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

9 **October 19, 2016 7:00 PM**

10 **TOWN COUNCIL CHAMBERS**

11 **Minutes Approved 11/02/2016**  
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14 **PRESENT:** Council Chairman Gary Levy, Council Vice Chairman Phil Nazzaro, Councilor Dale Pike,  
15 Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Kyle Bowden, Councilor Amy Burns  
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17 **ALSO PRESENT:** Town Administrator Steve Fournier, Library Director Carrie Gadbois  
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19 **AGENDA**  
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21 Chairman Gary Levy welcomed everyone to the October 19, 2016 Newmarket Town Council Meeting and  
22 called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.  
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24 **PUBLIC FORUM**  
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26 Chairman Levy opened the Public Forum at 7:01 pm.  
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28 As no one from the public came forward, Chairman Levy closed the Public Forum at 7:01 pm.  
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30 **PUBLIC HEARING - None**  
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32 **TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**  
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34 **Acceptance of the Minutes of the Regular Meeting of October 5, 2016**  
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36 Vice Chair Nazzaro made a motion to approve the minutes of the Regular Meeting of October 5, 2016  
37 which was seconded by Councilor Weinstein.  
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39 Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of October 5,  
40 2016 were approved by a vote of 7-0.

**REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Steve Fournier stated that he had a **Consent Decree** that needed to be signed by the Council, as they had been going to court with people who owed back taxes on mobile home units. He said the judge had agreed to the payment schedule of \$50 for the first and \$100/month after that until all taxes were fully paid up. He stated that the State of New Hampshire Department of Revenue had set the **Newmarket FY17 Property Tax Rate** for the fiscal year ending June 30, 2017. He said the new tax rate was set at \$25.45 which was an increase of \$0.49/1,000 or 2%. He said the breakdown was as follows: Town \$6.24 (\$0.22 increase), Local School \$15.72 (\$0.31 increase), State School \$2.40 (\$0.06 decrease), and the County at \$1.09 (\$0.02 increase). He said the Town portion increased by 3.7% and the tax bills would be issued shortly and due on December 1<sup>st</sup>. He pointed out that the valuation of the Town had gone up, and home values also went up with the median value increasing from \$250,000 to \$280,000.

**Joint Finance Director**

Town Administrator Fournier stated that a draft memorandum of the understanding between the Town and the School to have the School provide Financial Services to the Town was attached to his report. He said it outlined that the individual would be an employee of the School with the Town “contracting” for services, and included a process to answer any conflicts. He said it also set up a way to fund the position by determining the percentage of use for both the Town and the School, and that the Town would pay for 36% of the salary and benefits. He asked that the Town Council review the document and email any questions to him, with a 1<sup>st</sup> reading to be scheduled for November for action in December.

**FY2017 Budget**

Town Administrator Fournier said that at the end of the first quarter of the year they had currently expended 32% of their Operating Budget. He said there was nothing currently out of the ordinary, and that revenues were on track.

Discussion: Vice Chair Nazzaro questioned a statement in the IT Report that the IT Director was working on “quotes” to ensure continuity, based on the recommendation by MRI that he have backup support. He felt there should be a larger conversation about this, such as sharing services with the School. Town Administrator Fournier said it was on the radar to share IT with the School, but that he needed someone available now and had asked the IT Director to get a backup firm with an hourly rate. He said the backup service would be used on an on-call basis only, and said he had also asked the IT Director to provide a neutral audit of their IT System.

Chairman Levy felt the salary for the Finance Director was being predicated on the amount of money the Town spent versus the School and said they might want to look at the workload. He also thought the Termination in the agreement should be earlier than 6 months in case of any problems. With regard to the Superintendent doing the evaluation with input from the Town Administrator, he felt the Town Administrator should have a portion of the evaluation so it could be annotated for the record.

**FY2018 BUDGET**

85 Town Administrator Fournier presented his budget for the Fiscal Year ending June 30, 2018. He said he  
86 first looked at the economy and the **Consumer Price Index (CPI)**, and said this year the Town saw a 0.8%  
87 increase in CPI, the Northeast a 0.8% increase, and Boston a 1.5% increase. He stated that **Unemployment**  
88 dropped nationwide by 0.05% to 5.1%, the State dropped from 3.6% to 2.9%, the County dropped from  
89 3.8% to 3%, the Portsmouth Metro area dropped from 3.2% to 2.5%, and Newmarket dropped from 2.9%  
90 to 2.4%. He said the **Current Tax Rate** was set at \$25.45/1,000, with the Town Rate at \$6.24, the Local  
91 School at \$15.72, the State School at \$2.40, and the County Rate at \$1.09. As far as the **5-Year Tax Rate**  
92 **Comparison**, the Town remained fairly stable over that period and he said a revaluation was also included  
93 in there. He stated that the **Net Assessed Value of the Town** increased by 1.28% from \$722,476,271 to  
94 \$731,700,728.

95  
96 Town Administrator Fournier said that he was recommending a proposed **Bottom Line Budget** of  
97 \$11,581,761, which was a 19.94% increase over last year. He said one reason for the increase was that  
98 the Enterprise Funds were seeing an increase of \$1,212,651. He said this was also the first year for interest  
99 on a bond payment for the Waste Water Treatment Plant, a Neptus permit of \$100,000, and bond  
100 payments on their Water Line Service. He said this had all been planned for and would be offset by  
101 revenues, and said the total through taxation increased \$372,168 or 4.56%. Town Administrator Fournier  
102 said he proposed the following **Expenditures by Fund**: \$7,191,395 for the General Fund, \$1,031,728 for  
103 Special Revenues (Library, Solid Waste, Recreation) offset by Recreation Revolving, and the Enterprise  
104 Fund increase from \$2,110,781 to \$3,323,432 due to debt. He also provided a 3-Year Comparison by fund.

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106 Town Administrator Fournier provided a breakdown of **Where the Increase Was Going**. He said there was  
107 a Waste Water Bond Principle payment of \$516,140, a Waste Water Bond Interest payment of \$309,143,  
108 and Waste Water Treatment Facility Electricity at \$31,000. He said by the end of FY2018 they would no  
109 longer be operating 2 plants and the new plant would be online. He said there was a National Pollution  
110 Discharge Elimination Permit at \$100,000/year and also a Water System Bond Principle payment of  
111 \$100,104, with a Water System Bond Interest payment of \$76,130. He stressed that all of these increases  
112 were funded through rates and not taxes. He stated that other increases included a Health Insurance  
113 increase of \$74,351 (10%), a Retirement Contribution increase of \$14,582, an \$11,000 increase in Part-  
114 time Fire Fighter salaries, a \$15,000 Contribution to Compensated Absences Reserve, \$54,000 for  
115 Implementation of a New Finance Software System, and \$64,731 for a new Director of Facilities position  
116 with 60% offset by the School.

117  
118 Town Administrator Fournier next presented the **Revenue Budget**. He said last year they budgeted \$5.6  
119 million in revenue and they were estimating a revenue of \$7,065,545 for FY2018. He said for General  
120 Revenue they were anticipating an increase of approximately \$180,000, and approximately \$50,000 for  
121 Special Revenues. He said the **Tax Impact** was an estimate based on data available today. He said Gross  
122 Appropriations of \$11,581,761 less Revenues of \$7,065,545, plus an Overlay of \$20,000 and War Service  
123 Credits of \$162,500, brought the Net Town Appropriation to \$4,698,716. With the current Assessed Value  
124 of \$731,700,728 the estimated Tax Rate would be \$6.42, up from \$6.24 for FY2017. He said if the budget  
125 was adopted as proposed, the **Estimated Tax Impact** based on the average home value of \$280,000 would  
126 be \$1,797 annually for the Town Portion, which would be a 2.8% increase or \$50 annually.

Town Administrator Fournier said he looked forward to meeting everyone on Saturday at 9:00 am to review the Operating Budget. Vice Chair Nazzaro asked that all the specifics for Compensated Absences Reserve since the fund started be provided as well as the projections. Chairman Levy asked that the last 3 years of Revenues be provided with what was proposed and what was received. Vice Chair Nazzaro also asked for details of the vehicle registration numbers over the last 5 years.

#### **COMMITTEE REPORTS**

Councilor Pike stated that the *Macallen Dam Study Committee* met last week. He said the Committee elected Bill Arcieri as the new Chairman and he would be the new Vice-Chair. He said that new member Andrew Walker had attended the meeting and would be an excellent addition as he had dam engineering background and brought a lot of expertise to the Committee. He said they were getting ready to issue an RFP on the abutment walls which included stability testing. He said they still needed to address flow, and the next step would be meeting with Durham and the DES with their consultant present.

Councilor Pike stated that the *Sub-Committee of the Planning Board* met to discuss zoning changes. He said the meeting basically accomplished laying out the order, with recommendations from the Future Land Use Chapter and some from the Economic Development Committee (EDC), of priorities of what should be done first.

Councilor Weinstein stated that the *Joint Town Council/School Board Sub-Committee* met last week and reviewed the Memorandum of Understanding between the Town and the School for Financial Services, and reviewed the job descriptions for both the Finance and the Facilities positions. She said the new position would need to be included in the Budget and would be part of their conversation Saturday, and felt a Workshop meeting might be needed for further discussion. Town Administrator Fournier said they would probably need a 2<sup>nd</sup> meeting after Saturday due to the absence of the Department Head who oversees Buildings & Grounds.

Councilor Burns stated that the *Planning Board* met last week and looked at two different plans. She said the first development was the plan for 11 units on Dame Road, which the Conservation Commission would review. She said the second was the Forbes Road Development Park plan for 3 units, to which more landscaping was added. She said further discussion on both plans would be held at the Planning Board meeting of November 15<sup>th</sup>.

#### **OLD BUSINESS**

#### **ORDINANCES AND RESOLUTIONS IN THE 2<sup>ND</sup> READING**

##### **Resolution #2016/2017-06 Relating to Reroofing Three Sections of the Library Building**

Councilor Weinstein made a motion to approve *Resolution #2016/2017-06 Relating to Reroofing Three Sections of the Library Building*, which was seconded by Councilor Bowden.

Library Director Carrie Gadbois stated that they were requesting funds from their Capital Reserve to replace the 3 sections on the west side of the Library roof. She said it had been leaking on and off for several years and they had a problem with ice dams the winter before last. She explained that water had been pouring down where the old building met the new addition as there was a space between the walls. She said the ice dams were removed, all sheetrock was replaced, and insulation was added wherever possible. She said all the traffic on the roof with the ice dams made the leaks worse, and said she had 2 contractors and an engineer who all recommended replacement of those 3 roof sections. She said this area was particularly bad due to the shallow pitch of the roof.

Discussion: Councilor Pike said he saw a slate roof as having a greater longevity. Library Director Gadbois said the roof was 26 years old and the roof in that area was a bad architectural design. She said there were also holes in the plywood underneath the slate, and the new proposal was to install Grace Ice & Water Shields all the way up to the ridgeline. Vice Chair Nazzaro felt they should go with the cheaper option as the only difference he could see between the 2 bids was in the length of the warranties. Library Director Gadbois said she chose Silver Brothers as they were a local firm and had been very responsive, and she also wanted the rest of the roof looked at yearly. She said she thought the 10-year warranty from Silver Brothers was important due to the longevity of the slate. Councilor Thompson said the first 5 years were key and said she did not feel the extra \$4,000 should preclude someone else from doing the work.

Chairman Levy said he had asked a friend with a roofing company for advice, as Underwood had said that area of the roof would be a problem again in the future due to its poor design. He said they recommended going up 6 feet with the copper versus the 2 feet stated in the bids. He felt the \$4,000 difference in the bids might be used to help alleviate future issues. Councilor Weinstein asked about a maintenance plan, and Library Director Gadbois said she had talked to Silver Brothers about coming in on a regular basis. She said the timing of the raking was crucial and had made a difference in the last couple of years.

Town Administrator Fournier said they could either ask the contractors to re-submit the bids or change their current ones with the input provided by the councilors. Chairman Levy said he would like the question answered with regard to the 6 feet of copper versus the 2 feet. Councilor Burns asked that the cost of additional woodwork in the Twin Metals bid be provided. Councilor Pike suggested they find out if the problem with the ice dams due to the poor design of the roof would even be covered under the warranties. Councilor Thompson asked about funding and Town Administrator Fournier said the Library had a Capital Reserve Fund for Building Improvements with about \$130,027 currently in the fund. Vice Chair Nazzaro said he would like to get more detail from Twin Metals to be able to understand why the prices were different.

Vice Chair Nazzaro proposed that the Chairman poll the Council to see if people wanted more information or wanted to act tonight. Library Director Gadbois said if she asked for the 2 proposals again with more specifics and more comparability, it would be another month before anyone could get started. Town Administrator Fournier said the next meeting of the Town Council would be November 2<sup>nd</sup>, and if the Council could act at that meeting he could sign the contract on November 3<sup>rd</sup>. He said it would be fine for her to ask for an estimate for the 6 feet of copper. It was the consensus of the Council that more information needed to be provided.

Town Administrator Fournier said that procedurally it would be held over for a 3<sup>rd</sup> reading at the next meeting.

**Resolution #2016/2017-07 Authorizing the Town Administrator to Enter into a Three-Year Agreement with Casella Resource Services for Waste and Recycling Services**

Vice Chair Nazzaro made a motion to approve *Resolution #2016/2017-07 Authorizing the Town Administrator to Enter into a Three-Year Agreement with Casella Resource Services for Waste and Recycling Services*, which was seconded by Councilor Weinstein.

Town Administrator Fournier stated that the towns of Newmarket, Newfields, and Stratham had partnered to bid for solid waste and recycling services in order to get a better disposal rate. He said they had received 3 bids from Casella Resource Services, Waste Management, and Triano. He said Triano was eliminated as they did not propose curbside collection for Newmarket. He stated that the total costs for the first year with Casella were estimated at \$261,112 and at \$281,378 for Waste Management, both with a 3% increase in years 2 and 3. He stated that Newfields and Stratham had adopted and passed Casella contracts, and he recommended entering into a 3-year contract with Casella Resource Services for a period of 3 years.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2016/2017-07 Authorizing the Town Administrator to Enter into a Three-Year Agreement with Casella Resource Services for Waste and Recycling Services* passed by a vote of 7-0.

**Resolution #2016/2017-08 Relating to the Acceptance of Conservation Land Formerly Owned by Charles E. Dearborn and Family**

Vice Chair Nazzaro made a motion to approve *Resolution #2016/2017-08 Relating to the Acceptance of Conservation Land Formerly Owned by Charles E. Dearborn and Family*, which was seconded by Councilor Burns.

Town Administrator Fournier stated that in the fall of 2015 the executor of the Dearborn Estate approached the Conservation Commission asking they accept a gift of 38 acres of land for open space. He said the Conservation Commission voted to accept the property and the Town Attorney had reviewed the deeding history. He said they received notice in the summer that the Estate had been closed and the Town Attorney worked with the Estate attorney to draft a deed for the Council which was attached. He said Fish & Game held the easement on the property, and that the property was valuable to conservation as it was located in the Source Water Protection Area for their municipal drinking water. He said after talking with the Town Attorney and the Conservation Commission he recommended accepting the property as a gift.

Discussion: Councilor Thompson asked how the Town was doing selling off other pieces of property, and Town Administrator Fournier said the Sub-Committee had met on Friday. He said he had the list of current properties and would either be contacting abutters or going to the realtor to determine their worth. Chairman Levy asked if the Town would have any liability, and Town Administrator Fournier said they

would not as it was conservation land. Councilor Weinstein asked if the Conservation Commission would monitor the land like they did other properties, and Town Administrator Fournier said they would.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2016/2017-08 Relating to the Acceptance of Conservation Land Formerly Owned by Charles E. Dearborn and Family* was approved by a vote of 7-0.

**ORDINANCES AND RESOLUTIONS IN THE 3<sup>RD</sup> 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**

**Macallen Dam Study Committee**

Candidate: *Andrew Walker – Term to Expire March 2017*

(Fill remaining term of Peter Wellenberger)

Councilor Pike made a motion to approve the nomination of *Andrew Walker – Term to Expire March 2017* as a member of the *Macallen Dam Study Committee*, which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the motion to approve the nomination of *Andrew Walker* as a member of the *Macallen Dam Study Committee* passed by a vote of 7-0.

**ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING –**

**Resolution 2016/2017-09 Generator Maintenance**

Chairman Levy read *Resolution 2016/2017-09 Generator Maintenance* in full.

**Resolution 2016/2017-10 HVAC Services**

Chairman Levy read the body of *Resolution 2016/2017--10 HVAC Services* only, and stated that the options were available to the public online.

**Resolution 2016/2017-11 Approval of the Fiscal Year 2018 Budget**

*Chairman Levy read Resolution 2016/2017-11 Approval of the Fiscal Year 2018 Budget* in full.

**CORRESPONDENCE**

Town Administrator Fournier read a correspondence to the Council of an urgent request for the Town of Newmarket to distance itself from the Newmarket School District in all matters. It said persons had lied to the court with regard to the school Superintendent Search, and that Mr. Fournier's appointment to serve on the School Supervisor Screening Committee appeared to be in violation of the Town Charter. He said the Town Charter stated that no Department Head should be appointed to a Town office, nor a commission or board membership or trusteeship.

Town Administrator Fournier said he did look at the law and consulted with the Town Attorney and they both agreed with two portions of the letter. The first was that the School District does not have to comply with the Town Charter as they are a separate government entity and there was no violation there. He said the second was that the position of the Town Administrator was not a department head, but a separate office in the Town.

#### **COMMENTS**

Councilor Weinstein said she wanted to talk about Town Council goal-setting which she said was part of the job of the Town Council in working with the Town Administrator. She said though the MRI Report was not yet final they had enough information to move forward and proposed they pick a date for further discussion. Town Administrator Fournier suggested either November 9<sup>th</sup> or 30<sup>th</sup> as they were both Wednesdays with no meetings scheduled. Vice Chair Nazzaro pointed out that November 9<sup>th</sup> was the day after the general election, and Town Administrator Fournier said he would talk with Primex about what dates were available in December. Councilor Thompson suggested having the discussion sooner before or after a regular meeting. Town Administrator Fournier said the problem was that they would be adopting the budget on November 2<sup>nd</sup> and he would not be present for the November 16<sup>th</sup> meeting. He said MRI would probably be finalizing the report next week.

Vice Chair Nazzaro asked that Primex provide any pre-work to the Council ahead of time to make the meeting more productive. He said he also had a public service announcement that on November 11<sup>th</sup> from 4:00-7:00 pm at the Hall of the American Legion, a dinner would be held for all veterans and their partners.

Chairman Levy said that with the new design of the Website, names on committees had gotten mixed up and some telephone numbers were missing.

**NEXT MEETING:** The next regular meeting of the Town Council is scheduled for November 2, 2016.

#### **ADJOURNMENT**

Councilor Bowden made a motion to adjourn the meeting, which was seconded by Vice Chair Nazzaro. The meeting was adjourned at 8:25 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary