

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

September 7, 2016 7:00 PM

TOWN COUNCIL CHAMBERS

Approved September 21, 2016

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

ALSO PRESENT: Town Administrator Steve Fournier, Town Moderator Chris Hawkins, Environmental Services Director Sean Greig, School Superintendent Meredith Nadeau, School Board Member Al Zink, School Board Member Kimberly Shelton

AGENDA

Chairman Gary Levy welcomed everyone to the September 7, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance.

Councilor Thompson made a motion to seal the minutes of the Non-Public Session Pursuant to RSA 91-A:3 II - Personnel, which was seconded by Councilor Weinstein.

PUBLIC FORUM

Chairman Levy opened the Public Forum at 7:05 pm.

As no one from the public came forward, Chairman Levy closed the Public Forum at 7:05 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of August 17, 2016

Councilor Weinstein made a motion to approve the minutes of the Regular Meeting of August 17, 2016 which was seconded by Councilor Pike.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of August 17, 2016 were approved by a vote of 7-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier stated that Town Moderator Chris Hawkins was present at the meeting to discuss the September 13th State Primary, which would be held from 7:00 am to 7:00 pm at the Newmarket Junior-Senior High School, and reminded the Council that two (2) councilors needed to be present at all times during the election. He informed everyone that a new law was passed effective June 24, 2016 which allowed the councilors to appoint a Councilor Pro-Tem to serve as an election official if they are unable to attend. He said the Moderator could also appoint a Councilor Pro-Tem if needed, and he would be sending the email to the Council members tomorrow to sign up for times they could work.

Town Moderator

Town Moderator Chris Hawkins gave a review of the election process and reiterated that voting would be held from 7:00 am to 7:00 pm at the Newmarket Junior-Senior High School on September 13, 2016. He reminded everyone that they could register to vote at the polling place and encouraged everyone to come out and vote in the primary. He stated that it was extremely helpful to have the Town Councilors there to greet the people and help man the voter affidavit tables. He said he had again attended training at the Secretary of State's office, and stressed that people with questions which could not be answered should be directed to the Town Moderator or the Town Clerk. He said that there had been some complaints at the last election with regard to people with iPhones standing behind the Ballot Clerks and tracking republican votes. He stated that observers were allowed as long as they did not interfere with the voting process, but no campaigning was allowed in the Polling Place. Town Administrator Fournier stated that the law prohibiting any wearing of paraphernalia for any election while voting had also become stricter.

Discussion: Councilor Weinstein asked if observers were allowed to record, and Town Moderator Hawkins said they were not recording but were connected to a real-time database, and said they would be stricter this time about keeping them back and away from the Ballot Clerks. He asked that any contention be referred to him to deal with, and clarified that he was administering State Law on behalf of the State. Chairman Levy said the problem at the last election was the unbalanced lines, and Town Moderator Hawkins said that the Town Clerk had acquired white boards to more easily make changes and the greeter would be provided with a copy of the checklist. He stated that John Bentley would be helping out as a Deputy Moderator and that they were trying to line up more people to help with the presidential election. He said that the biggest time drain for him was the absentee ballots. Councilor Weinstein suggested someone be at the Fire Station at 7:00 am in case people showed up there. Town Administrator Fournier said he would recommend that to the Town Clerk and make sure signs were put up.

Shared Town/School Finance Director

Town Administrator Fournier stated that as the Council was aware, they had been discussing sharing services with the School District. He said that after the Joint Town Council/School Board Meeting of May

31st they had appointed a Sub-Committee to work with himself and the School Superintendent to look at efficiencies. He said the group visited Cape Elizabeth, ME which has a one-town concept, and he and the School Superintendent had looked at positions that could possibly be shared. He stated that as there was a vacancy at the School for a Business Administrator and the Town was currently using a contracted Finance Director, they agreed this position should be shared and would be an employee of the School District, supervised by the Superintendent and the Town Administrator. He said interviews would start tomorrow and he would be serving on the Interview Committee to assess the municipal qualifications of the individual. The School would conduct the interviews to make sure the candidate had sufficient municipal background, and he would then come to the Council for approval to enter into a contract with the School District to provide Financial Director services. He said the School needed to move forward quickly, but that the Interim Finance Director for the Town would continue until after the Deliberative Session, as they were in the middle of budget season. He said that if the individual appointed by the School Superintendent did not meet their municipal requirements as well, the Town would continue as they were.

Town Administrator Fournier stated that the second position, discussed preliminarily, would be to look at a Director of Facilities which would be a position of the Town to begin late fall/early winter. He said the Sub-Committee recommended the position to report to the Town as they already had the workforce and a Supervisor of Buildings & Grounds. He said the Facilities Director would oversee that position as well as the custodial services at the School. He stated that the School Sub-Committee members and the Superintendent were here tonight in to answer questions, and asked if the Council Sub-Committee members wished to add anything. Councilor Weinstein felt they were moving in the right direction and were at a point where the boards were more fluid and more open to each other's point of view. Councilor Pike said he was very impressed by his visit to Cape Elizabeth, ME, as there was a tremendous cooperative spirit between both sides there. He said the Town and the School both wanted efficient governing that would deliver high value for an affordable cost, and emphasized that no decisions had been made at this point. He said that they were trying to figure out the process and get started at the same time and felt any division would go away to the benefit of the functioning of all parts of the town.

Discussion: Vice Chair Nazzaro said he was in favor of the Town and School sharing services, especially the finance position, but that the Town Administration Code needed to be changed if they were going to do this legally. He said while the search was going on for the Finance position, the Council should have conversations about the ordinance to make sure this was set up in a way that allowed the sharing to happen. Town Administrator Fournier stated that they were not transferring a department from the Town to the School, but would be contracting with the School as a private entity as in other contracted positions. Chairman Levy said he would like to see a plan, and asked if there had been a discussion of time allocated for the School versus the Town for the position. Town Administrator Fournier stated that they first wanted to find out if there were any viable candidates, and said the agreement would focus on the individual who would be in the position and would weigh time needed by both entities,

School Superintendent Meredith Nadeau stated that it would not be a line-in-the-sand and needed to be flexible, with a collaborative effort between herself and Town Administrator Fournier. She said there would be reduced staffing by eliminating a position at the School, but said they felt optimistic there would be a well-qualified candidate with skills in both areas. She stressed that this was not a lifetime

commitment and would be subject to reviews and adjustments, and they needed to work together collaboratively to be effective. Chairman Levy asked if there were any major differences between Cape Elizabeth and Newmarket. Town Administrator Fournier said they were extremely similar, and their budgets and the population were comparable. School Superintendent Nadeau added that both communities had town charters, both had separately elected school boards and town councils, and both had separate budget processes that needed to be approved by their respective boards. Town Administrator Fournier said if this proved successful, they would be looking at combining software programs into one (1) system.

Councilor Weinstein felt it was important to point out that this was just a question of the Town and the School sharing a position and a department and that they were not changing their form of governments. Councilor Pike said if their intention was to hold another Joint Town Council/School Board meeting in the October/November timeframe, they needed to decide whether or not they wanted the Sub-Committee to plan the meeting. Town Administrator Fournier felt it was a good idea to have the Sub-Committee plan the Joint Meeting as he and the Superintendent would shortly be going to multiple budget meetings.

School Board Member Al Zink stressed that the Facilities Director position was very important to the School right now, considering possible School renovations or a new building. He asked for feedback as to whether or not they were headed in the right direction, and if the Council was comfortable with the Facilities person reporting to the Town and the Finance person reporting to the School. He said the School Board had already given their approval of this arrangement at their last meeting. Chairman Levy said it was hard for him to respond without a plan and more details with regard to the Facilities position, and asked what the salary range would be for the Finance position. Town Administrator Fournier said the current salary range was \$68,000-\$88,000, and School Superintendent Nadeau said it had been a little higher on the school side. She stated that the School Board had approved moving forward with sharing these two (2) positions in the timeframe laid out. Town Administrator Fournier said they were still hammering out the details for the Facility position and working on the job description. School Superintendent Nadeau said though there was a custodial person at each school to oversee the facilities within, because they did not have a Facilities Director, buildings had suffered from deferred maintenance and a long-term vision.

Town Administrator Fournier said that though they had a great Buildings & Grounds crew, the Town usually addressed things in a reactive rather than a proactive manner. Vice Chair Nazzaro said that in response to the question by Mr. Zink, he thought that the School having the Finance Director and the Town having the Facilities Director was a good concept and a move in the right direction. Councilor Pike stated that it had become clear as the process moved along, that it would not be practical to hold the combined meeting in August as originally planned. He said in order to hold the combined meeting in October/November they needed to move forward now, making sure both respective boards were fully involved and knowledgeable on that process. Councilor Weinstein said that the Sub-Committee had provided regular updates to the Council, and that in lieu of a meeting in August, the School Superintendent and School Sub-Committee members were present this evening to answer questions. She said that Councilor Pike, Town Administrator Fournier and herself had also attended a School Board meeting for the same purpose, and that the next step would be to hold the Joint Meeting.

Water & Wastewater Capacity

Town Administrator Fournier stated that Environmental Services Director Sean Greig was present this evening, but he first wanted to give an update on the MacIntosh Well. He said it would hopefully be online by the end of September, and that there had been an issue with the pumps. He said the pumps were manufactured incorrectly to a smaller scale, but that they would be put into place so that they could get the Well online. He said the new pumps were being manufactured and would be swapped out at the manufacturer's cost when they were available. He said there had been questions by the Council as far as water needs after the well came online and what land was available for development. He said they also needed to look at whether the Planning Board was doing the right things with the Master Plan, and they would do the same thing for sewer. He stated that the new Waste Water Treatment Plant would be coming online shortly.

Discussion: Chairman Levy felt it would be good to look at the current capacities and document some of the Town's water and waste water system demands and project future buildout for the Town. Environmental Services Director Greig said they did a 20-year buildout study in 2010 for the design of the Waste Water Treatment Plant, but the last buildout for water was done around 2005, updated in 2010, and needed to be redone. Chairman Levy said it was important for the Town to determine what was adequate water and waste water to meet the long-term buildout, and look at developable parcels left in the Town. Environmental Services Director Greig stated that they were pumping a lot less water than several years ago due to high efficiency appliances and people conserving more. He said the original 20-year buildout study for the sewer system had suggested constructing a 1.2 million gal/day waste water plant, but that the new study showed they would only need and to build to 0.85 million gal/day capacity. He said the studies for both water and waste water needed to be revisited and were part of his CIP plan. Town Administrator Fournier mentioned that Exeter and Portsmouth now banned all watering, but said that Newmarket had moved to a different level earlier and started conserving and would hopefully not reach that level.

Downtown Pedestrian Project

Town Administrator Fournier stated that the Town had had significant delays on the Downtown Project due to approvals needed by NHDOT. He said they were being held up by a change order on a drain for a small field from a regular drain to a trench drain, for which NHDOT had requested a 10-year discharge study. He said they had subsequently given up on that as it would result in further delays for approval. He said that in addition, NHDOT had questioned the alignment of a crosswalk asking for easements to be secured for property which the Town felt they already owned and compensation provided for easements on the other side. He said a diagonal crosswalk would be installed in that area, but not what the Town had originally wanted. He said once brick pavers were put in all the crosswalks they would switch to the other side, with completion of the project on track to be completed by Columbus Day as a worst-case scenario. He stated they were also having issues with traffic and had switched all detour routes to 3-way stops, with police directing traffic at peak times. He said that part of Spring Street would also be closed due to traffic not obeying local-only signs and this would increase traffic on Beech Street. He said all the people in the area had been notified.

State Forms

Town Administrator Fournier said he had some State forms that needed to be signed by the Town Council, a copy of the report of the actual appropriations approved by the voters in March and the State Audit form.

FY2016 End-of-Year Figures

Town Administrator Fournier stated that the Finance Department had closed the books for FY2016. He said they saw roughly \$411,000 in revenues over estimates and returned roughly \$114,000 in unexpended appropriations. He said the unassigned Fund Balance was now \$2,469,919, or 9% of total appropriations for School, Town, and County, and was in compliance with their fund balance policy. He said that as in years past they used \$575,000 from fund balance in the FY2017 budget for Capital Projects and some slight tax reductions.

Town Administrator Fournier reminded the Council that they would be meeting on September 14, 2016 at 6:00 pm for a Non-Public Meeting to discuss the MRI study report.

COMMITTEE REPORTS

Councilor Weinstein reported that the *Budget Committee* did not meet on August 22nd as they did not have a quorum.

Councilor Bowden said that the *CIP Committee* met last Tuesday and they had gone over the tour of Town facilities scheduled for September 12th, 14th, and 16th. He said the School tour of facilities would take place at a later date, and that Town Planner Diane Hardy was the coordinator of the tours. He said departmental presentations were set for September 26th and 27th, with final deliberations to be held on the 28th, and a CIP deadline of October 1, 2016.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2016-2017-02 Resolution Regarding the Increase of Sewer Rates

Councilor Thompson made a motion to approve *Resolution #2016-2017-02 Resolution Regarding the Increase of Sewer Rates*, with was seconded by Councilor Bowden.

Environmental Services Director Greig stated that he was here to review the annual sewer rate increase. He said they were building the new Waste Water Treatment Facility on Young Lane due to an EPA mandate to discharge less than 8mg/L of total nitrogen. He said the cost of the project was \$14.1 million, and the cost of maintenance was higher than the current facility maintenance fee. He said the Council had approved level yearly increases in 2013 rather than a one-time increase. He stated that the increase for this year would be \$0.76 which would bring the current rate of \$8.98 to \$9.74 with, an impact on the average user of approximately \$44.00/year.

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Town Administrator Fournier polled the Council and *Resolution #2016-2017-02 Resolution Regarding the Increase of Sewer Rates* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING - None

ITEMS LAID ON THE TABLE – *Resolution #2015/2016-52 Authorizing the Designation of a Portion of Route 152 as an Economic Recovery Zone.* (This Resolution is tabled from the June 15, 2016 Council Meeting pending Planning Board action.)

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS - NONE

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2016/2017-03 Relating to the Relocation and Replacement of Water and Sewer Utilities within the State Right-of-Way as Part of the NHDOT Bike Lane Project

Chairman Levy read *Resolution #2016/2017-03 Relating to the Relocation and Replacement of Water and Sewer Utilities within the State Right-of-Way as Part of the NHDOT Bike Lane Project* in full.

Resolution #2016/2017-04 Relating to Accepting Gifts for the Christian Shoppmeyer Park

Chairman Levy read *Resolution #2016/2017-04 Relating to Accepting Gifts for the Christian Shoppmeyer Park* in full.

Resolution #2016/2017-05 Relating to the Paving Improvements for 2016-2017

Chairman Levy read *Resolution #2016/2017-05 Relating to the Paving Improvements for 2016-2017* in full.

CORRESPONDENCE

Chairman Levy said someone had contacted him with concerns about traffic and he wanted to thank Town Administrator Fournier, Public Works Director Malasky, and everyone who helped to solve that issue on Spring Street.

COMMENTS

Councilor Weinstein said that her family had taken part in the 1st Annual Kayak Race and that it was a great event, well-attended by the community. She also pointed out that kayaks were available for use at Shanda Park and the Boat Launch and could be rented through the Recreation Department.

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Councilor Bowden commented that in evening and early morning mosquitoes at the Recreation fields were horrendous. Town Administrator Fournier said that the Town did not spray, but he would look into treating the areas where the mosquitoes traditionally laid eggs, in standing water and in swamps.

NEXT MEETING

The next regular meeting of the Town Council is scheduled for September 21, 2016.

ADJOURNMENT

Councilor Weinstein made a motion to adjourn the meeting, which was seconded by Councilor Burns. The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary