

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING
NOVEMBER 6, 2019 7:00 PM
TOWN COUNCIL CHAMBERS**

Approved November 20, 2019

PRESENT: Council Chairman Toni Weinstein, Council Vice Chairman Amy Burns, Councilor Zachary Dumont, Councilor Jon Kiper, Councilor Gretchen Kast, Councilor Casey Finch, Councilor Helen Sanders

ALSO PRESENT: Town Administrator Steve Fournier, Fire Chief/Public Works Director Rick Malasky, Facilities Director Greg Marles, Senator Martha Fuller Clark, Representative Mike Cahill, Representative Charlotte DiLorenzo

AGENDA

Chairman Toni Weinstein welcomed everyone to the November 6, 2019 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Vice-Chair Burns made a motion to seal the minutes of the Non-Public Session of November 6, 2019, which was seconded by Councilor Dumont. Town Administrator Fournier polled the Council and the motion to seal the minutes of the Non-Public Session of November 6, 2019 was approved by a vote of 7-0.

PUBLIC FORUM

Senator Martha Fuller Clark

Senator Clark said over the past year she served in the Senate majority as Senate President Pro Tem. She said with the Senate Democratic Caucus in the majority they have had the ability and responsibility to set policy priorities for the legislature and construct a budget that supports those priorities: (1) address business needs for a skilled workforce; (2) provide greater support and funding for Mental Health and substance abuse; (3) help local communities by increasing the State's investment in K-12 education; (4) help ameliorate local property taxes; (5) support renewable energy and address climate change; (6) advance programs and dollars to address critical State needs currently unmet.

Senator Clark said they stood their ground on key issues with the Governor but gave way on business taxes, and said there was a concern that State revenues would shrink and they would not be able to restore dollars to local communities for education and revenue sharing. She said more than 700 bills had been filed for next year's upcoming session, and said she could provide additional information if needed

about any particular legislation. She said the Democratic Caucus was focused on reducing Pharmaceutical costs in the State and continuing to push forward with renewable energy and energy efficiency as the best way to reduce energy costs and threats in New Hampshire from Climate Change.

Questions: Councilor Kiper commented that as a restaurant owner in Town paying rooms & meals tax monthly, he would like to see Newmarket get a bigger chunk of the money coming back. Senator Clark said other communities were struggling with how the rooms & meals tax is being distributed based on population, but said no community wants to give up the money it is getting.

Chairman Weinstein said Newmarket now has an Energy & Environment Advisory Committee, and Senator Clark said she would be happy to meet with the committee as she served on the Energy & Natural Resources Committee in the Senate. Chairman Weinstein there was concern that funds being distributed from the VW Settlement may be used as State revenues and not for the infrastructure for EV Charging Stations as intended. Senator Clark said she was committed to making sure those dollars were going for what they were directed to do and not folded into the general fund.

Chairman Weinstein said the Town has continued to cut their budget yearly because the money just is not there, and said the Town was operating at a deficit, putting off programs and stretching dollars. She said though she appreciates the money coming from the State, she feels it is the State's responsibility. Senator Clark agreed and said agreements were made by the State about revenue sharing with local communities that have not been kept, and said the burden it places on local property taxes is becoming unsustainable. She said there is currently a lawsuit pending against the State for not adequately funding education.

Chairman Weinstein said she was disappointed that the increase to Motor Vehicle Registration was vetoed by the Governor. Senator Clark said she believes there is a mentality of a segment of the legislature opposed to raising any fees or any new taxes, and creative ideas to increase State revenues are not getting passed. Chairman Weinstein asked Senator Clark if she also gave a presentation to the School as she had a lot of questions there. Senator Clark said she would be happy to make a presentation to the School.

Representative Michael Cahill said the revenue sharing distributed to Newmarket would have been \$50,000 more with the increase in Motor Vehicle Registration fees, and that money would stay in the Town. He said he was working on an Education Funding 101 presentation for the new School Cafetorium.

Representative Charlotte DiLorenzo congratulated the Town on the work done on their Schools, and said School Funding is a live issue and something they should be concerned about.

Senator Clark said she provided the latest update on Budget figures to the Town Council. She said in terms of the projected Budget, the State is running about \$26 Mil behind at this point but it may catch up. She said they also captured additional monies in the Budget over the last 2 years due to Federal Tax changes.

Chairman Weinstein closed the Public Forum at 7:30 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of October 16, 2019

Vice-Chair Burns made a motion to approve the Minutes of the Regular Meeting of October 16, 2019, which was seconded by Councilor Dumont.

Town Administrator Fournier polled the Council and the Minutes of the Regular Meeting of October 16, 2019 were approved by a vote of 6-0, with 1 abstention.

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Fournier said he needed the Council to sign the MS-535 Financial Report of the Budget to file with the State Department of Revenue Administration.

Town Administrator Fournier said the new culvert over **Lubberland Creek** on Bay Road has been installed and Bay Road has reopened. He thanked the Department of Public Works, Planning Department, and Nature Conservancy for their efforts. He said a pre-bid meeting on the **Macallen Dam** was held with contractors on October 10, 2019 and they were now going out to bid with the intention to do the project spring/summer of next year.

Town Administrator Fournier said there was a resolution for a first reading this evening on the Town's **Personnel Policy** as it relates to harassment in the workplace. He said he worked with the Town's insurance carrier to update the policy and said harassment training would be provided for all employees in the coming months.

COMMITTEE REPORTS

Chairman Weinstein said at the last meeting the *Riverfront Advisory Committee* was approved and asked if there was any interest in serving. She said there would also be a first reading of an *Ad Hoc Arts & Tourism Commission* tonight, and she also heard from the State that a *Coastal Resiliency Committee* would be set up. Councilor Finch expressed interest in serving on the *Riverfront Advisory Committee*. Councilor Kast asked if there would be at-large members as well, and Chairman Weinstein said there would be 3 plus a member of the *Conservation Commission*.

Vice-Chair Burns made a motion to approve the appointment of *Councilor Finch* as the Town Council Representative to the *Riverfront Advisory Committee*, which was seconded by Councilor Dumont.

Town Administrator Fournier polled the Council and the appointment of *Councilor Finch* as Town Council Representative to the *Riverfront Advisory Committee* was approved by a vote of 7-0.

Councilor Finch gave a quick update on the *Conservation Commission* photography exhibit which opened at the Stone Church, and said the exhibit would be on display until December 2, 2019. He said Samuel Kenney, who has a background in Engineering, was appointed as the Conservation Commission Representative to the *Riverfront Advisory Committee*.

Councilor Kast provided *Planning Board* updates and said there is a Water Resource Chapter for the Master Plan and the Sub-Committee is scheduling its first meeting. She said the Joint Planning Board Meeting was coming up at the next Town Council meeting.

Chairman Weinstein said the *Energy & Environment Advisory Committee* met last night and talked about the VW settlement. She said they also had a presentation from 603 Solar, the company currently doing the installation at the Department of Public Works building. She said the company did an incentive program in Canterbury for people to install solar panels on their homes, and the Committee talked about possibly initiating the program in Newmarket.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2019/2020-06 Macallen Dam Engineering Services

Vice Chair Burns made a motion to approve Resolution #2019/2020-06 Macallen Dam Engineering Services, which was seconded by Councilor Dumont.

Facilities Director Grey Marles said this was to continue moving on with the geotechnical company GZA, who did the original design for the Macallen Dam. He said the Dam Bureau requires the Town to have an Engineer of Record, and GZA is preferred as the Dam contractor. He said this was a contract to engage GZA as Engineer of Record as well as for oversight.

Discussion: Councilor Kast said the amount is \$166,000 and asked how that lines up with the original funding approved by the Town. Facilities Director Marles this was carried in their funding and they were hoping to reduce that cost.

Town Administrator Fournier polled the Council and Resolution #2019/2020-06 Macallen Dam Engineering Services was approved by a vote of 7-0.

Resolution #2019/2020-07 Ambulance Revolving Fund Increase

Vice Chair Burns made a motion to approve Resolution #2019/2020-07 Ambulance Revolving Fund Increase, which was seconded by Councilor Dumont.

Fire Chief Rick Malasky said the fund was established in 2008 with Council named as agents to expend. He said costs have risen and there has been no increase in the fund since it was created. He said the fund was used to purchase ambulances but the law was changed to allow for equipment purchases as well, and said they were just looking to cover costs in the future.

Discussion: Chairman Weinstein asked when the next new ambulance would be needed. Fire Chief Malasky said the next request from the fund would be looking to update their stretchers at about \$30,000 each, and said the other ambulance is a 2016 and they would need a replacement in 2026. He said the Life Packs were about 5 years old and would need replacement in 2 years at \$30,000 each. Chairman

Weinstein asked if he felt the Town had enough equipment to adequately serve the community, and Fire Chief Malasky said they did not yet need a 3rd ambulance but could use the funds to buy turnout gear. Councilor Kast said costs are increasing 3-5% annually and asked how much of a buffer this provided. Fire Chief Malasky said he felt it would get the Town by for another 6-7 years.

Town Administrator Fournier polled the Council and Resolution #2019/2020-07 Ambulance Revolving Fund Increase was approved by a vote of 7-0.

Resolution #2019/2020-08 Ad hoc Arts & Tourism Commission

Vice Chair Burns made a motion to approve Resolution #2019/2020-08 Ad hoc Arts & Tourism Commission, which was seconded by Councilor Dumont.

Councilor Kast said the resolution seems weighted more on the Arts side, and Councilor Finch said it was born out of the interest in having an Arts Commission to look at ways to drive tourism to Town, with Arts being the feature that drives the tourism.

Town Administrator Fournier polled the Council and Resolution #2019/2020-08 Ad hoc Arts & Tourism Commission was approved by a vote of 7-0.

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

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2019/2020-09 Approval of the FY2021 Town Budget
The Town Administrator is requesting to Suspend the Rules to act on this.

Chairman Weinstein read Resolution #2019/2020-09 Approval of the FY2021 Town Budget in full. Town Administrator Fournier requested the Council suspend the rules to act on this tonight to meet the November 15, 2019 deadline as submission to the Municipal Budget Committee.

Vice-Chair Burns made a motion to suspend the rules which was seconded by Councilor Dumont. Town Administrator Fournier polled the Council and the motion to suspend the rules was approved by a vote of 7-0.

Town Administrator Fournier said in the Budget Workshop Session held 2 weeks ago the Town Council voted to reduce \$400 from the Proposed Operating Budget of the Town Administrator. He said there was an estimated increase of 9.42% over the previous year with a \$0.89 increase on the Town portion of the tax rate, though the rate was not yet final. He said this was expected due to the first-year payment for the Macallen Dam Project, as well as an additional Police Officer and the increase in Finance Director staffing.

Chairman Weinstein said she would approve with the understanding that there was an omission under Grants, and Town Administrator said the resolution could be amended to include it. He said the addition was \$5,000 for Oyster River Women's Services, which would bring the new FY2021 Town Operating Budget to \$13,233,167.

Vice-Chair Burns made a motion to approve Resolution #2019/2020-09 Approval of the FY2021 Town Budget, which was seconded by Councilor Dumont. Town Administrator Fournier polled the Council and Resolution #2019/2020-09 Approval of the FY2021 Town Budget was approved by a vote of 7-0.

Vice-Chair Burns made a motion to amend Resolution #2019/2020-09 by \$5,000 for Oyster River Women's Services, which was seconded by Councilor Dumont. Town Administrator Fournier polled the Council and the motion to amend was approved by a vote of 7-0.

Town Administrator Fournier polled the Council and Resolution #2019/2020-09 Approval of the FY2021 Town Budget was approved as amended by a vote of 7-0, with a new Budget figure of \$13,233,167.

Resolution #2019/2020-10 Amending Personnel Policy Updating Harassment Policy

Chairman Weinstein read Resolution #2019/2020-10 Amending Personnel Policy Updating Harassment Policy in full.

Resolution #2019/2020-11 Purchase of a 2019 F-550 4x4 with Plow and Dump Body

Chairman Weinstein read Resolution #2019/2020-11 Purchase of a 2019 F-550 4x4 with Plow and Dump Body in full. Town Administrator Fournier requested the Council suspend the rules to act on the resolution tonight.

Vice-Chair Burns made a motion to suspend the rules, which was seconded by Councilor Dumont. Town Administrator Fournier polled the Council and the motion to suspend the rules was approved by a vote of 7-0.

Vice-Chair Burns made a motion to approve Resolution #2019/2020-11 Purchase of a 2019 F-550 4x4 with Plow and Dump Body, which was seconded by Councilor Dumont.

Public Works Director Rick Malasky said they planned to keep the vehicle for one more year, but repairs would be too costly. He said it was a front-line primary piece and he contacted 8 dealerships with McFarland Ford of Exeter being the cheapest at \$67,200. He said he really needed the vehicle and hoped to pick it up tomorrow using money from the Public Works Capital Reserve Account.

Town Administrator Fournier polled the Council and Resolution #2019/2020-11 Purchase of a 2019 F-550 4x4 with Plow and Dump Body was approved by a vote of 7-0.

CORRESPONDENCE

Chairman Weinstein said she received a notification from the State about forming a Coastal Resiliency & Economic Development Committee, and Town Administrator Fournier read the correspondence in full.

Chairman Weinstein said she would forward the letter and asked councilors interested in serving to let her know. Town Administrator Fournier said he was serving as the NHMA representative on the Committee and they had not yet met.

CLOSING COMMENTS

Councilor Finch reminded people about the photo exhibit at the Stone Church for the Conservation Commission, and said planning is about to begin for the 3rd Conversations with Councilors, tentatively scheduled for January.

Councilor Kiper congratulated both the Newmarket High School boys and girls soccer teams in making it to the finals this year.

NEXT MEETING: The next meeting will be a Joint Town Council/Planning Board Meeting on Wednesday, November 20, 2019 at 7:00 pm in the Town Council Chambers.

ADJOURNMENT

Chairman Weinstein adjourned the meeting at 8:05 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary