



Town Council Regular Session

December 7, 2022 at 7:00 PM

Town Council Chambers

MINUTES

1. Pledge of Allegiance

Chair Weinstein convened the meeting at 7:00 PM and led the Pledge of Allegiance.

2. Roll Call

Present: Council Chair Toni Weinstein, Council Vice-chair Katanna Conley, Councilor Megan Brabec, Councilor Scott Blackstone, Councilor Brian Ward, Councilor Joe LaMattina, Councilor Colin White

Absent: None

Staff Present: Finance Director William Tappan, Environmental Services Director Sean Greig, Police Chief Greg Jordan and Public Works Director Rick Malasky

Absent: Town Manager Stephen Fournier

3. Public Forum

Chair Weinstein opened the Public Forum at 7:04 PM.

Chair Weinstein closed the Public Forum at 7:04 PM without public comment.

4. Town Council to Consider Acceptance of Minutes

a. November 16, 2022 Draft Meeting Minutes

Motion: **Councilor Conley** made a motion to approve the November 16, 2022 Draft Meeting Minutes

Second: **Councilor Brabec**

Discussion: None

Vote: **Unanimously Approved**

5. Report of the Town Manager

a. December 7, 2022

Finance Director Tappan read the Town Manager's report:

Historic District Buildings: Councilor Blackstone asked for a zoning amendment that would state: "any construction on a new or existing building in the Newmarket historical district has to be architecturally compatible with the surrounding buildings." Town Manager Fournier received a legal opinion: The Town Council, with input from the Planning Board, can adopt a resolution that amends Chapter 32, Section 32-161 of the zoning ordinance. The attorney had two minor suggestions to the proposed amendment. The amendment should originate with the Planning Board. Town Manager Fournier will submit the recommended amendment and the recommended changes made by the

Attorney to the Planning Board on behalf of the Council.

Veterans Tax Credit: House Bill 1667 amending eligibility criteria for certain veterans' property tax credits was signed into law. Effective on July 26, 2022, the bill amended RSA 72:28, the "Standard and Optional Veteran's Tax Credit," and RSA 72:28-b, the "All Veterans' Tax Credit," to expand the eligibility requirements of the veterans' tax credit to include individuals who have not yet been discharged from service in the armed forces. The Town Manager and Town Counsel will be reviewing the new law and suggesting that the Town Council adopt the All-Veterans Credit as well as the new amendment to include active-duty individuals.

Sleepy Hollow Co-op v Town: The Crossings at Sleepy Hollow Cooperative filed an appeal of a Superior Court Decision on an abatement request that was filed on the grounds of the resident's hardship and inability to pay taxes based on new values set in the last revaluation. The Supreme Court issued a decision in the case and ruled in the town's favor. Copies of the decision were distributed to each Council Member.

6. Committee Reports

Councilor Brabec reported on the December 6th Arts & Tourism Commission Meeting:

The Commission is working on a project with the Library to erect art panels on the 6 spaces of the Library's facade that would be interchangeable and weather resistant. They are investigating what that project would entail. They are also looking into installing tiny interchangeable art galleries around town. One spot in particular is the pocket park next to Jonny Boston's restaurant.

There is still a seat available on the Commission.

Councilor Ward reported on the November 28th Budget Committee Meeting:

The 2023/2024 School District budget was discussed. The schools in the state have seen a 5% decrease in school enrollment. The school continues to have a surplus for the free lunch program. The school is working to improve school security. They have found it challenging to hire paraprofessionals.

Councilor Lamattina reported on the Energy & Environment Committee Meeting:

The meeting was canceled due to illness and no quorum. They would like to set up a work session with the town council in January or February to present the energy aggregation plan for community power. There are now 22 municipalities who have joined or are interested in joining community power.

7. Old Business

8. Resolutions/Ordinances in the 2nd Reading

a. Resolution #2022/2023-11 - Purchase 2022 Ford F150 Police Pickup Truck

Motion: **Councilor Ward** made a motion to approve Resolution #2022/2023-11 - Purchase 2022 Ford F150 Police Pickup Truck

Second: **Councilor Conley**

Discussion: Chief Jordan explained that the Department originally thought about replacing the 2009 Ford Taurus but have decided to keep it for the new Parking Enforcement Officer. They have been looking for a pickup truck for many uses; transporting barricades, traffic cones or deceased animals. The hybrid vehicles are at least two years out and this truck became available and was offered to Newmarket. It will not be a marked vehicle; it will be black with lights and used primarily by the Chief during the day. The Chief's cruiser will be moved over to the Detective's division.

Councilor Ward asked if there would be any add-ons to the vehicle. Chief Jordan explained the pickup is a 5-seater and comes with a "police package". It has a different suspension system designed for higher speeds and an electrical package to hook up lights and computers (this vehicle will not have a computer).

Councilor Blackstone asked why they didn't purchase a 2023 instead of the 2022. Chief Jordan explained that it is \$4,000 less and would be available immediately. It was ordered by a different community, but wasn't picked up.

Councilor Brabec asked what the purpose was of having it unmarked. Chief Jordan explained that it is less expensive and non-officers will be using it and we don't want them stopped by anyone needing police help. He also explained that this purchase will use up most of the capital reserve fund but police vehicles will no longer be added to the capital reserve funds; they will be part of the operating budget going forward.

Councilor Weinstein asked if it was cost effective to keep the 2009 Taurus. Chief Jordan said it would be a good car for the part-time Parking Enforcement Officer. They will have to fix some things to make the vehicle inspectable and safe.

Vote: **Unanimously Approved**

b. Resolution 2022/2023-12 Relating to the Town's Investment Policy

Motion: **Councilor Ward** made a motion to approve Resolution 2022/2023-12 Relating to the Town's Investment Policy

Second: **Councilor LaMattina**

Discussion: Finance Director Tappan explained that we are mandated by NH RSAs to update the policy annually.

Vote: **Unanimously Approved**

- c. Resolution #2022/2023-17 - Creation of the Septage Receiving Improvements Capital Reserve and Transfer of \$1.2million of Wastewater Fund Balance to it

Motion: **Councilor White** made a motion to approve Resolution #2022/2023-17 - Creation of the Septage Receiving Improvements Capital Reserve and Transfer of \$1.2million of Wastewater Fund Balance to it

Second: **Councilor Ward**

Discussion: Environmental Director Greig explained that the Creighton Street pump station has always taken our septage of up to 2,000 gallons per year. The new treatment facility can take much more septage. We have received 2.1 million gallons of septage since July 1, equating to \$220,000 of income. Truck traffic down Creighton Street is a problem for the residents who live there. Building a septage receiving facility at the wastewater treatment plant will alleviate the truck traffic down Creighton Street. There was 1.7 Million in the fund balance at the end of the year (June 2022) and as of December 1 it is up to \$2 Million. Director Greig is hoping to see construction of the new facility start at the end of the summer of 2023. He also pointed out that \$150,000 of revenue is \$1.00 on the water rate.

Vote: **Unanimously Approved**

- d. Resolution #2022/2023-18 - Loan for \$100,000 study and design Moody Point Storm Water Improvements Warrant Article

Motion: **Councilor Conley** made a motion to approve Resolution #2022/2023-18 - Loan for \$100,000 study and design Moody Point Storm Water Improvements Warrant Article

Second: **Councilor White**

Discussion: None

Vote: **Unanimously Approved**

- e. Resolution 2022/2023-20 Appropriating \$6,000 from the Technology Capital Reserve Fund for Network Cabling work in the Town Hall, DPW building and the Police Station

Motion: **Councilor White** made a motion to approve Resolution 2022/2023-20 Appropriating \$6,000 from the Technology Capital Reserve Fund for Network Cabling work in the Town Hall, DPW building and the Police Station

Second: **Councilor Ward**

Discussion: Finance Director Tappan explained that it is something that needs to be done and it will improve networking throughout the buildings.

Councilor LaMattina questioned when the town would be done with cabling improvements. He commented that when

he was on the Budget Committee for 3 years it seemed to come up every year. Director Tappan said that they have not replaced the cabling in the past. They have replaced switches and most of the p.c.'s have been replaced. All the money spent in the past was to improve the poor conditions. Replacing the cabling is the last step.

Vote: **Unanimously Approved**

- f. Resolution #2022/2023-21 - Approval of the Fiscal Year 2024 Default Budget

Motion: **Councilor Conley** made a motion to approve Resolution #2022/2023-21 - Approval of the Fiscal Year 2024 Default Budget

Second: **Councilor Ward**

Discussion: None

Vote: **Unanimously Approved**

- g. Resolution 2022/2023/24 Curbside Collection Contract

Motion: **Councilor Conley** made a motion to approve Resolution 2022/2023/24 Curbside Collection Contract

Second: **Councilor LaMattina**

Discussion: Public Works Director Malasky explained that they received two bids and did not choose the lowest bidder. Councilor Brabec asked if he had any concerns about ELM. Director Malasky said his biggest concern with ELM is that the Company has only been around for a couple of years and generally services very small communities. The town has a good working relationship with Casella. Councilor Brabec asked if they looked into providing the recycling bins with lids. Director Malasky said it is very costly and there are a lot of small streets in town that would not have the room to accommodate those types of bins and the trucks would have a hard time maneuvering around them to employ them.

Vote: **6-0-1 Councilor LaMattina abstained.**

9. Town Council to Consider Nominations, Appointments, and Elections

- a. Tom Jones - Conservation Commission Alternate Position - Term Expiration April 2024

Motion: **Councilor LaMattina** made a motion to approve Tom Jones as an Alternate to the Conservation Commission with a term expiration of April 2024.

Second: **Councilor White**

Discussion: None

Vote: **Unanimously Approved**

- b. Colin Lawson - Conservation Commission Alternate Position - Term Expiration April 2025

Motion: **Councilor Conley** made a motion to approve Colin Lawson as an Alternate to the Conservation Commission with a Term Expiration of April 2025

Second: **Councilor LaMattina**

Discussion: None

Vote: **Unanimously Approved**

10. Resolutions/Ordinances in the 1st Reading

- a. Resolution 2022/2023-19 Downtown TIF 2023
Chair Weinstein read Resolution #2022/2023-19 into the record.
- b. Resolution #2022/2023 - 22 Appropriating an Additional \$2,125 from the Library Capital Reserve Fund for Roof Repairs at the Newmarket Public Library
Chair Weinstein read Resolution #2022/2023-22 into the record.
- c. Resolution #2022/2023 - 23 Appropriating \$5,405 from the Library Capital Reserve Fund to Improve Building Accessibility at the Newmarket Public Library
Chair Weinstein read Resolution #2022/2023-23 into the record.
- d. Resolution 2022/2023-25 Fire Station Mezzanine Renovation
Chair Weinstein read Resolution #2022/2023-25 into the record.

11. New Business/Correspondence

- a. Correspondence to the Town Council
There was no correspondence to the Town Council.
- b. Closing Comments by Town Councilors
Chair Weinstein said that the annual tree lighting at Arbor Park was lovely and thanked Recreation Director Aimee Gigandet and the Recreation Staff for putting that together.
- c. Next Meeting
 - i. December 21, 2022

12. Adjournment

Chair Weinstein adjourned the meeting at 8:05 PM without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary