

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

October 4, 2017 7:00 PM

TOWN COUNCIL CHAMBERS

Approved October 18, 2017

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

ALSO PRESENT: Town Administrator Steve Fournier, Facilities Director Greg Marles, Community Development Director Diane Hardy

AGENDA

Chairman Dale Pike welcomed everyone to the October 4, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:18 pm, followed by the Pledge of Allegiance. He apologized for the late start which was due to technical difficulties.

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

PUBLIC FORUM

Chairman Pike opened the Public Forum at 7:19 pm.

Monica Christofili said she had lived in Newmarket for 2 years and was a teacher at Great Bay College, and said she wanted to talk about 2 Newmarket events coming up and an event happening outside of Newmarket. She said the first flyer handed out invited residents to a Mindful Mondays event to be held at the Stone Church on October 23rd at 7:30 pm. She explained that these were lectures held on either the first or third Monday to focus on community issues of environmental and social justice. She said that Councilor Weinstein had been to some of these events and might make a presentation in future.

Ms. Christofili said the next flyer invited Newmarket to a free event on October 22nd from 11:00 am-2:00 pm also at the Stone Church. She stated that the event would be sponsored by the Community Rights Awareness Workshop, and put on by the New Hampshire Community Rights Network (NHCRN) who partner with a small non-profit law firm called the Community Environmental Legal Defense Fund (CELDF). She said there were currently 12 such Rights Based Ordinances (RBOs) across the State to protect the health, safety, and welfare of community members, and said a group in Town was looking to start an RBO in Newmarket. She said at the meeting, CELDF community organizer Michelle Sanborn would explain the “Box” of allowable activism which restricts the rights of municipalities through State preemption, corporate rights, and defining Nature as property. She said they would start the process for a Newmarket RBO at that meeting.

Ms. Christofili said the last flyer was for Democracy School scheduled for October 13-14 before the workshop in Newmarket, to help people better understand the system of law they live under in New Hampshire which protects corporate rights over people and ecosystem rights. She said the cost was \$25, and said she would be at all three events.

Chairman Pike closed the Public Forum at 7:25 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Non-Public Session of September 20, 2017

Vice-Chair Weinstein made a motion to approve the minutes of the Non-Public Session of September 20, 2017, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Session of September 20, 2017 were approved by a vote of 5-0, with 2 abstentions.

Acceptance of the Minutes of the Regular Meeting of September 20, 2017

Vice-Chair Weinstein made a motion to approve the minutes of the Regular Meeting of September 20, 2017, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of September 20, 2017 were approved by a vote 6-0, with 1 abstention.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier said his report would be brief as the Community Development Director was there to discuss the Capital Improvement Plan with the Council. He said he and the Chiefs

had been meeting with the Town of Newfields to discuss providing **Dispatch Services** to that community once again. He said Dubois King, contracted engineer for the Town, had reviewed the **Downtown Project** and felt that it was complete. He stated that NHDOT would be coming onsite to provide a certificate of completion after a walk-through in a few weeks. He said that Town Legal Counsel would be present due to the legal trial ongoing with NHDOT.

Town Administrator Fournier said he had attached an outline for the annual **NH Municipal Association Conference (NHMA)** which would be held November 16th and 17th in Manchester NH. He asked that anyone interested in attending let him know, and said two of the speakers were himself and Superintendent Nadeau to discuss sharing services.

Town Administrator Fournier said that the School District had begun renovating their suite of offices upstairs. He said when they opened up the wall they found live wires from the original construction which raised concerns for safety in the Town Hall. Facilities Director Greg Marles stated that they could not cut the wires as they were still feeding things that were operating, and said the old knob-and-tube lighting was still connected as well as switches and receptacles with quite a bit still active. He said they did not yet know the scope of the project, which was on the agenda for a first reading tonight.

CAPITAL IMPROVEMENT PROGRAM (CIP) PLAN

Community Development Director Diane Hardy said the CIP Committee had completed their Capital Improvements Program (CIP), and stated that she would present an overview of the Town's CIP Process. She said she would explain the Capital Improvements Program, review the benefits, and provide the legal framework. She said she would define Capital Projects vs. Capital Equipment and the current CIP in Newmarket and its relationship to the Town's Master Plan.

Community Development Director Hardy said the CIP was a longer-range planning document which outlined anticipated expenditures for Town projects and equipment over a period of at least 6 years. She said it listed specific facilities improvements, projects, and programs to increase the Town's infrastructure to accommodate future growth and development. She said Benefits included the preservation of public health, safety and welfare, anticipating the demands of growth, and improvements in departmental communication. She said it also supported economic development and provided a foundation for growth management and impact fees.

Community Development Director Hardy reviewed the Legal Framework, and said that in New Hampshire everything done by municipalities needed approval by the State. She said municipalities that adopted a Master Plan were authorized to prepare a Capital Improvements Plan covering a period of at least 6 years. She said CIP was based on information provided by departments and agencies of the Town, including the School, taking public facility needs into account and classifying projects according to urgency and providing a timeframe. She said they had developed a prioritization system for projects with 6 categories from inconsistent to urgent, and said keeping the tax rate relatively stable required that CIP be related to the Master Plan.

Community Development Director Hardy said the CIP Committee presented its recommendations to the Town Council and the Budget Committee annually as part of the Town's Budget Process. She stressed that CIP was an advisory document only which was required in order to have Impact Fees in NH. She said that Newmarket had a CIP Ordinance and explained that impact fees were charges against new developments to account for the cost of necessary Capital Improvements in the Town. She stated that the Newmarket Town Charter established a CIP Committee to prepare the CIP document and submit its recommendations.

Community Development Director Hardy said Newmarket had 2 different types of CIP requests: Capital Equipment (\$10,000) and Capital Improvement Projects (\$50,000). She said there was a relation between the CIP and the Master Plan, which was the foundation blueprint for the future and was reflected in a Vision Statement. She said the CIP Process started in summer and in early August the Planning Department and the Town Administrator sent out requests for proposals to Town departments to prepare their 6-year CIP program. She said in September the CIP Committee invited departmental presentations, reviewed the proposals, and prepared its recommendations as well as a special allocation for the upcoming budget, and forwarded them to the Town Administrator by October 1st.

Community Development Director Hardy stated that for FY2018/19 the CIP Committee received 46 requests with a total for the Town of \$1,968,828 and a total for the School of \$1,062,412, which included the debt service on the bond issue from last year, for a grand total of \$2,970,191.

Questions: Chairman Pike asked if the line was always clear between Capital Improvement Projects and maintenance. Community Development Director Hardy stated that maintenance should be included in the Town's budget and did not belong in CIP. Chairman Pike asked about the roof replacement listed in the CIP Plan, and Community Development Director Hardy said that an allocation should be built in, as part of the capital planning process over the lifetime of the roof, to put away money in the Capital Reserve Fund for replacement while continuing to do maintenance in the interim.

Town Administrator Fournier said he wanted to emphasize the difference between a CIP Plan and a Capital Reserve Plan. He said funds were not put into a CIP but into Capital Reserve Funds. In addition, he said that was not the only way to fund projects, and said they could be bonded or the budget increased for one year to do a project. He said a Capital Reserve Fund was not CIP but rather a mechanism to save money. Chairman Pike added that there was nothing in the CIP Plan that indicated whether they would choose to fund a project through bonding, and Town Administrator Fournier said the Town Council would do that as part of their Budget Process.

Community Development Director Hardy explained that the departments were asked for their financing plan to fund their improvements. She said it was good to point out that a Capital Reserve Fund was a mechanism to finance and fund a Capital Improvement Project. Councilor Thompson clarified that CIP had nothing to do with funding, and said the Town Council addressed both fungibility and prioritization. Community Development Director Hardy said whether to fund a project this year or next year and how to fund it were budgetary decisions, different from the focus of CIP which was planning.

Town Administrator Fournier stated that though the CIP Committee was recommending \$1.9 million in proposals for FY2018/19, the contributions to Capital Reserve Funds would not equal that amount. He

said he estimated that the Town would be doing almost \$1.2 million worth of projects, but that they already had money on hand and would not need to contribute \$1.2 million to the Capital Reserve Funds. Vice-Chair Weinstein pointed out that it was not always clear in the plan where the money was going to come from. Community Development Director Hardy said they were relying on departments to tell them how they wanted to fund their projects. Chairman Pike felt it was a good step to have this conversation in front of the Council, and said he was trying to understand whether they were putting enough money aside in the Capital Reserve Funds to maintain the Town's buildings properly.

Community Development Director Hardy stated that the CIP Committee went through all the requests and established the priority. She said they felt this year that the majority of the projects were necessary or urgent, with only a few that could be deferred. She said the Facilities Director suggested that for those smaller projects there be some kind of operational reserve in the annual budget, and the CIP Committee agreed. Town Administrator Fournier said those smaller projects were operational expenses, and that large projects should come out of Capital Reserve Funds.

Facilities Director Marles said he was finding there were a lot of projects that were not typical of what a Capital Reserve project should be, and felt they needed to make a budget line for those projects. Vice-Chair Weinstein said she thought they already had a Building Maintenance line item. Town Administrator Fournier said they did not, and at some point the original Capital Funds set up had become go-to accounts for anything that needed fixing. Councilor Thompson said if the project was done either way would the Town Administrator still come to the Council. Town Administrator Fournier said if it was under his spending authority he would not, but that for anything over \$10,000 he would still need Town Council approval.

Councilor Kast said they were getting to the point where they had a good CIP Plan, but that attention needed to be given to maintaining assets. Facilities Director Marles stated that those projects were really operational repairs that fell outside of a regular maintenance item. He said by creating the Operational Repairs line-item, those repairs would now be part of the Operational Budget which was the first step. He said they already had a CIP Plan process but would also have an Operational Plan process to cover those smaller projects that were not routine maintenance. Vice-Chair Weinstein asked if there would be projects attached to the line item at the Workshop, and Facilities Director Marles said the projects would be identified as part of the Buildings & Grounds budget.

Community Development Director Hardy reviewed the booklet detailing the CIP projects and said there was a summary on page 3 which included all the CIP Committee recommendations for various departments with the priority assigned. She said the booklet showed what was currently in the Capital Reserve Funds as of September 1st, historical data, and what the departments requested going forward into the future. She said pages 4-6 showed projects that were being requested and pages 7-9 showed what was being recommended by CIP. She said there were reductions by the CIP Committee which they recommended be considered under the new Operational Repairs fund, said all the forms filled out by departments were included.

Community Development Director Hardy said all current equipment was listed under Capital Equipment with year and cost at purchase, the replacement year, maintenance and the 6-year plan, the amount in

the Capital Reserve fund and items to be done this year. Chairman Pike said the document represented the Town as well as the School and showed the level of cooperation between the Town Administrator and the School Superintendent. He said the difference in the processes was that on the Town side the numbers in the CIP recommendations were before the Town Administrator made his changes, but on the School side the recommendations to CIP had already gone through the School Board. Community Development Director Hardy said the School was treated like any other department with the School Board vetting the process. Town Administrator Fournier said the School was like any department because they were requesting impact fees.

COMMITTEE REPORTS

Councilor Amy Burns said the *Planning Board* had met and approved the amendments to the Chapter 32 Zoning, which was in a first reading tonight and would be discussed at the next meeting.

Vice-Chair Weinstein said the *Budget Committee* met and basically went through the calendar for the rest of the Budget Season. She said the Town Administrator would give the Town Budget to the Budget Committee by November 15, 2017 and the first Budget Committee Work Session to review the Town Budget would be held on November 27, 2017. She said December 4, 2017 would be the Budget Committee Work Session to review the School Budget, with a second meeting on December 11th if needed. She said December 18, 2017 would be the Town Budget Public Hearing and January 8, 2018 would be the School Budget Public Hearing along with any petition Warrant Articles. She said they were assuming February 3, 2018 would be the most likely date for the Deliberative Session.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2017/2018-15 Resolution Authorizing the Town Administrator to Enter into an Agreement with Educational Building Consultants, Access TV, and Daniels Electric for Town Council Dais Improvements

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-15 Resolution Authorizing the Town Administrator to Enter into an Agreement with Educational Building Consultants, Access TV, and Daniels Electric for Town Council Dais Improvements, which was seconded by Councilor Burns.

Town Administrator Fournier explained that they were having issues with microphones and would be replacing microphone wires as well as redesigning the front of the Town Council dais. He said they would be using an old Cable Capital Reserve Fund network called I-NET for cable improvements.

Discussion: Councilor Bowden said he was looking at the quotes but did not see one for Daniels Electric. Facilities Director Marles said per his staff report they had done an in-house estimate for the cost based on “not to exceed” as they would not know the scope until the top of the dais was removed. He said Daniels Electric was the contractor for the Town and the School and he had tried to do a cost analysis for

certain parts of it. He said he was struggling right now to get contractors to return calls, and said the current contractor was already doing work and this would just be a continuance of that work.

Town Administrator Fournier said in the future they would probably move toward hiring a Town Electrician to make it easier to get the jobs done. Facilities Director Marles said the trend now was to go out to bid for a general service as a preferred contractor. He said they did see a reduction by changing the equipment for some of the microphones and would be using a wireless rack-mounted system that was less expensive. Councilor Thompson said the electric piece that was being estimated at \$2,000 could come in higher, and asked if they could amend the resolution to take Daniels Electric out as no quote was provided. Facilities Director Marles said they were trying to allow Daniels Electric to continue their work.

Councilor Burns asked what other projects the I-Net fund could be used for, and Town Administrator Fournier said only things that had to do with cable. He said they also funded a separate Cable Capital Reserve Fund from franchise fees.

Town Administrator Fournier polled the Council and *Resolution #2017/2018-15 Resolution Authorizing the Town Administrator to Enter into an Agreement with Educational Building Consultants, Access TV, and Daniels Electric for Town Council Dais Improvements*, was approved by a vote of 6-1.

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

Newmarket Community Development Corporation

Candidate: *Carl Blackstone – Term Expires December 2019*

Vice-Chair Weinstein made a motion to approve the nomination of *Carl Blackstone* as a member of the *Newmarket Community Development Corporation – Term to Expire December 2019*, which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and the nomination of *Carl Blackstone* as a member of the *Newmarket Community Development Corporation* was approved by a vote of 7-0.

Energy & Environment Advisory Committee

Candidate: *William Turner – Term Expires March 20120*

Vice-Chair Weinstein made a motion to approve the nomination of *William Turner* as a member of the *Energy & Environment Advisory Committee – Term Expiring March 2020*, which was seconded by Councilor Burns.

Comment: Vice-Chair Weinstein said there was a lot of excitement about the committee and she was happy to nominate both candidates.

Town Administrator Fournier polled the Council and the nomination of *William Turner* as a member of the *Energy & Environment Advisory Committee* was approved by a vote of 7-0.

Energy & Environment Advisory Committee

Candidate: *Daniel Smith– Term Expires March 2020*

Vice-Chair Weinstein made a motion to approve the nomination of *Daniel Smith – Term to Expire March 2020*, as a member of the *Energy & Environment Advisory Committee*, which was seconded by Councilor Bowden.

Town Administrator Fournier polled the Council and the nomination of *Daniel Smith* as a member of the *Energy & Environment Advisory Committee* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2017/2018-16 Resolution Authorizing the Town Administrator to Enter into a Contract with Educational Building Consultants for Town Hall Improvements

Chairman Pike read Resolution #2017/2018-16 *Resolution Authorizing the Town Administrator to Enter into a Contract with Educational Building Consultants for Town Hall Improvements* in full.

Ordinance #2017/18-01 Amendments to Chapter 32 Zoning of the Newmarket Municipal Code Regarding New Road Skilled Nursing Facility (SNF) District

Chairman Pike read Ordinance #2017/18-01 *Amendments to Chapter 32 Zoning of the Newmarket Municipal Code Regarding New Road Skilled Nursing Facility (SNF) District*, in title only.

CORRESPONDENCE – None

CLOSING COMMENTS

Vice-Chair Weinstein stated that a Craft Fair would be held at the Sunrise Sunset Center on October 21, 2017. She said 15 different artisans and the craft group from the Sunrise Sunset Center would have items for sale to benefit the center from 8 am to 2 pm.

Vice-Chair Weinstein briefly addressed the presentation by Monica Christofili, and said she had attended several Mindful Mondays events. She said people had asked about getting involved in local government

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and her presentation would cover those opportunities and let people know about the structure of the Town government and ways they could get involved. She said she would let the Council know when she had a date set. Town Administrator Fournier said he would be more than willing to go as well.

NEXT MEETING: Next regular Town Council Meeting is scheduled for October 18, 2017.

ADJOURNMENT

Chairman Pike adjourned the meeting at 8:42 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary