

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING
DECEMBER 19, 2018 7:00 PM
TOWN COUNCIL CHAMBERS**

Approved January 23, 2019

PRESENT: Council Chairman Dale Pike, Council Vice Chairman Toni Weinstein, Councilor Zachary Dumont, Councilor Gretchen Kast, Councilor Amy Burns, Councilor Casey Finch

EXCUSED: Councilor Kyle Bowden

ALSO PRESENT: Town Administrator Steve Fournier, Facilities Director Greg Marles, Keith McBrien of Energy Efficient Investments (EEI), Police Chief Kyle True

AGENDA

Chairman Dale Pike welcomed everyone to the December 19, 2018 Newmarket Town Council Meeting and called the meeting to order at 7:09 pm, followed by the Pledge of Allegiance.

Chairman Pike stated that Councilor Kyle Bowden was excused.

Town Administrator Fournier acknowledged that there was interest in the report of the Rights-Based Ordinance (RBO) Committee, but the deadline for the matter to be put on the Council Agenda had been missed and there would be no discussion of the RBO this evening.

PUBLIC FORUM

Chairman Pike opened the Public Forum at 7:10 pm.

Josh Quigley said he was present to oppose Resolution #2018/2019-18 for the issuance of a \$2 million municipal bond for the Macallen Dam. He said he believed it was a waste of current and future taxpayer dollars and a hindrance on the environment. He said a 2013-2014 study estimated removal of the dam at approximately \$750,000, which would reduce danger to citizens downstream and improve the health of the Lamprey River. He said there were numerous Federal Funding opportunities for the dam removal, and would not require funding for upkeep in the future. He encouraged the Town Council to not approve the resolution for the Ballot.

Monica Christofilli of 6 Central Street said she was speaking for the Alliance for Newmarket Citizen Ecosystem Rights (ANCER) in favor of the resolution proposed for a Newmarket freedom from chemical trespass Rights Based Ordinance (RBO). She said the RBO was environmentally minded and was based on inherent inalienable rights stated in the New Hampshire Bill of Rights. She said the inherent, inalienable right to self-determine and hold a vote of the townspeople made their RBO official, but as the Town Charter did not allow them to make this vote in Newmarket, they depended on the Council to adopt the RBO to uphold their rights.

Ms. Christofilli said history shows that systematic changes have always moved outside the government process. She said the legal wrongs of allowing chemical substances to be released into their water at “legal and safe limits” that have been shown to cause cancer, make the point that legality is a matter of power and not justice. She said Newmarket had a direct threat in that the people and Town Council members of Newmarket were currently unimpowered to make local governing decisions. She said an RBO empowered people to their constitutionally affirmed rights, their communities, and their ecosystems with local governmental authority to take proactive steps against harmful activities.

Police Chief Kyle True said he would like to introduce two of the newest Police Officers and welcome them to the community. He said Craig Marston was from Florida and served in the US Coastguard, and was a recent graduate of the New Hampshire Police Academy. He said he was also honored with a prestigious award given to only one outstanding recruit. He said the second officer was Gerrit Aloff from Manchester who was a former US Marine, had a degree in Criminal Justice from SNHU, and was slated to start the Police Academy in January.

Chairman Pike closed the Public Forum at 7:23 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Town Council Regular Meeting of December 5, 2018

Vice-Chair Weinstein made a motion to approve the Minutes of the Town Council Regular Meeting of December 5, 2018, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the Minutes of the Town Council Regular Meeting of December 5, 2018 were approved by a vote of 4-0, with 2 abstentions.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier said he had the **Default Budget** prepared and ready for the Council’s signature, which was estimated to be \$12,420,846 or \$280,112 higher than the previous year and higher than the Operating Budget. He said the reason was that the formula includes the Capital Reserve Funds put in the Budget last year, and he would need the Council to sign it this evening. He stated that they had

been negotiating with New Cingular Wireless to locate a **New Cell Tower** on Town property at the fire station as part of the Federal SafeNet project for country-wide wireless improvements. He said New Cingular would need to apply to the Planning Board for site-plan approval, and when completed he would present the lease to the Town Council to be voted on. He said the Town, as owners of the land, would then need to send a letter of agreement.

Town Administrator Fournier said as far as the **Town Council Schedule**, he had been notified that several councilors would not be able to attend the first meeting in January, and in order to have a quorum he recommended holding the meetings in the 2nd and 4th weeks instead (January 9 and January 23, 2019). Chairman Pike and Vice-Chair Weinstein said they would not be able to attend the January 9th meeting. Town Administrator Fournier said they would need to take names for an acting Chairman, and said January 23rd would be the Bond Public Hearing.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2018-2019-16 Wastewater Treatment Plant Boiler Replacement

Vice-Chair Weinstein made a motion to approve Resolution #2018-2019-16 Wastewater Treatment Plant Boiler Replacement which was seconded by Councilor Burns.

Facilities Director Greg Marles said a new boiler was needed at the Wastewater Treatment Plant as the existing one had aged out and was not functional. He said the project was put out to competitive bidding and received only one bid back from Patriot Mechanical estimated at \$91,250, which included asbestos abatement for the old boiler. He said there was currently no heat in the building.

Discussion: Chairman Pike asked how long the installation would take once it was approved and Facilities Director Marles said it was a process of several weeks, with one week for the asbestos alone. Chairman Pike said the main issue before was the need for documentation of a competitive bidding process.

Town Administrator Fournier polled the Council and Resolution #2018-2019-16 Wastewater Treatment Plant Boiler Replacement was approved by a vote of 6-0.

Resolution #2018/2019-17 Facilities Energy Improvements

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-17 Facilities Energy Improvements which was seconded by Councilor Burns.

Facilities Director Marles said they worked with Energy Efficient Investments (EEI) on the audit of their buildings, and said Keith McBrien of EEI was present to answer any questions. He said two different levels had been identified and two options had been created, the first one fully funded by energy savings and the second not fully funded by savings but addressing other critical issues and putting in environmentally

conscious systems like solar and more propane. He said he provided the Council with a list of recommendations and the projects targeted in the two options.

Facilities Director Marles said Option 2 was the larger, completing \$1.2 million worth of projects with the biggest being Public Works and Town Hall. Town Administrator Fournier said as far as funding any savings from doing the projects would go back into paying off the lease, and for Option 2 they would be withdrawing \$200,000 from Capital Reserves and funding the additional \$31,400 from the Operating Budget.

Discussion: Councilor Kast asked if the \$31,400 would continue year to year, and Facilities Director Marles said the \$31,400 would be for the life of the loan period but would be put in the budget going forward. Chairman Pike asked why there was no backup provided for the installation work, and Facilities Director Marles said the bidding was done by EEI. Councilor Finch asked what the 50 kilowatt solar panels would be equivalent to, and Mr. McBrien said it would cover all the electricity for the Public Works Department and all energy for the Town Hall building, cutting electrical use by half.

Chairman Pike asked the length of time for recovery of the solar investment, and Mr. McBrien said solar by itself was a 16-year payback. Facilities Director Marles said that right now there were no incentives for solar but they were likely coming out, which would also help with the costs. He said for all of Public Works, including the new roof installation, they were looking at 22 years payback for everything and said they could not put solar panels on without doing the roof. Mr. McBrien said they would also be adding insulation to the roof to help the thermal load of the building.

Vice-Chair Weinstein said she felt that the Town being more efficient was a priority and adding solar was a plus. She also asked about the expense of the system controls. Facilities Director Marles said efficient control of the systems was needed with automated setbacks, load shedding, and other options to be able to get the return on the investment. He said it also allowed them to adjust the system as necessary and optimize the energy savings. He said he worked with EEI to come up with the best savings while addressing as many issues as possible, and said the School would also be on the same system for energy management.

Chairman Pike asked about the heating and cooling in the Town Hall building, and Town Administrator Fournier said this system would be able to monitor temperatures and set them properly. Chairman Pike asked about insulation for this building, and Facilities Director Marles said there would be envelope sealing and added insulation in this scope. Councilor Kast asked about rebates, and Facilities Director Marles said rebates would be part of both options. Mr. McBrien said rebates for Option 2 would be higher as it was a larger project with more energy improvements.

Town Administrator Fournier polled the Council and Resolution #2018/2019-17 Facilities Energy Improvements was approved by a vote of 6-0.

Town Administrator Fournier asked the Council to hold the next two resolutions over for a third and fourth reading. He said he had spoken with the Bond Council and in order to be compliant with the Municipal Finance Act for borrowing they could not hold a Public Hearing before January 15th, which would be at the January 23, 2019 meeting, and the vote could not be held before the Public Hearing. Vice-Chair Weinstein

suggested that anyone with strong opinions on the issues to send them along to the Council prior to the Public Hearing. Town Administrator Fournier said the Deliberative Session would be held on February 2, 2019 with a backup of February 9, 2019, probably in the Town Hall Auditorium. He added that Election Day would be March 12, 2019.

Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam

Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam to be held over for 3rd and 4th readings.

Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements

Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements to be held over for 3rd and 4th readings.

Resolution #2018/2019-20 Authorizing the Town Administrator to enter into an Agreement with ADG for Economic Development Services

Vice-Chair Weinstein made a motion to approve *Resolution #2018/2019-20 Authorizing the Town Administrator to enter into an Agreement with ADG for Economic Development Services* which was seconded by Councilor Burns.

Town Administrator Fournier said that one of the Council goals for this year was to encourage Economic Development in the gateway districts of the community which included North Main Street, Route 152, and Exeter Road. He said he received one proposal from ADG, LLC which was a one-year agreement with possible extension at an hourly rate of \$45-\$150 depending on the individual, and not to exceed \$30,000. He said \$31,000 was budgeted for FY2020 and he recommended passage of the resolution.

Discussion: Councilor Finch asked if “not to exceed” should be in the resolution, and Town Administrator Fournier said it was in the contract. Vice-Chair Weinstein felt it was important to move the project forward as the northern corridor had a lot of potential for the Town. Chairman Pike felt this option made more sense given the size of the town and its resources. Vice-Chair Weinstein asked about the process and Town Administrator Fournier said after the holidays he would meet with ADG who would come up with a plan and he would provide the Council with periodic reports.

Town Administrator Fournier polled the Council and *Resolution #2018/2019-20 Authorizing the Town Administrator to enter into an Agreement with ADG for Economic Development Services* was approved by a vote of 6-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING – None

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 #2018/2019-21 Wastewater Treatment Plant Solids Disposal

Chairman Pike read Resolution #2018/2019-21 Wastewater Treatment Plant Solids Disposal in full.

Resolution #2018/2019-22 International Dump Truck with Plow Equipment

Chairman Pike read Resolution #2018/2019-22 International Dump Truck with Plow Equipment in full.

Resolution #2018/2019-23 Elgin Pelican Street Sweeper Purchase

Chairman Pike read Resolution #2018/2019-23 Elgin Pelican Street Sweeper Purchase in full.

COMMITTEE REPORTS

Councilor Kast said the *Planning Board* met last week and reviewed an application for a development on Exeter Road which would include a new permeable surface which would not require a lot of maintenance. She said it would be mixed use with 3 units on top and 2 commercial units on the bottom. She said the *Stormwater Sub-Committee for the Planning Board* also met and was looking to promote those kinds of solutions and looking for developers to provide input on rewriting those regulations.

Councilor Dumont said the *Budget Committee* had met twice, with the first meeting on December 10th where they heard the School Board Budget for FY2019/2020. He said there was nothing major to report and they were waiting on a couple of School Board decisions before finalization. He said on December 17th they held the Public Hearing for the Town Budget, no one had come to speak out, and it passed with overwhelming support from the Budget Committee.

Councilor Dumont said the *Water Rights Sub-Committee* held their last meeting and finalized the process. He said he would provide the report at the next Town Council meeting on the RBO and how to proceed in the future.

Councilor Finch said the *Conservation Commission* met December 13th and the electrical work had gone in at Heron Point, though the gate still needed to be worked on. He said it should be ready in the spring and they would hold the cleanup then as well. He said they also mentioned the idea of a photo contest for conservation land.

CORRESPONDENCE – None

CLOSING COMMENTS

Town Council Regular Meeting
December 19, 2018

Chairman Pike asked for the deadline for people interested in running for vacant seats, and Town Administrator Fournier said at the end of January. He said the Town Clerk would list the positions when it was time and also post them on the website.

NEXT MEETING: The next Regular Town Council Meeting is tentatively scheduled for January 9, 2019 at 7:00 pm in the Town Council Chambers.

ADJOURNMENT

Chairman Pike adjourned the meeting at 8:09 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary

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