

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

JANUARY 23, 2019 7:00 PM

TOWN HALL AUDITORIUM

Approved February 6, 2019

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

ALSO PRESENT: Town Administrator Steve Fournier, Environmental Services Director Sean Greig, Public Works Director Rick Malasky, Town Moderator Chris Hawkins

AGENDA

Chairman Dale Pike welcomed everyone to the first Newmarket Town Council Meeting of 2019 and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Pike stated that the meeting would begin with a number of sessions for public input. He said the first was the Public Forum for general comments, followed by two (2) Public Hearings on resolutions to go before the voters. The first would be to approve the issuance of \$2M in Municipal Bonds for the Macallen Dam, and the second to approve the issuance of \$12.165M in Municipal Bonds for Water System Improvements.

Chairman Pike explained the rules required that only residents of Newmarket speak, each limited to 5 minutes per person, and asked that they not repeat what another person had said. He said it was not really a back-and-forth between the Town Council and the members of the public, but rather a chance for statements by members of the public which the Town Council would take into account.

PUBLIC FORUM

Chairman Pike opened the Public Forum at 7:02 pm.

Town Moderator Chris Hawkins said he was there for his annual visit prior to the Town Meeting to remind the Town Council that it was helpful to have a script in advance to understand who is making various motions and seconding them. He said it was a new requirement in State Law that the names of persons making and seconding the motions be recorded in the record. He said there was also another

bill pending in the House to clarify the authority of Moderators to postpone elections in the event of an emergency.

Mr. Allen of 56 Smith Garrison Road spoke about the Charter and said one of the things that was left out was commissions. He said if a person had a grievance with the Town they had no choice but to go through the Council members and they become the judicial branch of Newmarket's government. He said he had issues he wanted to deal with in non-public but had a conflict of interest with the Attorney.

Larry Doyle of 116 Main Street said he was there under the presumption that the Water Rights Sub-Committee would have their recommendations about the proposed Newmarket Freedom from Chemical Trespass Rights-Based Ordinance (RBO).

Councilor Dumont, Chairman of the Water Rights Sub-Committee, said the recommendation had been drafted, reviewed and forwarded to the Town Administrator and the Council, but it would not be presented tonight due to the very large discussions scheduled, and he needed to be at a Budget Committee Meeting directly after the Warrant Articles. He said he would present it at the next Town Council Meeting, but he would not be saying anything official to this body this evening.

Mr. Doyle said the RBO seeks to protect Newmarket's people and its Lamprey River and Great Bay Estuary watershed. He said it was forecast that Council members will not recommend the proposed Newmarket Freedom from Chemical Trespass Rights-Based Ordinance (RBO), and in response and as a member of ANCER he would address the first of 7 responses/assertions by Council members that "the RBO is an exciting, progressive approach to change". He said this is true because RBOs are based on rights affirmed in the NH Bill of Rights and are also conservatively unifying.

Kenny Najem of 288 Wadleigh Falls Road responded to the possible unintended consequences of RBOs by saying 15 RBOS adopted by 11 NH towns had seen none, but the CDC reported the consequences of water contamination stating that NH had the highest rate of pediatric cancers and clusters of rare cancers in the Seacoast through chemical contamination.

Glen Traquair of 156A Exeter Road responded to the assertion that they should "wait until an amendment to the NH Bill of Rights recognized RBOs", and said last year the NH Community Rights Amendment received 1/3 support in the NH House. He said if passed this year it would protect RBOs but not make them official, and what made them official was each individual's inherent and inalienable right to self-determine by a vote of the townspeople, and because of Newmarket's Charter, they were dependent on the Town Council to adopt RBOs by upholding the rights of its residents.

Andrew Demeo of 147 Main Street said he would respond to the assertion that change had always being achieved through governmental process. He said systematic change has always required moving outside governmental process to right legal wrongs, and it was legal to release contaminants into Newmarket's water at "safe" limits that bio-accumulate and cause cancer.

Stacy Mazur of 5 Church Street addressed the assertion that they should not "telling other towns what they can and cannot do". She said her response was that protecting water was basic survival, and if other towns use chemicals that end up in Newmarket's water, an RBO banning those chemicals would protect the water and people of other towns would deal with the RBO like any other differing town ordinances.

Jess Waters of 147 Main Street responded to the assertion that Newmarket currently had no direct threat, and said the direct threat was that Newmarket's people were un-empowered to vote on local governing decisions that afforded greater protections to the community and its ecosystems, and an RBO would empower the people with local governing authority to address harmful activities and protect their drinking water. She said carcinogens were already posing a direct threat to the health of the people of Newmarket, and they either took adopted an RBO or simply waited on the odds.

Monica Christofili of 6 Central Street responded to the assertion that "they should just work through the regulatory agencies", and said regulatory agencies facilitated corporate projects and did not protect people or ecosystems. She said that agencies would not ban contamination and it remained to the people to do so to protect their lives and because they had that right. She said the people of New Hampshire wanted clean water but the agencies and government protected corporations more than they protected the people. She said Newmarket was within the vicinity of federally recognized cancer clusters on the Seacoast, and NHDES would not be lowering the amounts of PFAs allowed in NH water. She said an RBO would protect the community and it was up to the Council to adopt it for them by upholding the NH Bill of Rights.

Pia Bickford of 14 Ham Street said ANCER had taken notes on the changes in language and focus that the Sub-Committee wanted to see in the current resident-proposed RBO, and invited the Town Council to adopt a resolution in support of their proposed *NH Community Rights Amendment*. She said the amendment would specifically recognize and enumerate in the NH Bill of Rights the pathway that the people of New Hampshire have inherently and inalienably to instate RBOs. She said the resolution was drafted specifically for Newmarket and adoption by the Council, and said ANCER would be happy to collaborate with councilors on changes.

Michael Cahill of Ash Swamp Road said he would like to speak in favor of adopting the Ordinance to raise the age for the purchase of tobacco products to 21 years of age, and said he was also co-sponsor of a bill to make the change a State-wide law.

Christian Matthews of 31 Kimball Way said he recently moved to Newmarket and was trying to follow what was going on in the Town. He said a Conservation Commission meeting had no audio, and across the board agendas and minutes were not being posted on the website. He said he had emailed the Town Administrator but received no response.

Town Administrator Steve Fournier said all Town Council agendas were posted the Friday before the meeting, including all backup information, and said there were technical difficulties with that meeting. He said if they did not receive backup material from the public until after they attended the meeting it would not be included in the packet.

Chairman Pike closed the Public Forum at 7:31 pm.

PUBLIC HEARING

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

Chairman Pike opened the Public Hearing on Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam at 7:31 pm.

Town Administrator Fournier said that in 2010 the Town of Newmarket received a letter of deficiency issued by the Department of Environmental Services on the Macallen Dam which is owned by the Town. He said original discussions were about removing the dam, and input from Public Hearings at that time showed people were greatly opposed to the removal of the dam. He said a Macallen Dam Sub-Committee was set up to review options for improvements and GZA GeoEnvironmental was hired in 2018. He said GZA had done a 60% completed design and needed more funds at this time, and the request was not to exceed \$2 Million to do that project. He said the project would save the dam and would include installation of automatic gates in case of flooding.

Joe Lamartini of 13 Great Hill Drive said he owned a condo on the river bridge, and asked if it was possible to revisit the cost of taking down the dam. Chairman Pike said the Dam Committee had already addressed the cost of dam removal 5 years ago, and there were years of meetings spent looking at other options and a lot of time spent coming up with this proposal which they would vote on tonight. He stated that the Dam Committee would be providing more background information to the public. Mr. Lamartini asked how long the \$2M would last, and Chairman Pike said with maintenance the fix would be long-term.

Art Gordon of 6 Bay Road said he had been living in Newmarket since 1971, and he first wanted to congratulate the Council on all the work done on the Dam Project. He said fixing the dam would not bring money to the Town directly, but the dam represented a tremendously attractive opportunity for the Town, and he hoped people would support the Dam Project when the vote came up.

Mr. Allen of 56 Smith Garrison Road said people were leaving out quite a few things about the Dam. He said sediment in the Town was 60 feet deep, and radon gas, depleted by uranium in granite, was leaking into basements. He said the dam holds back 80 feet of mud, and if the dam were taken out that would come down the river into the Bay.

Christian Matthews of 31 Kimball Way said he wanted to make sure the dam could handle a 100-year or 500-year flood. Town Administrator Fournier said there were hundreds of pages of reports available on the website, and yes it would meet the 100-year flood. Mr. Matthews suggested that perhaps they should have put money away yearly to keep property taxes down.

John Perry of 1109 Piscassic Street said he did not think people understood that the dam was not the controlling factor in flooding, and said that there was a Railroad Bridge and the 108 Bridge up above the dam. He said removing the dam would not prevent flooding, and said that the water level was higher above the 108 Bridge than on the dam.

Chris Carr of Riverbend Road said there were two issues to be considered this evening, one was a tax liability which would affect the tax rate and the second was a user fee, and he felt there should not be a difference between them. He said with the Wastewater Treatment Plant being upgraded, the cost for that was put solely on individuals in the water system. He said the dam costs would be a tax liability as a Town asset, but the water system improvements of \$12.165M would be a system improvement for water users only and should also be considered a Town asset.

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Anita Kline of 5B Bass Street RiverRidge Condos said there had been 2 engineering surveys done that demonstrated that the Dam was not the main factor in 100/500-year floods in Newmarket. She said the dam creates recreational areas used by a large number of people in Town and it brings other people to the area. She said the Dam and the Lamprey River were great assets and she would hate to lose them.

Cynthia Copeland of 6 Bay Road said she had lived in Newmarket for 20 years, and said she chose to live here because of the beautiful Mill Buildings and the downtown, located because of the asset of the river. She said she volunteered to do gardening at Bryant Rock and was surprised by the number of people coming to Newmarket to visit. She said she strongly supported the expenditure of \$2M over 20 years for the Macallen Dam.

Mara Callagaph of 12 Piscassic Street said she was also in favor of spending the \$2M to repair the Dam. She said when the Dam was opened for studies they noticed the Piscassic becoming a mud flat, and she also wanted to speak to recreational opportunities on the river. She said there was a fish ladder on the Dam which was one of the most successful in New Hampshire, and Fish & Game sponsored a minnow assist day. In addition to the Dam being a great historical piece of the Town, she said she wanted to keep the Piscassic a river and not a mud flat.

Peter Gardyna of 703 Piscassic thanked everyone for welcoming him to Newmarket, and said he came here to retire because of the Lamprey River and the Dam. He thanked the Council and the Dam Committee for doing a great job and he hoped they would fund the Dam to keep it because it was of great historical value.

Brianne of 15 Lamprey said she had lived in Newmarket for 5 years, and being a single homeowner she had already taken a hit on her taxes from the School. She said she loved the dam and the river but was concerned that she might not be able to afford to continue to stay there and asked what the impact would be to residents. Town Administrator Fournier said the first year impact would be 6 cents on the tax rate, and the second year \$0.23/\$1,000 with principal and interest, after which it would start to go down. He stressed that the Town did not have an option and that if they did nothing they would have to start paying fines levied against them by DES.

Alex McDermott of 46A North Main said he lived right up the river from the Dam, and he loved the property because of the river frontage and used the river a lot, and friends came from out-of-state to visit. He said he hoped they would save the Dam and not turn their riverfront property into a mud-front property.

Chairman Pike closed the Public Hearing on Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam at 7:59 pm.

Town Administrator Fournier asked that the order be changed and the Council take up the resolutions at this time, so people would not have to wait through the whole meeting for the vote. There was no objection from the Council.

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam, which was seconded by Councilor Burns.

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Town Administrator Fournier stated that the Bond Council and the Department of Revenue Administration reviewed the proposed language for the article to vote on March 12, 2019. He said they had some changes which were purely clerical and did not change the substance or the numbers, and he asked for a motion to amend the resolution to adopt that wording and insert it into the Warrant Article.

Vice-Chair Weinstein made a motion to amend the Warrant Article for Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam to include the recommended wording, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the motion to amend the Warrant Article for Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam was approved by a vote of 7-0.

Town Administrator Fournier said for the Council, the vote taken tonight would reflect the vote tally for recommendation or non-recommendation to be included on the bottom of the Warrant. He said if they vote "yes" they are recommending, and if they vote "no" they are not recommending.

Discussion: Vice-Chair Weinstein said this was her 5th year on the Town Council and this was a big issue when she started, and she wanted to thank all the Dam Committee members and Chairman Pike who had been working on this issue for such a long time. She said there had been multiple opportunities for public input and she definitely supported recommending this to the ballot.

Chairman Pike said the Macallen Dam Committee had been through a long process and at the beginning it did not seem possible that they would be allowed to keep the dam under the regulations. But through productive meetings with the State Dam Bureau there had been a lot of negotiations and a lot of money already spent in studies. He said a lot of money had already been spent to try to determine the cost for Newmarket to take the dam out, and as pointed out earlier, there are a lot of sediments upstream of the dam which would have to be tested and were highly likely to be toxic which they would be required to excavate and remove.

Chairman Pike said in terms of keeping the dam, the proposal the Dam Committee came up with was attractive and safer and would make it easier to manage the fish-way and give the Town better control over water levels when the herring were running. He said the Lamprey River was the largest Herring Run into Great Bay in that watershed and was an important ecological resource for the Town. He said at every hearing when people talked about the dam 1 or 2 voices were for removal, but the overwhelming sentiment of the Town consistently had been that they would like to keep the dam.

Chairman Pike said as far as cost they were hopeful it would be less than the \$2M and said original estimates were lower. He said the Town was still in the process of paying to know about the dam, and they would have to assume the highest cost even if they hope for a lower one, and if they were to take more time it was likely the costs and interest rates would go up. He said the Macallen Dam Committee would try to put out some document of facts for the public as best they know them.

Councilor Bowden said he worked in the Mills and appreciated what the river brought to the community, and said he was very much in support of the dam.

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Town Administrator Fournier polled the Council and the motion to approve Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam was approved as amended by a vote of 7-0 to recommend.

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

Chairman Pike opened the Public Hearing on Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements at 8:11 pm.

Town Administrator Fournier stated that the Department of Environmental Services performed a 20-year buildout study for the Town Water System. He said he had met with DES and the Department of Rural Development who indicated that Newmarket would be eligible for additional funding from the Federal Government as the Town was still considered rural. He said they recommended that the Town roll a number of their projects into a loan application from Rural Development as they looked more favorably on a larger project, and said the Department of Environmental Services for the Town was recommending \$12.165M worth of projects.

Town Administrator Fournier said the Town had already been notified they would be receiving a \$2.925M loan and a \$975,000 grant for treatment of the MacIntosh and Tucker Wells, as well as a \$495,000 loan and a \$165,000 grant for the New Road water main project from the NH Drinking Water & Ground Water Fund. He said by State law they have to raise and appropriate the entire \$12,165,000, with no impact on the tax rate but impact on rate payers. He said the impact would be a \$0.50 increase in the rate with the average user seeing a \$24/year increase for the next 5 years.

Chris Carr of 9 Riverbend Road said he thought it was grossly unfair that this should be a user fee, and said water users were already paying off the Wastewater Treatment Plant facility. He asked how the loans and the grants figured into the \$12.165M. Town Administrator Fournier said they had to do it on a gross basis, and had to appropriate the entire \$12.165M amount by State law.

Christian Matthews of 31 Kimball Way asked if there was something specific to this resolution that the schedule was not posted on the agenda. Town Administrator Fournier said because they were not doing a Municipal Bond and were using loans from various funds but had to call it a bond.

Cynthia Copeland of 6 Bay Road said she recently retired as Executive Director of Strafford Regional Planning and she had always been impressed with the Town of Newmarket being able to find a way to take the cost and find the grants and loans to improve their water systems, and also with their ability to meet the needs of users and keep the costs as low as possible. She said she was glad they were taking the process forward to ensure good water for Newmarket residents.

Mr. Allen of 56 Smith- Garrison Road said when Cushing Road went in they were supposed to maintain the road from the corner of Cushing all the way down to the pump house. He asked if he heard that as part of this resolution the Town would be paying for that road which should be part of their fees. Chairman Pike said he did not think he had heard that.

Chairman Pike closed the Public Hearing on Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements at 8:20 pm.

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Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements which was seconded by Councilor Burns.

Town Administrator Fournier said before the Council voted on this resolution, this Warrant was also reviewed by the Bond Council as well as the Department of Revenue Administration and there were three (3) minor changes to the wording and he asked that the Council first amend the resolution to reflect the wording presented to them.

Vice-Chair Weinstein made a motion to amend the wording of Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements to reflect the changes recommended which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the motion to amend the wording of Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements to reflect the changes recommended was approved by a vote of 7-0.

Discussion: Councilor Kast asked what would happen to the grants and loans if the Warrant Article did not pass. Town Administrator Fournier said the Town could lose them and also lose their Rural Development money. Councilor Bowden asked how the \$12M amount was determined. Environmental Services Director Sean Greig said he was told by Rural Development that the right amount for a project was \$10-\$12M. Town Administrator Fournier stated that the projects that equal that amount were taken of the department's Capital Improvement Plan. Environmental Services Director Greig said projects of a certain amount went through the State pool but larger projects went the Federal pool which would allow them leverage to get more money.

Chairman Pike said it was a lot of money but it was more efficient to bundle the projects together and borrow and plan them rather than doing them in smaller increments. Environmental Services Director Greig said just in inflationary costs they would save \$800,000, and with 25% funding on the whole project another \$2.5M that would not have to be spent, plus it would be less interest as the loan size was less. Chairman Pike said they were encouraged to do it that way, and as a result they could bid these projects earlier and save on construction costs, borrow with lower interest rates, and be able to get more grant money. He said the value would be apparent with the new Tucker Well coming online, and to make that all work they needed these infrastructure improvements.

Town Administrator Fournier said, again for clarification this vote would also reflect the recommendation on the Warrant Article.

Town Administrator Fournier polled the Council and the motion to approve Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements was approved as amended by a vote of 7-0 to recommend.

Councilor Dumont left the Auditorium to attend a Budget Committee meeting in the Town Council Chambers. The Council recessed for a break at 8:25 pm and reconvened at 8:30 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Town Council Regular Meeting of December 19, 2018

Vice-Chair Weinstein made a motion to approve the minutes of the Town Council Regular Meeting of December 19, 2018, which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and the motion to approve the minutes of the Town Council Regular Meeting of December 19, 2018 was approved by a vote of 5-0, with 1 abstention.

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Steve Fournier stated that the **Deliberative Session** would be held on Saturday, February 2, 2019 at 10:30 am after the School Deliberative Session. He said Election Day would be March 12, 2019 from 7:00 am to 7:00 pm in the Town Hall. He reminded councilors that they would need to sign the Warrant Articles.

Town Administrator Fournier said in December the Town Council authorized him to enter into an agreement with ADG for **Economic Development** services. He said they would begin by meeting with stakeholders on North Main Street to develop a master plan for the area, which would ultimately come before the Council and the Planning Board for approval and review. He said they would continue to follow the same process with other parcels as well.

Discussion: Vice-Chair Weinstein asked about the equipment maintenance line under Public Works as it was \$13,000 higher than last year. Public works Director Rick Malasky said they were low on stock and had to purchase more. Vice-Chair Weinstein said Chief True was very involved in Newmarket ASAP as well as Officer Beaudet and they should be recognized, and that the final figures for 2018 showed only 6 overdoses for the entire year. She also asked that the Council get some timeframes for construction in future reports.

Councilor Bowden said on the Facilities report it said they were waiting to install a gate operator in January and asked where that was. Town Administrator Fournier said it was for Heron Point. Councilor Bowden also asked under Facilities about a Stormwater Operations Manual for local property owners building new facilities, and Councilor Kast said it was in relation to a request to the Planning Board for a new facility with a permeable surface. Councilor Bowden congratulated Lieutenant Gregory Jordan on his promotion from Sergeant and Officer O'Brien on his promotion to Sergeant.

COMMITTEE REPORTS

Councilor Finch said the *Conservation Commission* met briefly on January 10th and discussed some of the property surveys completed on Conservation Commission lands. He said the only respect in which the Macallen Dam was brought up was with regard to the permit if the dam was approved by the Town in the March Ballot. He said Heron Point electrical was running and the gate was still being worked on. He said to get word out about conservation land they were planning a photo contest over the course of the summer.

Chairman Pike said the *Macallen Dam Advisory Committee* had met today for discussions with 3 abutters to make sure they were ready in advance of the Warrant Article vote. He said if the Warrant Article failed and the dam was turned down, none of this would move forward. He said they wanted to

start early to get highly qualified contractors bidding on the project and they needed the abutters on board.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2018/2019-21 Wastewater Treatment Plant Solids Disposal

Vice-Chair Weinstein made a motion to approve *Resolution #2018/2019-21 Wastewater Treatment Plant Solids Disposal*, which was seconded by Councilor Bowden.

Environmental Services Director Greig said the treatment process at the Wastewater Treatment Plant generated approximately 55 tons of solids per month and they had to dispose of them. He 6 bids were sent out and two of the bids could were out as they used tractor trailers for hauling which would not fit in their bays. He said they reviewed 2 bids from Turnkey Landfill and Casella Organics and provided a 3-year comparison of costs, with Turnkey having the lowest at \$88,000 for the first year.

Chairman Pike welcomed Councilor Dumont back to the meeting and informed him that the Council was now considering Resolution #2018/2019-21.

Discussion: Councilor Kast said she understood it was not a fixed price but based on the number of hauls, and Environmental Services Director Greig said it was based on the tonnage in the haul. He said the department was also looking to do a pilot on drying solids in the spring to save money on the weight and reduce percentages.

Town Administrator Fournier polled the Council and *Resolution #2018/2019-21 Wastewater Treatment Plant Solids Disposal* was approved by a vote of 6-1, with 1 abstention.

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

Vice-Chair Weinstein made a motion to approve *Resolution #2018/2019-22 International Dump Truck with Plow Equipment*, which was seconded by Councilor Burns.

Public Works Director Malasky said the truck in his fleet was 12 years old and the cost was a State Bid price. He said the current truck was only being used for snow issues. Town Administrator Fournier explained that with a State Bid price, the State bid on massive numbers of vehicles they needed to buy and municipalities were allowed to get these bid prices for their vehicles for a cheaper rate.

Discussion: Vice-Chair Weinstein made a comment specific to both resolutions, and said this Capital Reserve Fund had about \$400,000 dollars and with these 2 resolutions they would spend almost all of that, and trucks in the queue approximated \$800,000. Town Administrator Fournier said from discussions at the Budget Workshop meeting last fall, this was the changing from the Town putting money aside in Capital Reserve Funds and coming in for lease-purchases in the future with money being put into the

Operating Budget. He said this would get the Public Works Director on a regular schedule for changing vehicles when the lease was up, and would make it easier for Department Heads.

Town Administrator Fournier polled the Council and Resolution #2018/2019-22 International Dump Truck with Plow Equipment was approved by a vote of 7-0.

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

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-23 Elgin Pelican Street Sweeper Purchase, which was seconded by Councilor Bowden.

Public Works Director Malasky said the current sweeper was 20 years old and they could no longer get parts, and under the new EPA nitrogen plan more street sweeping would be required. He said the need to be specific for certain MS4 requirements added to the costs, and to contract out would cost \$80,000/year. He said other municipalities were purchasing the same sweeper, and the current vehicle would be taken in trade for \$3,000. Town Administrator Fournier said they could also do sweeping for other rural municipalities that did not have Stormwater situations for a set rate.

Councilor Dumont asked the average life on this \$230,000 street sweeper and Public Works Director Malasky said because they would be doing the sweeping more frequently and would have to document it they would be lucky to get 12 years. He said the fleet minus these 2 vehicles was in better shape.

Town Administrator Fournier polled the Council and Resolution #2018/2019-23 Elgin Pelican Street Sweeper Purchase was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING

Both Resolution #2018/2019-18 Issuance of \$2M in Municipal Bonds for Macallen Dam and Resolution #2018/2019-19 Issuance of \$12.165M in Municipal Bonds for Water System Improvements were covered and voted on by the Council earlier following the Public Hearings on the Warrant Articles.

ITEMS LAID ON THE TABLE – None

NEW BUSINESS /CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Zoning Board of Adjustments (ZBA)

Candidate: **Steven Minutelli** – Term to expire March 2021

Vice-Chair Weinstein made a motion to approve the nomination of *Steven Minutelli as a member of the ZBA – Term to Expire March 2020*, which was seconded by Councilor Burns.

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Town Administrator Fournier polled the Council and the nomination of *Steven Minutelli as a member of the ZBA* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Ordinance #2018/2019-01 Amending Chapter 20 of the Code of the Town of Newmarket: Prohibiting the Purchase, Use, and Possession of Tobacco to Anyone Under the Age of 21

Town Administrator Fournier read **Ordinance #2018/2019-01 Amending Chapter 20 of the Code of the Town of Newmarket: Prohibiting the Purchase, Use, and Possession of Tobacco to Anyone under the Age of 21**, in full. He said there would be a Public Hearing on this Ordinance and the next Council meeting.

CORRESPONDENCE

Town Administrator Fournier said the correspondence from ANCER had already been addressed. Chairman Pike asked if there would be discussion around that at the next meeting, and Councilor Dumont said he originally intended to present the recommendation tonight from the Water Rights Sub-Committee but due to the packed agenda it would be moved over one more meeting.

CLOSING COMMENTS

Vice-Chair Weinstein asked about the filing period for anyone who wants to run for any elected positions in the Town and School, and Town Administrator Fournier said it opened today and would close a week from Friday.

NEXT MEETING: The next Regular Town Council Meeting is scheduled for February 6, 2019 at 7:00 pm in the Town Council Chambers.

ADJOURNMENT

Chairman Pike adjourned the meeting at 9:02 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary