

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

**December 20, 2017      7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved January 3, 2018**

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

EXCUSED: Councilor Casey Finch

ALSO PRESENT: Town Administrator Steve Fournier, Environmental Services Director Sean Greig, Facilities Director Greg Marles, Finance Director Lisa Ambrosio

**AGENDA**

Chairman Dale Pike welcomed everyone to the December 20, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:06 pm, followed by the Pledge of Allegiance.

Vice-Chair Weinstein made a motion to seal the minutes of the Non-Public Meeting which was seconded by Councilor Bowden. Town Administrator Fournier polled the Council and the motion to seal the minutes of the Non-Public Meeting was approved by a vote of 6-0.

**PUBLIC FORUM**

Chairman Pike opened the Public Forum at 7:07 pm.

Monica Christofili said she had submitted her application last week to be a Newmarket Representative on the Lamprey River Advisory Committee, and wanted to read her background description. She said her professional background included 10 years of instructing College Writing and also included freelancing and volunteering. She said she was a member of Newmarket's Record Retention Committee and co-organized Mindful Mondays, which was an ad-hoc lecture series in Newmarket for discussion of issues of environmental and social justice. She said she learned a great deal about Newmarket's watershed and the Lamprey River, and observed municipal meeting protocol and became a board member of the NH

Community Rights Network. She said she attended a Lamprey River Advisory Committee meeting and looked forward to serving on that committee.

Ms. Christofili also provided an update on the Newmarket Rights Based Ordinance effort, and said they were still an ad-hoc group but intended to become incorporated as the Alliance for Newmarket Citizens and Ecosystem Rights.

Chairman Pike closed the Public Forum at 7:10 pm.

**PUBLIC HEARING** – None

## **TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

### **Acceptance of the Minutes of the Non-Public Meeting of December 4, 2017**

Vice-Chair Weinstein made a motion to approve the minutes of the Non-Public Meeting of December 4, 2017 which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of December 4, 2017 were approved by a vote of 5-0, with 1 abstention.

### **Acceptance of the Minutes of the Regular Meeting of December 4, 2017**

Vice-Chair Weinstein made a motion to approve the minutes of the Regular Meeting of December 4, 2017, which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of December 4, 2017, were approved by a vote 6-0.

## **REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Fournier said he wanted to give an update on the **Municipal Budget Committee Public Hearing** on Monday, December 18<sup>th</sup>. He said the FY2018/19 Town Budget was approved unanimously as the Town Council approved it, and it would go on the Ballot as well as the contract with the Police Union.

Town Administrator Fournier said he would also be introducing an Ordinance at the next meeting with regard to requests for **Leasing Parking Spaces**, and said he had spoken with the Public Works Director, the Police Chief, and the Recreation Director. He said with the Beech Street Senior Center coming to Town there were parking spaces available there that could be leased, and he said was going to amend Chapter 30 of the Ordinance to recommend the leasing of parking spaces. He explained that people parked in the lot between the hours of 1-5 am would get a ticket unless they had permits.

Town Administrator Fournier said at the end of November the **FY2018 Budget** was 45% expended, which was normal. He said Fire Overtime was higher at 62% due to stipends paid for weekend coverage, and he was monitoring it along with the Fire Chief. He said Revenues were doing fine and the Town had currently collected \$612,314 in Motor Vehicle Registrations, a slight increase over last year. He said Eversource had taken a tour of the **Wastewater Treatment Facility** to see energy efficiency measures that were installed as part of the design, and said they would be able to get \$62,220 in rebates for the Town which will come back as cash.

Town Administrator Fournier said he wanted to let the Council know that Town Books were being reviewed with regard to **Uncompensated Absences**. He said currently the Town would owe \$327,412 for liability for Uncompensated Absences, which was what would be owed employees in earned time if the Town were to shut down. He said 12 employees were eligible for retirement in the coming year with current liability at approximately \$110,000, and said the Capital Reserve Fund set up for that had approximately \$10,000 and the rest would have to come from the General Budget.

Town Administrator Fournier provided an update on the **MS-4 Lawsuit**, and said he had a conference call yesterday and it was moving forward and he should have more information by the end of the month. He wished everyone the happiest holidays and Merry Christmas.

Discussion: Vice-Chair Weinstein asked about the funds from the rebate and said she assumed they would be returned to Wastewater. Town Administrator Fournier said they would. Vice-Chair Weinstein also commented that the reduction in the nitrogen levels had been incredible.

## **COMMITTEE REPORTS**

Councilor Burns stated that the *Planning Board* had met but everything being discussed was continued until the next meeting.

## **OLD BUSINESS**

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

### **Resolution #2017-2018-19 Total Nitrogen Control Plan – An Engineering Contract for Water Demand and Wastewater Capacity Buildout Analysis for the Environmental Services Department**

Vice-Chair Weinstein made a motion to approve Resolution #2017-2018-19 Total Nitrogen Control Plan – An Engineering Contract for Water Demand and Wastewater Capacity Buildout Analysis for the Environmental Services Department which was seconded by Councilor Thompson.

Environmental Services Director Sean Greig stated that the Total Nitrogen Plan was a requirement by Administrative Order to provide nitrogen tracking with a Nitrogen Control Plan by December 2022, and have a report ready to state whether the Town would go to 3 mg/L or stay at the less stringent 8 mg/L. He said there were not a lot of companies in the area doing this work but that Wright-Pierce was currently doing it with Exeter.

Environmental Services Director Greig said he sent out an RFQ with an outline of what they were looking for to 20-25 firms and had 3 returned: Hoyle Tanner & Associates, Underwood Engineers, and Wright-Pierce Engineers. He said he put together a team to do the interviews consisting of himself, the Town Planner, the Facilities Director, and the Public Works Director who were all part of the MS-4. He said one proposal did not follow the RFP (Hoyle Tanner) and Underwood Engineers really had no experience, but that Wright-Pierce did have experience. He said the 2 bids were roughly \$14,000 apart and they asked Underwood to provide specific scope and details of what they were going to do.

Environmental Services Director Greig said they were now down to approximately 5 mg/L, and could perhaps remove more nitrogen at a lesser cost in doing it as a non-point source. He said Wright-Pierce added roughly \$14,000 for that piece into their proposal, and the group felt that with that subtracted out it was pretty much the same as what Underwood was doing. He said they decided to go with Wright-Pierce.

Discussion: Vice-Chair Weinstein asked how all this tied in with the coalition. Town Administrator Fournier said there were 2 different things: (1) to get the nitrogen level down in the Bay and a plan for that, and (2) the MS-4 Coalition. He said the Town's argument was that their permit should not be the same as Massachusetts and the regulations should fit New Hampshire. Environmental Services Director Greig said this plan would look at being able to make choices on where they remove the nitrogen, and eventually they would not need to do any more for the MS-4 or add carbon to the Wastewater Treatment Plant to reduce more nitrogen.

Chairman Pike said Underwood was the engineering firm of record for the Town, and in this case they bid for some more specialized work. Environmental Services Director Greig said they looked at projects and decided whether to use Underwood or to go out and look for more expertise, and said Underwood was a team of 50 and Wright-Pierce a team of 200.

Town Administrator Fournier polled the Council and Resolution #2017-2018-19 Total Nitrogen Control Plan – An Engineering Contract for Water Demand and Wastewater Capacity Buildout Analysis for the Environmental Services Department was approved by a vote of 6-0.

**Resolution #2017/2018-21 Authorizing the Town Administrator to enter into a Contract with Patriot Mechanical to make Repairs to Town Hall Heating System and Fresh-Air Intakes**

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-21 Authorizing the Town Administrator to enter into a Contract with Patriot Mechanical to make Repairs to Town Hall Heating System and Fresh-Air Intakes which was seconded by Councilor Bowden.

Facilities Director Greg Marles said the Town Hall had several leaks in the heating system, piping was uninsulated in some areas, and the water leaks had reduced the level of antifreeze. He said they needed to repair the leaks, recharge the antifreeze, and flush the system, and they also had problems with the fresh-air intakes.

Discussion: Councilor Thompson asked what maintenance contracts the Town had, and Facilities Director Marles said they had a maintenance contract with Thermodynamics for preventative maintenance only and not for repairs. Councilor Thompson said if they had a PM contract for this building, they should have found these problems. Facilities Director Marles said he had inspected the system and found some things that should have been taken care of by regular maintenance through a reporting aspect which did not happen. He said they also ran into this during the summer with the AC system and were brought back to do it again at no cost.

Facilities Director Marles said the Town had a bid opening tomorrow for the service contract for the Town Facilities which was put out several weeks ago, and they currently had 2 sealed bids. Town Administrator Fournier said the service company knew the Town was unhappy with their performance. Vice-Chair Weinstein asked about the overall health of the Town Hall boiler. Facilities Director Marles felt it was in rough shape and he had spoken with the Business Manager about the consumption of oil due to leaks and no energy control system. He said there was a resolution for a first read tonight to engage a company to do an Energy Audit, possibly towards a potential Performance Contract.

Town Administrator Fournier polled the Council and Resolution #2017/2018-21 Authorizing the Town Administrator to enter into a Contract with Patriot Mechanical to make Repairs to Town Hall Heating System and Fresh-Air Intakes was approved by a vote of 6-0.

**Resolution #2017/2018-22 Authorizing the Town Administrator to sign a Contract with Wright-Pierce for Engineering Services to perform Construction Administration and Oversight for the Wastewater Treatment Plan Improvements Project**

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-22 Authorizing the Town Administrator to sign a Contract with Wright-Pierce for Engineering Services to perform Construction Administration and Oversight for the Wastewater Treatment Plan Improvements Project which was seconded by Councilor Thompson.

Environmental Services Director Greig said when this project started they were looking at a 40-year old plant that had more needs than funds available. He said they did not think they would have enough money to do all they wanted to do and did bid alternatives to get the best dollar value for the Town. He said Wright-Pierce did such a good job of saving money they had funds left over to do more, including a new roof for 2 of the buildings, but they would have to give the contractor more time. He said they had this money as grant money and they had to spend \$10.3 million to get it. He said they needed Wright-Pierce to continue oversight and things they did not expect to get.

Town Administrator Fournier polled the Council and Resolution #2017/2018-22 Authorizing the Town Administrator to sign a Contract with Wright-Pierce for Engineering Services to perform Construction Administration and Oversight for the Wastewater Treatment Plan Improvements Project 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.)

**Resolution #2017/2018-18** *Resolution Authorizing the Town Administrator to enter into an Agreement with Tyler/Munis for Integrated Municipal Financial Software and to enter into an Agreement with Interware to provide for an Updated Motor Vehicle Module not part of the Tyler/Munis Software Package.* (Tabled from the December 6, 2017 Town Council meeting pending additional information.)

Town Administrator Fournier requested the Town Council to remove Resolution #2017/2018-18 from the table.

Vice-Chair Weinstein made a motion to remove from the table which was seconded by Councilor Burns. Town Administrator Fournier polled the Council and the motion to remove Resolution #2017/2018-18 from the table was approved by a vote of 6-0.

Discussion: Town Administrator Fournier said this was the resolution that was before the Council at the last meeting for the Financial Software, and there had been a request for more information. Councilor Thompson stated that this was clearly a great deal of money, and asked if it was the only way to go based on what they currently had. Town Administrator Fournier said the software they had was no longer being serviced and was approaching the end of its life. Councilor Thompson asked if this system would be compatible with the School, and Town Administrator Fournier said it was the same company, but the School was more receiving money while the Town was more billing. He said the system included other modules for other departments and they decided financing was the best option.

Councilor Bowden asked why the bid from Interware was not robust enough, and Town Administrator Fournier said it did not respond to the RFP for accounting system software. Finance Director Lisa Ambrosio said the Interware software was also significantly out-of-date with upgrades as well, and said she could not support Interware Development. Town Administrator Fournier stated that he and the former Finance Director started this project 2 years ago, and said Tyler-Munis was by far the best everyone could work with.

Councilor Burns said she understood that this was a base layer of technology to which they would add modules based on needs. She questioned the amount of implementation hours listed in the description. Finance Director Ambrosio said the hours were estimated and would result in savings if not needed. Councilor Burns asked if they were customizing the system for Newmarket, and Town Administrator Fournier said they were not but had to bring the data over. Councilor Kast said she guessed the value was compliance with government grades, and Finance Director Ambrosio agreed and said it was compliance for record retention. She said the figure for data conversion was to actually move the data from the other system into Tyler-Munis.

Town Administrator Fournier said they had to bring all the data over, and Finance Director Ambrosio said the data for New Hampshire retirement had to be kept for several years. Councilor Kast asked if there

were other efficiencies and Town Administrator Fournier said there definitely were and said he would be able to pull up whatever data he needed. Finance Director Ambrosio said this system would allow real-time information to be available and could be set up for different allocations. Councilor Kast asked if there would be more services the Town could provide with the new software, and Finance Director Ambrosio said they would be able to do the payroll electronically in the system and allow employee self-service and Human Resources.

Town Administrator Fournier said there might be time for more services internally but not externally. Finance Director Ambrosio said it was a Cloud-based system, and Town Administrator Fournier said purchase order approval and time reporting would be digital. Councilor Bowden pointed out that with a Cloud-based system they would no longer be paying to power the current on-site servers. Finance Director Ambrosio said she had spoken with the IT Director about that because they were also implementing a new phone system.

Councilor Burns asked if the implementation would be done on-site or remotely, and Town Administrator Fournier said he felt there would always be some on-site work. Councilor Thompson asked about a lifespan for the product and Town Administrator Fournier felt it would last about 15 years. Councilor Bowden asked if they would own the equipment after the 7-year lease and Town Administrator Fournier said they would. Councilor Bowden said they could have a dollar buyout at the end for a much lower rate.

Town Administrator Fournier polled the Council and *Resolution #2017/2018-18 Resolution Authorizing the Town Administrator to enter into an Agreement with Tyler/Munis for Integrated Municipal Financial Software and to enter into an Agreement with Interware to provide for an Updated Motor Vehicle Module not part of the Tyler/Munis Software Package* was approved by a vote of 5-1.

## **NEW BUSINESS /CORRESPONDENCE**

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

#### **Lamprey River Advisory Committee**

**Candidate:** *Gerard Martin – Term: 3 years*

Vice-Chair Weinstein made a motion to approve the nomination of *Gerard Martin* to the DES for the *Lamprey River Advisory Committee for a 3-year term*, which was seconded by Councilor Bowden.

Discussion: Vice-Chair Weinstein said there were 3 nominees for the Lamprey River Advisory Committee and asked if there were only 2 positions. Town Administrator Fournier said for clarification the councilors were not approving the candidates but nominating them to the DES.

Town Administrator Fournier polled the Council and the motion to nominate the *Gerard Martin* to the DES for the *Lamprey River Advisory Committee* was approved by a vote of 6-0.

#### **Lamprey River Advisory Committee**

**Candidate:** *Monica Christofili – Term: 3 years*

Vice-Chair Weinstein made a motion to nominate *Monica Christofili* to the DES for the *Lamprey River Advisory Committee* which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the motion to nominate *Monica Christofili* to the DES for the *Lamprey River Advisory Committee* was approved by a vote of 6-0

#### **Lamprey River Advisory Committee**

**Candidate:** *Cris Blackstone – Term: 3 years*

Vice-Chair Weinstein made a motion to nominate *Cris Blackstone* to the DES for the *Lamprey River Advisory Committee* which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and the motion to nominate *Cris Blackstone* to the DES for the *Lamprey River Advisory Committee* was approved by a vote of 6-0

#### **Conservation Commission**

**Candidate:** *Cris Blackstone – Term to expire March 2019*

Vice-chair Weinstein made a motion to approve the nomination of *Cris Blackstone* as a member of the *Conservation Commission* which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the nomination of *Cris Blackstone* as a member of the *Conservation Commission* was approved by a vote of 6-0.

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

##### **Resolution #2017/2018-24 Authorizing the Town Administrator to enter into a Contract with Educational Consultants for Town Hall Security Improvements**

Chairman Pike read Resolution #2017/2018-24 Authorizing the Town Administrator to enter into a Contract with Educational Consultants for Town Hall Security Improvements in full.

##### **Resolution #2017/2018-25 Authorizing the Town Administrator to enter into an Agreement with Energy Efficient Investments, Inc. to Conduct No-Cost Energy Auditing**

Chairman Pike read Resolution #2017/2018-25 Authorizing the Town Administrator to enter into an Agreement with Energy Efficient Investments, Inc. to Conduct No-Cost Energy Auditing in full.

##### **Resolution #2017/2018-26 Authorizing the Town Administrator to enter into a Contract with Securadyn Systems for Community Center Safety and Security Improvements**

Chairman Pike read Resolution #2017/2018-26 Authorizing the Town Administrator to enter into a Contract with Securadyn Systems for Community Center Safety and Security Improvements in full.



**Resolution #2017/2018-27 Replacement of Channel 13 Broadcast Equipment**

Town Administrator Fournier read Resolution #2017/2018-27 Replacement of Channel 13 Broadcast Equipment in full.

**CORRESPONDENCE** – None

**CLOSING COMMENTS**

Vice-Chair Weinstein asked about lighting in the Beech Street parking lot which was being considered for leased parking spaces. Town Administrator Fournier first provided an update on the LED project, and said they were 32% done as of today and would finish up after the holidays. He said he would have them take a look at the Beech Street lighting at that time. Vice-Chair Weinstein said at their last meeting they had also discussed the possibility of talking with the Newmarket Business Association about parking. Town Administrator Fournier said he spoke with the head of the NBA Monday and would get back to her at a later date.

Councilor Bowden said his daughter had brought in a hypodermic needle found by their mailbox. He said they were everywhere and children needed to be taught not to pick them up. He said he called the Police and they came right away to pick it up.

Chairman Pike said this concluded the last Town Council meeting of 2017 and thanked everyone for a cordial and productive year.

**NEXT MEETING:** The next Regular Town Council Meeting will be held on January 3, 2018

**ADJOURNMENT**

Chairman Pike adjourned the meeting at 8:17 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary