

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

June 21, 2017 7:00 PM

TOWN COUNCIL CHAMBERS

Approved July 19, 2017

PRESENT: Council Chairman Dale Pike, Councilor Amy Thompson, Councilor Gretchen Kast, Councilor Kyle Bowden, Councilor Amy Burns, Councilor Casey Finch

EXCUSED: Council Vice Chairman Toni Weinstein

ALSO PRESENT: Town Administrator Steve Fournier, Environmental Services Director Sean Greig, NHDES Industrial Pretreatment Supervisor Alexis Rastorguyeff, W. Steven Clifton of Underwood Engineers, Public Works Director Rick Malasky, Financial Administrator Lisa Ambrosio, Town Planner Diane Hardy, Senator Martha Fuller Clark, Representative Mike Cahill

AGENDA

Chairman Dale Pike welcomed everyone to the June 21, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:12 pm, followed by the Pledge of Allegiance.

Chairman Pike stated that they would open the meeting with the Public Hearings.

PUBLIC HEARING:

Ordinance #2016/2017-04 An Ordinance Adopting Chapter 14, Article III of the Code of the Town of Newmarket, New Hampshire: Sewer Use Ordinance

Chairman Pike opened the Public Hearing for *Ordinance #2016/2017-04 An Ordinance Adopting Chapter 14, Article III of the Code of the Town of Newmarket, New Hampshire: Sewer Use Ordinance* at 7:14 pm.

Environmental Services Director Sean Greig stated that the last Sewer Ordinance was done in Newmarket in 1977 and needed to be updated to include industrial pretreatment and infiltration inflow processes for the new Wastewater Treatment Plant. He said to do that he had worked with the NH Department of Environmental Services (NHDES) to put in the proper language, and was helped by Steven Clifton of Underwood Engineers and Alex Rastorguyeff, the Industrial Pretreatment Supervisor for NHDES.

Steve Clifton of Underwood Engineers gave a brief presentation of the history and regulatory framework of the Sewer Ordinance along with a general overview. He said the adoption of a Sewer Use Ordinance was a requirement of accepting Federal and State grants and low-interest loans. As part of the regulatory framework, the ordinance set forth uniform requirements for users of the Town's Publicly-Owned Treatment Works and enabled the Town to comply with all applicable State and Federal laws. He said the purpose of the ordinance was to protect wastewater treatment facilities, protect the environment, and comply with Federal and State regulations. He said it defined uniform requirements for design, construction, and use of the sewer collection system, and provided for their enforcement and defined responsibility for sewer collection system maintenance.

Mr. Clifton stated that major changes to the 1977 Sewer Ordinance included expanded and updated general sewer use policies and the addition of industrial pretreatment, industrial user permit, and reporting requirements. He said they also added administrative, judicial, and supplemental enforcement remedies and added septage disposal regulations. He said they had also looked at other towns which were pretty much all the same but were structured a little differently and had some language differences.

As there was no comment from the public, Chairman Pike closed the Public Hearing with regard to *Ordinance #2016/2017-04* at 7:22 pm.

Ordinance #2016/2017-05 An Ordinance Amending Chapter 32 Zoning, Article I, Section 32-2 Purposes and Article IV Signs of the Municipal Code of the Town of Newmarket and Zoning Ordinance, adopted 02/14/1996, as amended through March 1, 2017

Chairman Pike opened the Public Hearing for *Ordinance #2016/2017-05 An Ordinance Amending Chapter 32 Zoning, Article I, Section 32-2 Purposes and Article IV Signs of the Municipal Code of the Town of Newmarket and Zoning Ordinance, adopted 02/14/1996, as amended through March 1, 2017* at 7:22 pm.

Town Planner Diane Hardy stated that she and Town Code Enforcement Officer Mike Hoffman were there on behalf of the Planning Board, and that they had started working on the zoning changes. She said after a Workshop in January and a Public Hearing they were recommending 2 areas for discussion. The first was to provide clear authority for a Town Zoning Ordinance with the Planning Board to exercise its authority to consider design and aesthetic considerations as part of the site and subdivision planning. She said the second area was changes to Signage, and said Code Enforcement Officer Hoffman would discuss what was needed to bring them forward with newer standards.

Code Enforcement Officer Mike Hoffman stated that the issue had come forward as a result of a Supreme Court case. He said the Town could not regulate the contents of a sign or regulate signs differently, but they did allow certain design standards and size restrictions. He said major changes included broadening

the language around Electronic Message Boards and restricting the number of Yard Sales that could be scheduled on a yearly basis. He said Real Estate signs could no longer be in the public the right-of-way and they had cleaned up some of the language as far as ADA and persons with disabilities.

Code Enforcement Officer Hoffman said there had been an issue with an awning being used as a backlit sign, and said they had cleaned up the language to specify that awnings could not be made of translucent material with lighting behind. He said they had expanded a little on the types of materials that could be used for signs which prohibit the use of plastic on the exterior, but permit High Density Urethane signs with the appearance of wood. He said flashing/blinking message boards were not allowed in any Town zone but sandwich boards could be placed on sidewalks in certain zones. He said they specified that projection signs could be 24 square feet and size restrictions were set for message wall signs. He said they also addressed the maintenance and safety of all signs.

As no public comment was brought forward, Chairman Pike closed the Public Hearing on *Ordinance #2016/2017-05* at 7:32 pm.

PUBLIC FORUM – Senator Martha Fuller Clark

Chairman Pike opened the Public Forum at 7:32 pm.

Senator Martha Fuller Clark of District 21 said she was there to provide an update and overview of the legislative session, and said the main topic was the State Budget which would be voted on tomorrow. She congratulated Newmarket on being able to move forward with additions and renovations to their Schools, and said she also had the opportunity to visit the new state-of-the-art Wastewater Treatment Facility in Newmarket and was very impressed.

Senator Clark stated that there would be a budget surplus this year from the 2016/2017 budget and that additional dollars would be put in the Rainy Day Fund which was currently at \$100-\$130 million. She said money from that fund was made available to assist local towns with additional dollars for roads and bridges and to help them with infrastructure outside the 10-year plan. She said \$10 million of the surplus was used to create a scholarship fund for New Hampshire students to help with high tuition costs, but unfortunately was not earmarked for their University System and could be applied to any college or university in the State, public or private.

Senator Clark said there was some concern that revenues were coming in very strongly and there was an opportunity to invest more dollars in New Hampshire, as there were critical issues like the Opioid Crisis, which needed a considerable amount of money was for treatment and recovery. She said nationally 90 individuals/day were dying of opioid overdoses in the country, and that New Hampshire was leading in terms of percentages. She said the critical issue was that though facilities were being built, there was no increase in the amount of money available to hire the staff, and which was also hurting their Nursing Homes as salaries could not compete. She said the Disability Waiver for adults over 21 who could not care for themselves was only partially funded, and people were having to quit their jobs to take care of them and falling behind financially.

Senator Clark said another issue was paying for workforce training and said New Hampshire currently had 20,000 jobs they could not fill as skilled workers were not available to fill the positions. She said UNH had the highest tuition rates but no money to help students and they were going to out-of-state colleges. She stated that Medicaid expansion would end in 2018 if they did not extend it for another 2 years, and said there were currently 53,000 receiving health insurance and another 10,000 being treated for opioid addiction. She said legislators were taking a no-action stance as they did not know what was happening in Washington, but hospitals were seeing a 30% reduction in ER visits from people with no insurance.

Senator Clark said they did not know what would happen with the budget tomorrow but said the cost of living had increased 1-2%. She said that in 2010 hundreds of thousands of dollars had been cut out of the State Budget. She said another legislative fight going on concerned whether or not there should be additional cuts in the Business Profits Tax and the Business Enterprise Tax. She said this would mean \$30 to \$40 million lost in the first year of the next biennium and an additional \$100 million in the second year along with other cuts made to the budget last year.

Senator Clark said she also served on the Energy Committee and that they were continuing to move forward with renewable energy. She said a bill had been passed that would make it possible for small hydro plants to continue to receive additional support, and said Energy Efficiency Resource Standards were being studied and would be out next January. She said a bill was also passed that would allow for vouchers for religious and private schools, and a bill which increased access and ease for voters to insure fraud was not occurring. She said funding for full-day Kindergarten would now be tied to monies raised from allowing keno in the State, which was highly controversial and unpredictable.

Town Administrator Fournier stated that in addition to the budget cuts in 2010, the State cut off the source of funding for the Town and suspended the revenue-sharing with municipalities. Senator Clark said that if they did not move forward with more tax cuts there would be \$20 million that could be dedicated to those issues, and said they were not getting the attention and support they needed as communities. Town Administrator Fournier said before the State added additional programming, there was a commitment made by State Legislators to help municipalities pay their fair share of the taxes and always give something back to communities.

Chairman Pike asked about the additional money for transportation and Senator Clark said she would get the specific amount for Newmarket. Chairman Pike said that a lot of improvements had been made to North Route 108, but that the heaviest traffic was in the southern portion which would need some attention in the future. Senator Clark said she would be happy to work with him on that. Representative Mike Cahill said the money that would be sent to towns for construction of roadways would be apportioned to the towns based on population and income. He said there might also be some money which would go into a special fund for schools for to address air quality and security.

Chairman Pike closed the Public Forum at 8:03 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Non-Public Session of May 31, 2017

Councilor Thompson made a motion to approve the minutes of the Non-Public Session of May 31, 2017, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Session of May 31, 2017, were approved by a vote of 5-0 with 1 abstention.

Acceptance of the Minutes of the Regular Meeting of June 7, 2017

Councilor Thompson made a motion to approve the minutes of the Regular Meeting of June 7, 2017, which was seconded by Burns.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of June 7, 2017 were approved by a vote of 5-0 with 1 abstention.

Acceptance of the Minutes of the Non-Public Session of June 7, 2017

Councilor Thompson made a motion to approve the minutes of the Non-Public Session of June 7, 2017, which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Session of June 7, 2017, were approved by a vote of 5-0 with 1 abstention.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier said the Council had given him authority to negotiate with the owners of 2 Center Street to purchase an easement. He said he needed clarification and a motion on the record that the Council approved the purchase of the easement at 2 Center Street for \$50,000 to come from the Stormwater Management Capital Reserve Fund and authorize the Town Administrator to execute the documents as previously discussed.

Councilor Thompson made a motion to approve the purchase of the easement at 2 Center Street and authorize the Town Administrator to execute the documents, which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and the motion to purchase the easement at 2 Center Street was approved by a vote of 6-0.

Town Administrator Fournier stated that the monthly Expense and Revenue Report for the **FY2017 Budget** showed that with approximately 92% of the year completed, the Town's expenses continued to be below budget with 86% of the budget expended. He said that revenues had seen an increase over last month, and that to date they had collected 104% of their revenues, with a total of \$25 million compared to \$24.1 million collected last year.

Town Administrator Fournier stated that he and the Facilities Director were working on getting proposals for a **Town Hall Security Upgrade**, which would include the installation and moving of security cameras and the installation of a keyless door system for the building. He said if the cost was reasonable he would be asking to withdraw funds from the Building Improvement Capital Reserve Fund, and said they would be discussing other specific items in Non-Public Session.

Town Administrator Fournier reminded the Council that the **Summer Schedule** would be starting and the next Town Council meeting would be held on July 19, 2017.

MRI UPDATE – Finance Director Lisa Ambrosio

Finance Director Lisa Ambrosio said that MRI had worked with the former Finance Director and had identified 2 initiatives for improvement in the Finance Department. She said the first was to set up paperless purchasing and invoice payments which would require a software system behind it, and said the goal had become a Software Implementation goal. She said the software implementation would be for all departments with the Town fully integrated.

Finance Director Ambrosio stated they were looking to have a timeline to be able implement the software by July 2018. She said there had been a request for information in September and funds were included in next year's budget to cover the first year of a multi-year lease. She said a working group was formed in May to look at the implementation of software, and she would next be sending out an RFP with more specific requirements, planning to bring something to the Council in September with installation over the winter. She said all system accounts in the Town would be converted to get everything aligned, and they would have to work together to identify all the resources that needed to be pulled in and provide training.

Chairman Pike asked if the software being adopted would work for both the Town and the School since they had separate finances. Finance Director Ambrosio said they would work toward that eventually but that the School system was working well and they were not looking to change it in the short term. Councilor Kast felt that more efficiencies would allow for more value-added activities. Town Administrator Fournier agreed and said he also wanted to be able to access real-time reports and said they were also looking at a web-based system that would work across all departments. Finance Director Ambrosio said they were looking toward software for accounts payable, cash management, the budget and the whole financial cycle.

Finance Director Ambrosio stated that the first part of the second initiative was consolidation of the Town and School Departments, which was already accomplished. She said the second part had to do with looking at outsourcing the payroll process, and said she did not support this recommendation. She said Payroll was a critical function in the Finance Department and it was preferable to keep it in-house. She said if it was outsourced they could not control errors and would have to track and manage a third party. Town Administrator Fournier agreed and felt it was working well for the Town and issues could be addressed quickly. Chairman Pike he had been impressed with how they had integrated payroll for both the Town and the School in Cape Elizabeth. Finance Director Ambrosio said it was possible long-term but would involve a lot of cross training, but said there were things they could track on both sides like capital reserves and grants.

COMMITTEE REPORTS

Councilor Kast said she had attended the *Planning Board* meeting as an alternate last week. She said the major activity was the presentation of findings from the Groundwater Modeling Study, sponsored by Strafford Regional Planning along with staff from UNH, and said it was the final presentation of impact to drinking water by sea level rise. She said the study identified 3 infrastructure locations, 30 private water supplies, and 1 public water supply at Moody Point and that strategies and action plans had been recommended.

Councilor Kast said the second issue discussed was a request for an extension by Cheney Property Management that had been tabled, and said there were questions about the timeframe. She said Town Planner Hardy recommended that the extension be approved. She stated that they also discussed the CCRC Zoning Overlay District off New Road and the committee wanted to revisit definitions of facility types before the next Public Hearing. She said that Gary Levy had attended the meeting and also suggested the projected density of the area be revisited in light of Coastal Protection Zones.

Councilor Kast stated that Town Planner Hardy had announced the rewrite of the grant from Setting Sail which had been awarded to start in July, but that she was not sure if the work could be credited toward Stormwater Management.

Councilor Finch said the *Conservation Commission* had met on June 8th, and said the big focus was on a report from UNH about climate change. He said they talked about the NH Setting Sail project and discussed different resources available, invasion of species, and other ways to reach out to the community. He said they also discussed the buffer zone on the Boulder Brook Subdivision, but the big concern was the erosion around Schanda Park and how to reinforce and protect it in the short term.

Chairman Pike said the *Macallen Dam Committee* had met and 3 engineering firms had presented proposals for stability analysis for the abutment walls and conceptual design work around how that would look. He said they were all good firms, but the committee had selected GZA which had the strongest consensus and was also the low bid. He said engineering work would be going on, and they were still hoping work could proceed enough for the Dam Committee to draw up a Warrant Article.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2016/2017-33 Relating to Paving Improvement Bids

Councilor Burns made a motion to approve *Resolution #2016/2017-33 Relating to Paving Improvement Bids*, which was seconded by Councilor Thompson.

Public Works Director Rick Malasky stated that they had only received 1 bid from Bell & Flynn. Town Administrator Fournier explained that the price per ton had come in lower than anticipated and they would be able to do more paving this year. Councilor Thompson said she had heard residents talking about Granite Street and asked if there was any way to bump that up to this year. Public Works Director Malasky said there were other higher-priority roads in Newmarket, and said felt they needed to stick to the plan. Town Administrator Fournier said Granite Street was planned for next year along with a number of other streets in that area.

Public Works Director Malasky said there were also a few minor areas he would need to address this year. Councilor Bowden asked if he knew the reason for not getting bids from other contractors. Town Administrator Fournier said one of the problems was that the dollar amount was not high enough for companies to put in for as they were looking for bigger projects. Public Works Director Malasky said they also made more money in the private sector, and said the other companies had called and asked questions but did not turn in bids.

Town Administrator Fournier polled the Council and *Resolution #2016/2017-33 Relating to Paving Improvement Bids* was approved by a vote of 6-0.

Resolution #2016/2107-34 Relating to Paving Improvements to Bay Road/Lamprey Street Parking Lot

Councilor Thompson made a motion to approve Resolution #2016/2107-34 Relating to Paving Improvements to Bay Road/Lamprey Street Parking Lot, which was seconded by Councilor Burns.

Public Works Director Malasky said briefly that the Lamprey Street Parking Lot was heavily utilized and was almost unplowable at this time. Chairman Pike asked if some of the spaces would continue to be long-term rentals. Town Administrator Fournier stated that as soon as the parking lot was fixed they would then call for the policy. Councilor Bowden asked if there was any benefit to tying this in with the roads. Town Administrator Fournier said it was being tied in with roads, but that the costs were different due to different types of structures.

Town Administrator Fournier polled the Council and *Resolution #2016/2107-34 Relating to Paving Improvements to Bay Road/Lamprey Street Parking Lot* was approved by a vote of 6-0.

Resolution #2016/2017-35 Relating to the Replacement of the Air Conditioning Unit at the Police Station

Councilor Thompson made a motion to approve *Resolution #2016/2017-35 Relating to the Replacement of the Air Conditioning Unit at the Police Station*, which was seconded by Councilor Bowden.

Public Works Director Malasky stated that the Air Conditioning unit on the second floor at the Police Station needed to be replaced. Town Administrator Fournier explained they had come before the Council for approval to withdraw the funds from the Capital Reserve Fund for Thermo Dynamics. Councilor Thompson asked why the project was not bid out, as Thermo Dynamics were under contract for repair and maintenance but not replacement. Public Works Director Malasky said they were under contract with Thermo Dynamics and they were free to repair or replace the unit. Town Administrator Fournier stated

that the AC systems for upstairs and downstairs were separate, and said they would definitely go out to bid if they were replacing the whole system.

Town Administrator Fournier polled the Council and *Resolution #2016/2017-35 Relating to the Replacement of the Air Conditioning Unit at the Police Station* was approved by a vote of 6-0.

Ordinance #2016/2017-04 An Ordinance Adopting Chapter 14, Article III of the Code of the Town of Newmarket, New Hampshire: Sewer Use Ordinance

Councilor Thompson made a motion to approve *Ordinance #2016/2017-04 An Ordinance Adopting Chapter 14, Article III of the Code of the Town of Newmarket, New Hampshire: Sewer Use Ordinance*, which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and *Ordinance #2016/2017-04 An Ordinance Adopting Chapter 14, Article III of the Code of the Town of Newmarket, New Hampshire: Sewer Use Ordinance* was approved by a vote of 6-0.

Ordinance #2016/2017-05 An Ordinance Amending Chapter 32 Zoning, Article I, Section 32-2 Purposes and Article IV Signs of the Municipal Code of the Town of Newmarket and Zoning Ordinance, adopted 02/14/1996, as amended through March 1, 2017

Councilor Thompson made a motion to approve *Ordinance #2016/2017-05 An Ordinance Amending Chapter 32 Zoning, Article I, Section 32-2 Purposes and Article IV Signs of the Municipal Code of the Town of Newmarket and Zoning Ordinance, adopted 02/14/1996, as amended through March 1, 2017*, which was seconded by Councilor Finch.

Councilor Kast asked if the changes would affect any existing signs, and Code Enforcement Officer Hoffman said they would not. Councilor Thompson said she had a neon sign in an upper window inside her business, and said it was disconcerting that the ordinance would regulate what she could and could not do inside her space. Code Enforcement Officer Hoffman said that signage stopped at the glass, but that sometimes sign enforcers did go inside businesses. Councilor Bowden asked what a Feather Flag was, and Code Enforcement Officer Hoffman said Feather Flags were usually 12-15 feet high and only 1 foot wide, and said a resident had expressed that they did not want a small town looking like a used car lot.

Chairman Pike said he had worked on the Sub-Committee, and emphasized that a lot of work and effort had gone into drawing up these regulations.

Town Administrator Fournier polled the Council and *Ordinance #2016/2017-05 An Ordinance Amending Chapter 32 Zoning, Article I, Section 32-2 Purposes and Article IV Signs of the Municipal Code of the Town of Newmarket and Zoning Ordinance, adopted 02/14/1996* was approved by a vote of 6-0.

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 #2016/2017-36 Resolution Authorizing the Town Administrator to Enter into an Agreement with GZA GeoEnvironmental, Inc. to Conduct a Stability Analysis and Design Conceptual Plans for Abutment Walls for the Macallen Dam

Town Administrator Fournier read *Resolution #2016/2017-36 Resolution Authorizing the Town Administrator to Enter into an Agreement with GZA GeoEnvironmental, Inc. to Conduct a Stability Analysis and Design Conceptual Plans for Abutment Walls for the Macallen Dam* in full.

Resolution #2016/2017-37 Resolution Authorizing the Town Administrator to Enter into a Three-year Agreement with First Light for Hosted PBX Telephone System Services

Chairman Pike read *Resolution #2016/2017-37 Resolution Authorizing the Town Administrator to Enter into a Three-year Agreement with First Light for Hosted PBX Telephone System Services* in full.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Bowden thanked everyone who had worked hard to make a successful Softball Season for the girls of Newmarket. He said the first Tournament for boys 10 and under had been held, and he congratulated the boys 12 and under who had won the District Championship against Seacoast United and would be up for the State Tournament.

Chairman Pike congratulated Amy Gigandet on having taken over the leadership of the Recreation Department and hosting her first Fishing Derby. He said he was an exciting day and a great event, and thanked the volunteers and landowners.

NEXT MEETING: Next regular Town Council Meeting scheduled for July 19, 2017.

ADJOURNMENT

Chairman Pike adjourned the meeting at 8:59 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary