be connected to the Bennett and Sewall wells and the water would go back into the system.

<u>Discussion</u>: Councilor Thompson asked for a quick follow-up with regard to pursuing the Town's options and what had been submitted to their insurance company in the case of the miscalculations of the original MacIntosh Well engineering firm. Town Administrator Fournier replied that the Town Attorney was currently working on the matter. Chairman Nazzaro asked if it would be possible to see the project as a unified picture rather than piece-by-piece so that they could compare where they were now against the budget for the project. He felt a unified picture was needed to show what had been budgeted for this line item.

Town Administrator Fournier polled the Council and 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 was approved unanimously by a vote of 7-0

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

Councilor Thompson made a motion to approve *Resolution #2015/2016-20 Engineering Contract for Construction Administration and Oversight for the MacIntosh Well Project*, which was seconded by Vice Chair Levy.

Water & Wastewater Superintendent Sean Greig explained that they were required to have an engineering firm for Construction Administration and Oversight as the loan was from a State Revolving Fund (SRF), and that they had negotiated a contract with Hazen & Sawyer. He said it looked like a 9-month to year-long project, and that Engineer Nick Ellis of Hazen & Sawyer was present to answer questions regarding the contract.

Discussion: Vice Chair Levy asked a question under Article 12.2 of the contract regarding the dispute resolution procedure. He said that it stated that the owner and the engineer were waiving their right to a trial by jury or litigation, and Town Administrator Fournier replied that it was typically arbitration with a trial by judge. Vice Chair Levy next referred to Article 13.2 under Insurance with regard to liability. He said it listed an employer liability of \$500,000, with \$1 million for both general liability and professional liability, and asked if they were all independent, in theory, up to those number. Town Administrator Fournier replied that they were. Vice Chair Levy then referred to Article 15.6 under Performance Standards, regarding the statement that the engineer would not be responsible for any acts of omission by the contractor, sub-contractor or any other person other than their own employees, agents, and consultants. He asked why the Town was paying them to oversee the project if they had no liability. Town Administrator Fournier said they were saying that if the construction firm did not follow proper procedures or follow specifications, Hazen & Sawyer would not be liable and that the construction company would be liable instead. Vice Chair Levy felt that as they were paying Hazen & Sawyer \$350,000 to manage the project, they should be responsible to make sure the work was done properly. Engineer Nick Ellis explained that if they designed the construction incorrectly which later caused issues, they would be liable and were responsible for errors or omissions in the design. Vice Chair Levy next raised a question from Schedule A - Scope of Services under Subtask 1.4 with regard to work inspections and tests. He said that if something happened during construction it would be the obligation of Hazen & Sawyer to inform the Town, and asked what would happen if they missed the error. Engineer Nick Ellis

stated that if it was not constructed properly the contractor would be liable, and they were there to make sure the project was done correctly. He said they put the design together, being very conservative in the structural matters, and that a Resident Engineer would be on-site fulltime to watch construction build the project. He said the Resident Engineer was obligated to Hazen & Sawyer and they were obligated to the Town, and they were also obligated to tell construction to fix the problem but had no legal powers over them.

Town Administrator Fournier polled the Council and Resolution #2015/2016-20 Engineering Contract for Construction Administration and Oversight for the MacIntosh Well Project was approved unanimously, 7-0

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2015-2016 Setting Polling Hours for all 2016 Elections

Chairman Nazzaro read Resolution #2015-2016 Setting Polling Hours for all 2016 Elections, in full

Resolution #2015-2016 Disbanding the Advisory Heritage Commission

Chairman Nazzaro read Resolution #2015-2016 Disbanding the Advisory Heritage Commission, in full.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Thompson asked when Trick or Treat was being held, and Town Administrator Fournier replied it would be held Friday October 30th from 5:00-8:00 pm. Vice Chair Levy said he had received a call from a member of the Education Development Committee (EDC) asking about a meeting. He said he responded that he had spoken to Town Administrator Fournier and that hopefully Mr. John Connery and Town Planner Diane Hardy could get some language together and then decide whether to have a joint meeting between the Planning Board and the EDC. He felt it was something to get started as the developer was not currently moving forward on elderly housing, although they had all agreed unanimously on changing the zoning. Town Administrator Fournier said that the Planning Board representative to the EDC and the Town Planner had discussed the matter and the Planning Board was the body to write and review the ordinance and propose it to the Town Council, at which time the consultant would be involved. Councilor Pickering questioned whether the Town had an easement on the property for the new water line from Gray Hill to Route 108. Town Administrator Fournier replied that they did and it was the same easement for the electrical lines. Chairman Nazzaro said he had a resident bring up the Water Line project, and Town Administrator Fournier said that everything was on track and they would not need to shut the road down as they were drilling underneath.

Chairman Nazzaro reminded the Council of the Budget Review Worksession scheduled for Saturday at 9:00 am, and asked all Councilors to come prepared with questions. Councilor Weinstein asked if there was a schedule of the departments making presentations and Town Administrator Fournier said one would be provided. He also reminded the Council that the budget process was not an adversarial time and was not personal, and that they were there to review the departmental needs according to what the Town could afford.

ADJOURNMENT

Vice Chair Levy 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



TOWN OF NEWMARKET, NEW HAMPSHIRE OFFICE of the TOWN ADMINISTRATOR

REPORT OF THE TOWN ADMINISTRATOR November 4, 2015

Town Meetings: I wanted to make the Town Council aware of some important dates so you can schedule time in the coming months.

Town Election Day will be Tuesday March 8th. If the Town Council adopts the resolution this evening, the polls will be open from 7AM to 7PM.

Deliberative Session Day will be Saturday January 30 at 9AM at the High School. Unless there is a petitioned warrant article or a bond article, the only ballot question will be the budget. With that in mind, we are scheduling the School District Deliberative Session at 10AM.

The following outlines these dates:

Sunday, November 15, 2015	Town Council provides Budget to Municipal Budget Committee
Monday, November 23, 2015	Municipal Budget Committee Budget Review
Monday, November 30, 2015	Municipal Budget Committee Budget Review
Monday, December 14, 2015	Budget Public Hearing - Municipal Budget Committee
Friday, January 08, 2016	Last Day for Bond Petitioned Articles
Tuesday, January 12, 2016	Last Day for Petitioned Articles
Wednesday, January 20, 2016	Filing Period Opens
Friday, January 29, 2016	Filing Period Closes
Saturday, January 30, 2016	Deliberative Session 9AM
Tuesday, March 08, 2016	Election Day

2016 Schedule: The following is the schedule for next year Town Council meetings. I have tentatively scheduled Budget Workshops as well.

Tarana 20 2016

January 6, 2016	January 20, 2016
February 3, 2016	February 17, 2016
March 2, 2016	March 16, 2016
March 14, 20	16 Council Swearing In
April 6, 2016	April 20, 2016
May 4, 2016	May 18, 2016
June 1, 2016	June 15, 2016
July 6, 2016	July 20, 2016

August 3, 2015 August 17, 2016
September 7, 2016 September 21, 2016
October 5, 2016 October 15 – Budget Workshop
October 19, 2016
November 2, 2016 November 16, 2016
December 7, 2016 December 21, 2016

Tax Rate: As of the writing of this report, we have not yet set our tax rate. The school department finalized their numbers on October 28, so we are waiting for that. I should have a rate by the meeting.

Substance Abuse Forum: I wanted to take this opportunity to commend ASAP for the forum they held on substance abuse in the community. The Newmarket Recreation Center was filled with people learning about opioid abuse and ways to prevent it.

Respectfully Submitted,

Stephen R. Fournier Town Administrator



TOWN OF NEWMARKET, NEW HAMPSHIRE By the Newmarket Town Council Resolution #2015-2016-21

SETTING POLLING HOURS FOR ALL 2016 ELECTIONS

WHEREAS: The Newmarket Town Charter adopted on March 11, 2014, Section 2.5 B authorizes the Town Council to set the polling hours for all elections in the Town of Newmarket; and

WHEREAS: That RSA 659:4 requires the Town Council to set the polling hours no less than 30 days prior to the election; and

WHEREAS: The Town Moderator and Town Clerk - Tax Collector have been consulted on the following polling hours and concurs.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

The polling hours for the 2016 Presidential Primary, Town/School, State Primary and State General Elections to be held at the Newmarket High School from 7:00am to 7:00pm

First Reading: October 21, 2015
Second Reading: November 4, 2015

Approval:

November 4, 2015

Approved:	The state of the s	
	Philip Nazzaro, Chairman Newmarket Town Council	
A True Cop	py Attest:	

Terri Littlefield, Town Clerk





TOWN OF NEWMARKET, NEW HAMPSHIRE By the Newmarket Town Council RESOLUTION #2015/2016 - 22

Disbanding the Advisory Heritage Commission

WHEREAS:	The Newmarket Advisory	Heritage	Commission	is inactive	and have	not met	in a
	number of years, and						

WHEREAS: It is the wish of the Town Council to disband inactive committees or commissions.

NOW THEREFORE LET IT BE RESOLVED BY THE NEWMARKET TOWN COUNCIL,

That the Newmarket Advisory Heritage Commission is hereby disbanded.

October 21, 2015

	CONTRACTOR OF SECURITION OF SECURITION	
Second Reading:	November 4, 2015	
Approval:	November 4, 2015	

First Reading:

Approved:

Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest:

Terri Littlefield, Town Clerk



RECEIVED

OCT 2 8 2015

TOWN OF NEW MARKET



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

Applicant's Name: Patrick Reynolds

Address: 14 Winslow Drive Phone/Cell 603-957-8115

RSA 669:19 Newmarket Registered Voter: Yes

of Years as Resident: 5.5 Years

RSA 91:2 Are you an American Citizen? Yes

Email Address: phreynoldo@msn.com

Alternate position (3 year term) position applying for: Conservation Commission

State what the new term expiration date is. 2016
I feel the following experience and background qualifies me for this position: As a
resident of Newmarket for the past 5 years, I have come to greatly appreciate how
fortunate my family and I are to live here. One of the things I feel is special about
Newmarket is the thoughtful way the town has conserved some of its natural landscape.
I would bring a strong interest in continuing to build on the work of past members to find
ways to continue this fine legacy. I am a hiker, skier and kayaker who has actively used
the conservation land in Newmarket. I understand the importance of balancing the need
to provide access to these resources and making sure the resources are cared for in a
way so that future generations can enjoy them as well. Thank you for carefully
considering my application for the position of alternate on the commission.

Signature	Date
Signature	Dale



TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council Resolution #2015/2016 - 23 Approval of the Fiscal Year 2017 Budget

WHEREAS:

The Town Administrator submitted his budget for the next fiscal year to the Town

Council on October 15, 2015, and

WHEREAS:

The Town Council after reviewing the proposed budget and making various changes,

desires to forward the Municipal Budget Committee a proposed budget for the fiscal

year ending June 30, 2017

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

The annual budget for the Town of Newmarket for Fiscal Year 2017, submitted to the Town Council by the Town Administrator, is amended and recommends to the Municipal Budget Committee for its review the following appropriations:

General Fund	\$ 6,880,668
Special Funds	1,005,493
Enterprise (Water and Sewer) Funds	2,110,781
Total	\$ 9,996,942

First Reading:

November 4, 2015

Second Reading:

November 4, 2015

Approval:

November 4, 2015

Approved:	β		
	Philip Nazzaro, Chairman Newmarket Town Council		
A True Cop	by Attest:		
	Terri Littlefield, Town Clerk		



TOWN OF NEWMARKET, NEW HAMPSHIRE By the Newmarket Town Council

Resolution #2015/2016-24
Relating to the Historical Society Property – Stone Church

WHEREAS, The Town of Newmarket owns the Stone School. Ownership will revert back to the Historical Society on December 1, 2016, and

WHEREAS, the Historical Society desires to continue the Town's ownership of the Stone School, and

WHEREAS, the Town will issue a 50-year lease agreement to the Historical Society for the Stone School.

NOW THEREFORE LET IT BE RESOLVED, that the Newmarket Town Council does authorize the Town Administrator to sign any deed, agreement, and lease relating to the Stone School.

November 4, 2015

Second Reading:	
Approval:	
Approved:	
Philip Nazzaro, Chairman Newmarket Town Council	
A True Copy Attest:	
Terri Littlefield, Town Clerk	

First Reading: