

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

**July 19, 2017 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved August 16, 2017**

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

EXCUSED: Councilor Casey Finch

ALSO PRESENT: Town Administrator Steve Fournier, IT Director Doug Poulin, Facilities Director Greg Marles, Town Planner Diane Hardy, Macallen Dam Committee Chairman Bill Arcieri, James P. Guarente of GZA GeoEnvironmental, Inc.

**AGENDA**

Chairman Dale Pike welcomed everyone to the July 19, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Pike stated that that Councilor Casey Finch was excused and Councilor Burns was unable to attend in person and would participate by telephone.

Vice-Chair Weinstein made a motion to seal the Non-Public minutes for both June 21, 2017 and July 19, 2017, which was seconded by Councilor Bowden. Town Administrator Fournier polled the Council and the motion to seal the minutes of both Non-Public Sessions was approved by a vote of 6-0.

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of the Minutes of the Regular Meeting of June 21, 2017**

Councilor Thompson made a motion to approve the minutes of the Regular Meeting of June 21, 2017, which was seconded by Vice-Chair Weinstein.

Chairman Pike asked for a correction to a statement by Mike Hoffman on page 2 of the minutes to change "street court case" to "Supreme Court case".

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of June 21, 2017 were approved as amended by a vote of 5-0 with 1 abstention.

### **Acceptance of the Minutes of the Non-Public Session of June 21, 2017**

Vice-Chair Weinstein made a motion to approve the minutes of the Non-Public Session of June 21, 2017, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Session of June 21, 2017 were approved by a vote of 5-0 with 1 abstention.

### **PUBLIC FORUM**

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

Mr. Leo Filion stated that he had been working with the Macallen Dam in Newmarket for over 30 years and was also a member of the Dam Committee. He raised concerns with [Resolution 2016/2017-36](#) in regard to the study, stability analysis, and conceptual design plans for the abutment walls of the Macallen Dam being done with the gates closed. He said there were 3 gates on the Dam which were opened and closed to regulate water flow, but that the Dam Bureau wanted proposals based on the gates staying closed. He said having the gates closed reduced the amount of water going over the Dam and into the Bay by 2,000 cu ft/sec and raised the Lamprey River by 2 feet making properties and roads along the river more susceptible to flooding. He said Durham had received a grant to build up Longmarsh Road and allow water to pass underneath, which would increase the Lamprey River flow towards Newmarket and would require the abutment walls to be higher. He said they could ask for a waiver from the Dam Bureau, but he felt the proposal was not in the interest of the Town.

Police Lieutenant Rick Beaudet of Grant Road said that he was there to address **Newmarket Night Out**. He said that Karen Polzinetti worked with the Alliance for Substance Abuse Prevention (ASAP), which was formed in response to the opioid epidemic, and said ASAP wanted to do more to give back to the community, and had decided that instead of the National Night Out they would hold a Newmarket Night Out on August 12, 2017. He explained that the Healthcare 5K would be going on during the day and said the event was scheduled for the afternoon at Leo Landroche Field.

Ms. Karen Polzinetti said that they would have a lot of outdoor activities with 2 live bands performing, raffles, and prizes. She said that youth groups were involved as volunteers and the Police Department and Fire Department would have some of their special equipment and vehicles. She said the point of the night was to bring the community together with the Fire Department and the Police Department to bring awareness to the issues involved. She said there would be 20 information vendors to help spread the word, and all the local restaurants would be providing food at a low cost.

Lieutenant Beaudet said he felt the community needed to get back in touch with their kids, and said he and Karen had done a great job of fostering that relationship with the School and were bridging the gap with Newmarket youth. He said the event would be held August 12<sup>th</sup> from 5:00 pm to 8:00 pm at Leo Landroche Park. Ms. Polzinetti asked the public to come out and bring their families, buy a tee-shirt (\$5), and support the Fire Department and the Police Department for all the work they do in the community.

Chairman Pike closed the Public Forum at 7:21 pm.

## **REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Steve Fournier said that as part of his unwritten report, the councilors should all have received a copy of the **Water & Wastewater Buildout Study** for the Wastewater Treatment Facility upgrade. He said they would be presented to the Council at the next meeting.

Town Administrator Fournier addressed the **Emergency Operation Plan Update Grant**, the purpose of which was to address the response time to consequences of any disaster or emergency in Town. He said, as the Emergency Management Director, he was working with former consultants to update the current plan. He said the Town was applying for a grant from the Department of Homeland Security to cover half the total cost of \$8,000, with \$4,000 to be funded through the grant. Town Administrator Fournier said that he was also notified last week that the Town did receive the grant for the **EMT Technical Gear**.

Town Administrator Fournier stated that they were working on converting all streetlights in Town to **LED Lighting**, which were brighter and more energy efficient. He said they had been in contact with Eversource to help with the funding, and were informed that Eversource would not have the funds until 2018. He said they were currently working with the Community Development Finance Authority (CDFA) to provide funding to replace all their decorative lights with LED lighting, and said the Director of Public Works and Affinity Lighting of Dover were working on a price. He said when that was available they would submit the number to CDFA for a low-interest energy loan to assist with funding the decorative lighting.

Town Administrator Fournier said that as part of the State of New Hampshire budget, the state had introduced **Keno Gambling** as a revenue source. He said that after reviewing the bill the Town Council may place the question on the March ballot. He specified that only establishments with a valid liquor license were permitted to have Keno, and said the legislative body did not have to approve this but it must go before the voters in March. He recommended the Town Council propose a resolution to place the question on the ballot at a future meeting.

Discussion: Vice-Chair Weinstein asked Town Administrator Fournier if he had received any feedback on the Keno gambling. Town Administrator Fournier said he had been asked general questions, but felt it could help membership in Social Clubs who were losing business. Chairman Pike asked if the Downtown crosswalk situation had been satisfactorily resolved. Town Administrator Fournier said that Target Construction had rebuilt all the crosswalks, as they had determined that the water was not getting through the cement even with weep holes. He said they had added additional weep holes and added textile above to prevent sand from leaking through. He said it seemed to be working fine and the next step would be for the pavement marking company to come in to paint the lines. Chairman Pike asked

about possible recourse, and Town Administrator Fournier said they were still monitoring the project and that would be a larger discussion once the project was completed. Councilor Thompson asked if the wall in Schanda Park had been blocked off and Town Administrator Fournier said he would check on that.

## **COMMITTEE REPORTS**

Councilor Burns stated that she and Councilor Kast had attended the last *Planning Board* meeting. She said they had a review from Strafford Regional Planning Commission with regard to stormwater management. She said Cheney Property Management was also at the meeting asking for an extension for a site plan permit which was granted. She said there was an application for a subdivision at Eagle Drive which was also approved.

## **OLD BUSINESS**

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

Vice-Chair Weinstein made a motion to approve 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*, which was seconded by Councilor Bowden.

Town Planner Diane Hardy said she was there with Bill Arcieri, Chairman of the Macallen Dam Committee, to ask that the Town Council approve the resolution to authorize the Town Administrator to enter into an agreement with GZA GeoEnvironmental for \$47,000 for the stability analysis and conceptual design for the abutment walls for the Macallen Dam.

Town Planner Hardy stated that they had been working on this project since 2010, and said the Macallen Dam was conveyed to the Town in 2004. She said that the Dam came under the jurisdiction of the New Hampshire Department of Environmental Services (NHDES), and that as a result of their 2010 inspection, a letter of deficiencies had been sent to the Town asking they be addressed. She said the Town hired an engineering firm at that time to do structural, hydraulic, and breach analyses. She said one of the most challenging parts of the report was to increase the capacity of the Dam to meet the 100-year flood, and said it was estimated to cost \$1.1 million to \$4.6 million to increase that capacity, with additional costs associated with structural issues.

Town Planner Hardy said that in 2006-2008 a group of citizens in Town had floated a petition to look into removing the Dam as a solution to the flooding. She said there was not overwhelming support for removal of the Dam, and in 2014 the Town Council had set up a Macallen Dam Study Committee to look at alternatives. In response to the RFP sent out they had received 3 very different proposals and the Committee decided to address the hydraulic issues, hiring Gomez & Sullivan for some final analyses. She

said they now had an model approved by the NHDES. She said the initial engineers then determined that the focus of the Dam Committee should be on raising the abutment walls as a solution but needed further engineering done for evaluation, and GZA had been the lowest bidder. She said the Project Manager of GZA was here this evening and added that the contract had been reviewed by legal counsel.

Discussion: Councilor Thompson asked that the comments of Mr. Filion be addressed with regard to the engineering study being done with the gates closed, and whether they were only doing this for the study and the gates would still be operational as in the past. Chairman Pike, also a member of the Dam Committee, said the purpose of the study was to determine the height of the abutment walls and would not affect future operations. He said the question was whether the flow over the Dam could be determined with the gates open. Councilor Thompson asked if it would result in the abutment walls being higher and Chairman Pike said it would have an effect.

Dam Committee Chairman Bill Arcieri stated that part of this study was to look at automating the gate structures and looking at other ways to deal with the gate system. He said they could then perhaps convince the NHDES that human intervention was not needed to make it work, but said they also had the option of making a legal appeal. Councilor Thompson felt there should be a way to pro-rate the flow with the gates opened and closed to determine abutment wall height.

GZA Project Manager James Gaurenté stated that the \$47,000 cost included \$35,000 dedicated to do the study and an alternative analysis to address the issue with NHDES with regard to raising the abutment walls. He said to do that the study had to be done with the gates closed as a requirement of the Dam Bureau to pass the 100-year with one foot of freeboard and no human interaction. He said that of the \$12,000 for extras, one was an evaluation of potentially modifying the gates to open automatically when water rose to a certain level. Another path might be seeking a waiver from the Dam Bureau which could lower the height needed for the abutments. Vice-Chair Weinstein asked about a timeframe for completion, and Town Planner Hardy said that construction was not necessarily the next step but rather a final engineering design, and said that the goal was to get as much information out there as possible before the vote in March.

Chairman Pike asked the Council if they would be willing to suspend the rules and let Mr. Filion speak. Councilor Thompson made a motion to allow Mr. Filion to speak which was seconded by Councilor Bowden. The Council approved the motion by a vote of 6-0.

Mr. Filion said after the Council approved the resolution there would be a meeting with the NHDES and the Dam Committee to flush out all parts of the proposal and determine what the next step would be.

Town Administrator Fournier polled the Council and 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* was approved by a vote of 6-0.

**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**

Vice-Chair Weinstein made a motion to approve 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, which was seconded by Councilor Thompson.

IT Director Dough Poulin said that earlier in the year they had discovered some issues with the telephone and said he could no longer buy the equipment for the system which was steadily degrading, and he had looked into upgrading the phone system with the current vendor. He stated that real efficiency was when the system was simplified and available to as many people as possible, which in general meant it was cross-based. He said he had not gone looking for First Light, but had gotten the information from other area towns currently using the First Light hosting system. He said they were very happy with the system and reported only small outages.

IT Director Poulin stated that the Tech Support from First Light was also outstanding, and said he had called one night at 2:00 am, his call was returned in 10 minutes, and the problem was identified and fixed 20 minutes later. He said that when Facilities Director Greg Marles came onboard they had discussed ways to merge with the School system to integrate and expand efficiency. Facilities Director Greg Marles said they looked into integrating with the School and the best possible solutions for the community, and had asked the company for detailed terms and conditions. He said they decided First Light was the best option as it did not require a cash outlay to put the system in place and allowed them to use the same cost basis they were now paying, with phones being replaced at no cost.

Discussion: Councilor Bowden said that as this was about his products and business, it was clear they were looking at two different proposals, with RTM and Force3 premise-based and First Light (formerly Bayring) cloud-based. He said he was questioning running First Light against the other systems, and said he would like to see a comparison of First Light against 2 other hosted cloud-based providers. IT Director Poulin felt that they were looking at 3 different phone systems, with one hosted and the others on-site, and said he felt it was not worth hosting their own equipment at a huge upfront cost. He said he was looking for replacement or upgrade and had asked other Towns what they were using for the Police Department, Fire Department, and Emergency services. He said with no outages having been reported and the company taking his call in the middle of the night really counted for something.

Councilor Thompson said she was also wondering why they got only one quote from a cloud-based company. IT Director Poulin said he had not received any responses to the RFP from other cloud-based systems, and said even First Light had not responded. Councilor Thompson asked for an estimate of the dollar savings from Comcast and Fairpoint fees which were mentioned. IT Director Poulin said the savings from Comcast would be \$130/month and \$375/month from Fairpoint. Facilities Director Marles said he had gone through this same exercise in his former community and the same questions were raised. He said the town had gone with a cloud-based system and saw no problems, and the school with an on-site system which experienced many issues and eventually resulted in replacement of their hardware.

Councilor Burns commented that she understood getting the 3 different quotes, but also that other towns were using First Light and were very happy with the system, and felt that recommendations from other towns was important. Councilor Bowden said he could have provided names of other cloud-based

companies, and said his question was comparing 3 of the same types of system. Councilor Kast asked about the reliability of the cloud-based system versus an on-premise system. IT Director Poulin said that if for some reason Newmarket lost the connection to the Portsmouth office, it would automatically jump to the office with the backup system.

Councilor Kast asked if the contractual agreement guaranteed some level of service. Facilities Director Marles said it was included as they wanted the terms and conditions spelled out, and said it was also important to have someone on-call at all times. He felt that most companies were moving toward cloud-based systems. Town Administrator Fournier stated that the biggest concern for the Town was outages and back-up for emergency management, and said he was confident with a system being used for emergency operations in much larger communities, and said they could dovetail together and regionalize.

Councilor Bowden asked if there would be backup if a 50-50 signal was lost. IT Director Poulin said they could use Comcast as a back-up and for outages as well. Councilor Kast asked about the continuous update path for the cloud-based system, and IT Director Poulin said they had built that into the system. Vice-Chair Weinstein asked about working with the School, and Town Administrator Fournier said that this system was capable of being expanded to the School when they were ready. Facilities Director Marles said that the new system would be able to tie in with the current system at the School. Chairman Pike said it was good to have someone with experience and reliability at this phase, but felt that in future they always like to have an active bid process.

Town Administrator Fournier polled the Council and 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 was approved by a vote of 6-0.

#### **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 – None**

#### **TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS**

##### **Economic Development Committee**

Candidate: Gary Levy – Term to Expire March 2019

Vice-Chair Weinstein made a motion to approve the nomination of Gary Levy - Term to Expire March 2019 as a member of the *Economic Development Committee*, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the nomination of Gary Levy as a member of the *Economic Development Committee* was approved by a vote of 6-0.

**ORDINANCES AND RESOLUTIONS IN THE 1ST READING**

**Resolution 2017/2018-01 Authorization to Purchase 2017 Ford F-250 Pickup for the Sewer Department**

Chairman Pike read Resolution 2017/2018-01 *Authorization to Purchase 2017 Ford F-250 Pickup for the Sewer Department* in full.

**Resolution 2017/2018-02 Creation of an Energy and Environment Advisory Committee**

Chairman Pike read Resolution 2017/2018-02 *Creation of an Energy and Environment Advisory Committee* In full, and said the resolution was sponsored by Councilors Weinstein and Kast.

**Resolution 2017/2018-03 Issuing \$10.34M in Bonds and Notes for the Wastewater Treatment Facility Upgrade**

Chairman Pike read Resolution 2017/2018-03 *Issuing \$10.34M in Bonds and Notes for the Wastewater Treatment Facility Upgrade* in title only.

Town Administrator Fournier stated that the Bond Council rates would fluctuate before the next packet was sent out and that the back-up would be provided at that time. He said at the next meeting an amendment would be made to date the resolution and correct any changed numbers.

**Resolution 2017/2018-04 Amending Cable Franchise Agreement with Comcast Maine/New Hampshire for a Five-Year Extension**

Chairman Pike read Resolution 2017/2018-04 *Amending Cable Franchise Agreement with Comcast Maine/New Hampshire for a Five-Year Extension* in full.

Town Administrator Fournier stated that this would require a Public Hearing which would be held at the next meeting. He said Legal Counsel would be there to explain the Franchise Agreement and answer questions from the public.

**CORRESPONDENCE/CLOSING COMMENTS – None**

**NEXT MEETING:** Next regular Town Council Meeting scheduled for August 16, 2017.

**ADJOURNMENT**

Chairman Pike adjourned the meeting at 8:33 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary