

# Town Council Approved Minutes February20, 2013 WS

TOWN OF NEWMARKET, NEW HAMPSHIRE

TOWN COUNCIL WORKSHOP

FEBRUARY 20, 2013

TOWN COUNCIL CHAMBERS

PRESENT:

Council Chairman Phil Nazzaro

Councilor Ed Carmichael

Council Vice Chairman John Bentley

Councilor Dan Wright

Councilor Mike LaBranche

Councilor Gary Levy

Councilor Al Zink

Town Administrator Steve Fournier

1. Council Chairman Nazzaro opened the meeting at 7:08 p.m., followed by the Pledge of Allegiance. Council Vice Chairman Bentley moved to seal the minutes of the previous non-public session. Councilor Levy seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

## 2. PUBLIC FORUM: NON-AGENDA ITEMS ONLY

Council Chairman Nazzaro opened the Public Forum at 7:10 p.m. Bert Allen of Moody Point presented his ideas and statistics for improved parking and increased revenue for Newmarket. He favored one-way traffic through the downtown and the installation of parking meters, along with developing a parking lot on Elm Street. Council Chairman Nazzaro asked that he share his documentation with the Council. Council Chairman Nazzaro closed the Public Forum at 7:16 p.m.

## 3. PUBLIC HEARING: ORDINANCE #2012/2013-02: AMENDMENTS TO ZONING ORDINANCE SPECIAL USE AND MIXED USE PERMITS

Council Chairman Nazzaro opened the Public Hearing at 7:16 p.m.

Amy Thompson of Lang's Lane spoke of her concerns with the proposed zoning amendment from B1 to M2. Her first concern was with section B (2) [2] under Uses by Special Permit: preparation and acceptance by the Planning Board, rather than the ZBA, of a market analysis which demonstrates the feasibility of adding multi-family housing sufficient to ensure reasonable expectation of ongoing occupancy of units to support maintenance and upkeep of the property. She questioned how this would be monitored, what would be defined as reasonable, and whether a marketing analysis would be sufficient to ensure ongoing occupancy and upkeep of private property. She felt the overall amendment reflected selective change, and was inconsistent with the Master Plan which sought to limit multi-family housing. She said she was in favor of bringing business to the town and increasing the tax base, but felt that there were two ways to give relief to the taxpayers: bringing more people into the town or watching expenses. She felt the amendment was premature as they did not know yet what was happening with water or sewer, in addition to its being inconsistent with the Master Plan, particularly for a dense area. She felt this was a band aid approach and there was no guarantee that business would

come. She asked that they stop and take some time until the town's infrastructure was fixed and the Master Plan reflected what the town was willing to follow. She felt that once this was done, Newmarket would attract more people and businesses, thereby allowing growth and a broader tax base to occur naturally.

Bert Allen of Moody Point felt the town had procrastinated long enough. He referred to a design for the town that was completed in 1985 by the Strafford County Planning Association. He said that the DOT had threatened to cut the town in half to shorten the distance between a proposed bridge in Newfields to Durham if the plan was not adopted in 20 years. The road would bypass Newmarket's downtown area. He said that the addition of a users' tax in the form of parking meters in the town would relieve the tax burden. Council Chairman Nazzaro stated that the subject of the Public Hearing was on the zoning change. Mr. Allen felt his point addressed this change as the plans were on file and could be implemented at any time.

Russ Simon of Cushing Road added to Ms. Thompson's comments, stating that there was a footnote allowing the Planning Board to waive the feasibility study. He said he did not know what the point was of number 2 if the market analysis could be over-ruled by the Board if it felt it knew the results. His concern was that if the town was developing an Economic Development Committee, funds for which he believed were in the budget, why the zoning changes were being pushed forward in such a short amount of time at this point. He felt the Committee should have an opportunity to consider the amendment as part of its view for the entire town. He stated although he did not know if the changes for Route 108 were right or wrong, he was questioning why there was a rush to have them implemented before the Committee had a chance to operate. He recommended that there not be a vote to accept or reject the proposal, but that time be taken to ensure it was vetted and all the unintended consequences were considered. Council Chairman Nazzaro said that the Council had not voted for any funding for the Committee yet; the Council had charged the Committee with economic development across the community.

Toni Weinstein of 275 Ash Swamp Road said her concerns were with the amendment's impact on the school and the water and sewer capacity. She said she did not know if this would bring more families into the town, but she did not see how the schools could handle more children.

Rod Bowles of 52 Maplecrest Street, a member of the Newmarket Business Association, said the Association believed the proposed changes were good and the Planning Board had done a thorough job in their development. He invited other members to weigh in on the matter. He said that economic opportunities were in front of them and these were not founded in what had happened in the past. He referred to a 2012 study titled "Housing and School Enrollment in New Hampshire" prepared for the New Hampshire Housing Finance Authority by the Applied Economic Research Organization in Laconia. The study factually stated that multi-family housing brings fewer children into an area than single family housing. He thought that to determine the effect on the tax base, one could compare the evaluation of property assessments on 2 acre lots with single to those with multi-family housing. He felt that critical thinking of that nature would allow Newmarket to be on the cutting edge in attracting development dollars while they are available. He said the Association recommended that the Council make minor wording changes to the amendment if necessary, but to vote it in and move ahead in a positive direction for the benefit of the community.

Rose-Anne Kwaks of Wadleigh Falls Road, a past member of the Planning Board and ZBA, said she felt the ordinance would not benefit the town at the time. She had attended the Economic Development Committee meeting when an economic consultant spoke. She said that during the budget process, she remembered Councilor Zink insisting that money be put aside for a consultant. She said the Master Plan stated that the town should use an economic consultant. At the meeting, she said the Committee discussed what it could expect from a consultant. The consultant spoke about what direction he should or could provide to guide Newmarket toward positive growth. He said this would not just enhance the developer's bottom line. It seemed that was the only consideration in developing the ordinance because a business would not go in without the addition of multi-family housing. She said the ratio of multi-family to single family housing in Newmarket was 50% compared to 15% in towns of a similar size in New Hampshire, and the ordinance would increase that ratio further above the norm. She had also watched the Planning Board meeting of February 12th, when Chairman Shelton brought up the question Councilor Wright had asked about the unintended consequences of the ordinance. She said that Chairman Shelton had said she would probably write a letter with an amendment recommendation. Ms. Kwaks thought she recollected that the Planner had said that if there was an amendment, there would have to be another posting for another public hearing, which would occur after Councilors LaBranche and Zink were no longer on the Council. She said Chairman Shelton did not want to do that, and instead wrote a letter to Councilor Wright, which Ms. Kwaks believed circumvented the policies of the Planning Board. The letter had been signed by Ms. Shelton as a Newmarket resident, and it included the proposed amendment to the ordinance. Ms. Kwaks said she felt the Economic Development Committee should be allowed to use the funding set aside in the budget for a consultant to help them develop properties the way they should. She also thought that they should not be proposing or changing ordinances until they had an economic consultant and the codification of ordinances was completed because they did not

know if the ordinances were valid. She said they did not want to do things as they had in the past, referring to 13 Water Street and Fox Hollow. She felt the ordinance was being pushed through for the wrong reasons and it would not benefit the town.

Bert Allen of Moody Point wanted to clarify something about what was said concerning the letter Ms. Shelton signed as a citizen. He said a person has a right under the First Amendment to send a letter or an email that is not signed by the Planning Board to their constituents.

Chris Nickerson, a project manager with the development firm Key Nickerson and Associates, asked if it would be appropriate for him to show plans for a property within the area proposed for rezoning. He was present as an owner's representative for Milton Elms, LLC. Gary Decker was the owner of the property on the corner of Route 108 and Elm Street. Mr. Nickerson said his clients supported the zoning change, and wished to develop the property, which was an 1827 mill proprietor's home, in a manner that would be consistent with the area. The plan would include 11 townhouses in three buildings, offices and businesses in the house and sufficient parking. He explained that this project would increase the tax base from approximately \$20,000 to about \$87,000 per year with little impact on the town.

Gerry O'Connell of 26 Grant Road, a member of the Newmarket Business Association (NBA) and past and present Economic Development Committees (EDC), said that he supported the change. He said the first EDC had helped update chapter 6 of the Master Plan. He felt that the new EDC was beginning where the first one left off, but he had the sense that some on the new EDC wanted to delay and have a study done of the proposal. He said a study had been done. He did not agree that this was being railroaded through as the preparation of the change had taken about 18 months. When he was a member of the ZBA, he noted that there were some projects which he felt would have been beneficial to the town, but could not be approved because of restrictions. He said that the ZBA had recommended that the Council look at zoning changes at that time. He said the proposed changes had been diligently prepared and included feasibility studies as a protection for the town. He didn't think the town needed someone to tell them that Newmarket needed to move forward and expand its tax base. He referred to a demographic study which had been done by Ross Cantrell in 2012. The study, which is available on the school's web site, reported that population and school enrollment was decreasing in New Hampshire.

In reference to the impact of multi-family housing on schools, Mr. O'Connell presented statistics on school enrollments by types of housing. A single family detached house averages .54 pupils; a single attached home, .34; a two unit structure, .38; three and four unit structures, .34; a five unit structure .21, and mobile homes, .34. The average number of pupils for all housing is .45. He felt multi-family housing had less impact on the schools while increasing the tax base. He handed the report to Town Administrator Fournier, who will distribute it to Council members before the March 6th meeting. He referred to an on-line report done by four agencies on the facts and the myths of higher density development. One of the myths was that higher density over-burdens school, services and infrastructure. The fact was that it is the nature of who lives in multifamily housing, and single structures bring more children to the schools. Also denser development requires less infrastructure support. Another report concerned property taxes on apartments which are indirectly paid through rent. The report said that apartments have less impact on the schools and roads than single family homes. Mr. O'Connell said he would gladly send these reports to anyone who asked.

Bert Allen of Moody Point referred to an article on storm water runoff that appeared in the February 13th edition of "Foster's". Newmarket was one of the towns listed, and the article suggested the EPA would be making further demands for runoff treatment. He thought that the parking lot of the proposed Elm Street development should be deeded to the town so that it could control runoff and increase revenue. He said this was done in other towns.

Rose-Anne Kwaks of Wadleigh Falls Road, in reference to a suggestion that the change not be delayed, said that that if this was a good ordinance now, it would also be good in a few months. She spoke of tension at the EDC meeting when the subject of delay was brought up. She questioned a statement that the ZBA was in favor of the change. She cited 3 places in the ordinance where the ZBA was replaced by the Planning Board: preparation and acceptance of fiscal impact statements and market analyses. She said the ordinance mentioned ensuring a reasonable expectation that a project would be viable and self-sustaining, but that it cannot be predicted in an ordinance that a property will be self sufficient. She said she did not know if the 2012 graphs presented by Mr. O'Connell depicted a specific town and if that town had multi-family housing percentages as high as Newmarket or percentages as high before it added more housing. She spoke about the letter that Ms. Shelton had sent to Councilor Wright. She stated that the ordinance had taken 18 months to produce, and Ms. Kwaks could not expect the Council to properly vet the change in 2 meetings. Ms. Shelton had written, in response to Councilor Wright's question about unexpected consequences, that they had analyzed all sides of the issues, but with this, as well as with all projects, without significant resources it was difficult to project every possible outcome. Ms. Kwaks said that was the reason that money was set aside in the budget by the Budget Committee to hire

an economic consultant. She said another important issue was that the ZBA had authority over structure heights, set backs, etc. which now would be handled by the Planning Board through Special Use Permits. She next referred to Mr. Allen's comments about free speech, and while she was in favor of free speech, she felt that Ms. Shelton's signing of the letter as a citizen rather than as Chairman of the Planning Board, intentionally circumvented the process required to add an amendment.

Russ Simon of Cushing Road asked if the statistics that reported a single family home on one acre produced .5 children and a multi-family building on one acre produced .3, was the study based on units or on the total structure. If the report was based on units, then he felt there could be more children per acre than in a single family home. Council Chairman Nazzaro said he could not answer as to how the figures were put together for the study. However, in Newmarket, the number of students coming from multi-family housing was approximately 14%, and if 58% of the housing was multi-family, that meant that 14% of the students came from a larger percentage of housing. He then reminded every one that there would be no vote on this ordinance at the meeting.

Gerry O'Connell of Grant Road said that a multi-family home on 2 acres pays more in taxes than a single family home on the same acreage. The impact on the schools is lessened by the larger amount. He explained that the ZBA has specific criteria to grant variances or waivers. He said the ZBA had sent a letter to the Town Council because there certain things it could not address, and zoning needed to be changed to make the town more economically viable. He said there was some tension at the EDC meeting when the subject came up about delaying the ordinance. He felt that Newmarket's way was not to push or railroad things through, but to delay. He did not think they should stop the process for a consultant on this change, as he felt it was good for the town now and had not been rushed through. He said that if a consultant in the future thought this was not the best way to go, the zoning could always be changed again. He said it came down to those who thought the ordinance was a good idea voting for it, and those who did not, voting against it, but there was no reason to delay the process for the opinion of someone who might be hired in the future. He said the Mill development, which took 20 years to pass, was now looked at as a very successful project and discussions about that project were similar to the ones heard during the evening's meeting. The Mills are zoned M-2 and have a balance between commercial and residential uses. Of the 112 apartments, 60% are two-bedroom, and there are approximately 5 children. In the 400 units by the same developer in area towns, there are between 10 and 15 children. He said that when Newmarket Mills pays its full tax assessment, that amount will more than outweigh its burden on the schools.

Chris Nickerson, representing Milton Elms LLC, in response to deeding the parking lot to the town, said that perhaps that could come up in the future, but his clients were interested in moving forward with their project now. They had owned the property for about a year, and had spent quite a bit of money in restoring the mill proprietor's home. He felt that their project would be on par with that of the Mills. He said his clients had to have more incentive to develop the property than the current B-1 zoning provides. The house has 8 existing apartments, which is a pre-existing, non-conforming use.

He said the types of businesses allowed in a B-1 zone would be out of character for the neighborhood, which has a blend of residences and shops. He said they were asking to have the proposed ordinance passed as the present B-1 zoning prohibited appropriate development of the area. He said his clients could seek a variance, but it would make more sense for them to work within a planning framework that was appropriate for the area.

Bert Allen of Moody Point suggested that the parking lot for the proposed Milton Elms project be moved to another part of the property where it could be enlarged. He said the town could then use part of the lot to generate revenue. Council Chairman Nazzaro suggested that Mr. Allen discuss design changes with the developer.

Walter Cheney said he had heard no agreed upon definition of multi-family housing during the discussion. He asked if the Council could define what they thought was multi-family and give an example. Council Chairman Nazzaro said that was an excellent question for the Council to discuss, but he thought there would be multiple answers. Mr. Cheney said it seemed that, even with no definition, that multi-family housing was perceived as putting a higher burden on the tax base than single family houses. He had spoken with Penny Botterman at the school and found out there were 1,056 children in the school system. He had then gone to the assessor's office and found out there were 1,596 single family houses in Newmarket with between 1 and 8 bedrooms, although there was only 1 of the latter. He thought that some people felt that if a residence was not a single family home, it was a rental, but this was not necessarily true. He said some thought that those who rented did not pay their fair share of taxes. He pointed out that the tax system was based on assessed value. He said Councilor Levy had asked at the last Council meeting what the tax benefit would be if the zoning was changed and what the increase in revenues would be on a lot which presently contains a single family house. Mr. Cheney said it was the added revenues that would count, and it was the asset that was taxed, and it did not matter whether a house was occupied by a renter or the owner.

Mr. Cheney said that some people thought that Bennett Way was a major problem in the town and that it did not pay its fair share, while it burdened the schools. He said, according to the school, there were a total of 31 students from Bennett Way and Cherry Hill. He said the entire hill represents \$33M in assessed value. Value is set on the property, not the land, which totals between 15 and 20 acres. He said there was a perception that multi-family housing generates less tax revenue than single family homes. He said 1.8 acre lot with an apartment building on Bennett Way was assessed \$446,000 for land value, and another one lot of 2.1 acres was assessed \$448,000 just for land value. One building was assessed at \$800,000 and another one for \$4.6 million. He stressed that the value was on the property, not the land. He said that some units called multi-family were actually condos that were really single family attached housing and that each unit was taxed individually. He said he thought that some people defined multi-family by Bennett Way and expressed negative opinions of the zoning change. He said he did not know of another property in town that was assessed at \$33M and had 31 children in the schools.

Mr. Cheney said that the unintended consequences that people were asking about existed in the present B-1 zones. There had been no changes within the zones for many years as they were unworkable. Mr. Cheney asked to answer Councilor Levy's revenue question by showing a project he had brought forward. Councilor Levy said that Councilor Wright had asked the original question. Real estate tax on the property is \$10,000, but with proposed changes would have been \$53,000. He felt the project would have had a positive impact on the town, but with the present zoning he could not go ahead as the ZBA could only work within certain parameters. He said the proposed ordinance was not new; work had gone on for 18 months and public meeting and hearings had been held. The Planning Board was trying to fix a problem, and its responsibility is to see that planning is done properly. He felt there was something wrong if the Town Council felt it had to redo what the Board had done. He said the Board would not have brought the zoning change before the Council if they did not think it was necessary. He said that unintended consequences originally brought the problem to the Board, and the changes were not meant only to favor developers. He hoped the Council would not think this was new, and disregard the work that had been done. He finished by saying that the perception many had that multi-family housing had a negative impact on the schools was wrong.

Amy Thompson of Lang's Lane said that some, but not necessarily all, people in town had the perception that multi-family housing was Bennett Way. Her reasons for saying that Newmarket always seems to take the band aid approach were multi-pronged. She said this was not just about the taxes and the finances, and a project was not necessarily good because it brought money to the town coffers. She said in the past Newmarket had made mistakes which allowed it to overspend, be greedy and not focus on the prize. To Mr. O'Connell's point, she said it was not about the now, but about the future. She said the Council had a responsibility to review and vet the ordinance, and this should not be interpreted as a reflection on the competency of the Planning Board, ZBA or the EDC. She said it was reasonable for the Council to show due diligence by reviewing the work of its employees. She said she was frustrated in being told repeatedly that this or that project had to be done. She did not feel things should be done by this patchwork method just to get more tax money. She felt that it was the responsibility of the Council to spend more time in review, rather than rubber stamping the ordinance because a lot of time had been spent on its development.

Bert Allen of Moody Point approached the podium and Council Chairman Nazzaro asked him not to speak about parking again. Mr. Allen agreed that they should hire a consultant. He said that Durham had done this and they made money on parking. Portsmouth also made money on parking. He reiterated that parking was essential for business growth. Ms. Kwaks asked for a point of order, and Council Chairman Nazzaro said the Council was well aware of Mr. Allen's views on parking. Ken Jeremiah of Cushing Road said he wanted to speak about the future of Newmarket. He urged that they not compound unintended consequences just to get something done at this point. He felt they should take advantage of the EDC, the Master Plan and the wisdom of the Town Council, and did not think they should proceed with undue haste.

As there was no further public comment the hearing was closed at 8:32 p.m.

#### 4. TOWN COUNCIL TO CONSIDER ACCEPTANCE OF THE FEBRUARY 6, 2013 BUSINESS MEETING

Council Vice Chairman Bentley moved to accept the minutes of the February 6, 2013 Business Meeting. Councilor Levy seconded. Town Administrator Fournier polled the Council. Motion passed 6 – 0 – 1, with Councilor LaBranche abstaining as he had not been at the meeting.

#### 5. REVIEW OF DEPARTMENT REPORTS

Town Administrator Fournier said the total storm costs to the community were \$46,512: \$12,579 in overtime, \$15,598 for rental equipment, about \$7,000 for salt, about \$1,000 for sand, about \$7,000 for fuel and about \$2,500 for breakdowns and repairs. He spoke about the memo from Water and Wastewater Superintendent Sean Greig concerning the decreasing level of water in the town's wells. There had been a decrease in precipitation in the last few years, and the wells were in need of recharging. Mr. Greig will monitor the levels to see if the water plan will have to be changed in May. There is a planned power outage for a few hours either on February 27th or 28th in the area of the school on South Main Street so that work can be done while school is not in session.

Councilor Zink, referring to Mr. Greig's report, asked how alarming it was that the water levels in the Bennett Well were only 6.5' from the low water shut off. Town Administrator Fournier said this was alarming, but they did have some time. He wanted the Council to be aware of this before May, in case a decision had to be made. Councilor Levy asked if the town charged for assisting area towns with fire fighting. Town Administrator Fournier said there was no charge for firefighting as this was mutual aid. However, there were charges for sending an ambulance to another town. Councilor Levy asked about the differences in gas and diesel costs between 2012 and 2013. Town Administrator Fournier said they had used fewer gallons of gas but the cost per gallon had increased. The costs for diesel had almost gone up about 40%, but Town Administrator Fournier thought this might be due to a change or adaptation in vehicles. He will check on the figures. Councilor Levy asked about the section on tenant complaints. The report stated that the town had received several complaints by tenants about landlords, but the living conditions met legal standards. Town Administrator Fournier had written that they were attempting to work with landlords to make their properties more desirable and attract more viable tenants. Councilor Levy asked what the legal standards were. The town can review housing to see that it has running water, heat and sewer and meets life and safety codes. Town Administrator Fournier said about 90% of the complaints stem from a civil matter between the tenant and the landlord, but the town still has to investigate.

In response to Councilor Carmichael's question about fire calls on page 21 of the packet, Town Administrator Fournier said the comparison would be with the same month during the previous year, and there were fewer alarms this year. Councilor Levy, referring to page 41 of the packet and using the recreation budget as an example, asked that previous year's figures be included on the same page with the present years. He said he knew the figures could be found elsewhere, but felt, for comparison, it would be more helpful to see them together. Council Chairman Nazzaro said the road crew deserved thanks for all their work in keeping the roads clear after Nemo. He then commented that it was often easier and more direct to find town documents through Google than on the town's web site. He said this was a matter of managing the information on the site. Town Administrator Fournier said they were going to be revamping the web site, because they also were aware of the problem. Councilor Zink, also commenting on the IT report, said there had been discussions about the town and school working together on information technology. Town Administrator Fournier said part of this related to earlier discussions on his goals, and the town and school were testing shared technology functions. He preferred to bring the specifics to the Council when he was sure that they were workable, as they did not want to promote this until they were sure it would be a success. He was asked to include some information in his report that indicated this was being worked on. Town Administrator Fournier asked that the Council contact him for further information when they first receive the packet so that he could have this prepared for a meeting.

## 6. TOWN COUNCIL TO CONSIDER REPORTS FROM COUNCIL REP. COMMITTEES

a. Planning Board: Councilor Carmichael announced that Arcadia Engineering had received approval for site plan for the 13 Water Street project.

b. Highway Safety: Councilor Nazzaro said there had been no meeting.

c. Conservation Committee: Councilor Wright said the last meeting was well attended. There was a discussion of lot 13 in Moody Point in which Mr. Cheney, Sr. and the Moody Point Association presented their views. It was decided that the 2 groups would sit down together to work out something.

d. CIP/Efficiency Committee: Councilor LaBranche said the CIP Committee was on winter break. He deferred to Councilor Zink to report on the Efficiency Committee. Councilor Zink said the Committee had requested that the Town Administrator and Superintendent of Schools ask the Committee to reconvene when they felt the Committee's input would be helpful. The Committee wanted them to identify issues that they thought could be worked on together.

e. Budget Committee/Economic Development Committee: Councilor Levy said the Budget Committee was done for the year. A consultant, Peter Kwas, had attended the EDC meeting. Mr. Kwas had explained how he approached towns: he

looked at towns within a 30 – 50 mile radius to analyze what was working compared to a community and how to develop an economy of scale. Councilor Levy had asked Mr. Kwas if, when he looks at a town, he considers the town, the zoning and the economic development as a whole, or if he looks at specific lots or large, undeveloped lots. He said he has asked the question because when Ms. Shelton had come before the Committee to present the change from B-1 to M-2 zoning, she had said it potentially would be helpful to have a consultant to look at large tracts of undeveloped land. He felt that some of the comments around the question read more into it than was meant. He said he was waiting for Mr. Kwas to get back to him as to what he could do for the town, at which point he would bring this before the Council for discussion. Councilor Levy felt that they might be able to fund work in phases.

- f. Advisory Heritage Committee: Councilor Zink said the Committee had not met.

## 7. DISCUSSIONS/PRESENTATIONS

- a. Update on Sky Bridge: Town Planner Diane Hardy

Ms. Hardy said that Consultant Scott Bossier of DeBois King and Rob Harbeson from DeStefano Architects were present to speak at the meeting. She gave some background on the bridge. In 2011, the town had received a grant of \$440,000 from the Department of Transportation under the Transportation Enhancement Program to construct a pedestrian bridge over the downtown to service Newmarket Mills. She had come before the Council about a year before to request that they hire DeBois King as engineering consultants. At that time the town had received an additional grant of about \$81,000 from the state toward the expected project cost of \$631,950. Since June, a steering committee including the Director of Public Works, representatives from Stafford Regional Planning Commission, the Transportation Planner for the region, a representative from Newmarket Mills, John Badger, Eric Botterman and Ms. Hardy, had been working with the consultants. She said they were at the meeting to give updates and to present some conceptual plans.

Mr. Bossier showed a diagram depicting the location of the bridge. He said in their initial meeting they had discussed considerations for the bridge, such as an unobstructed sight of view from Main Street and minimization of shadow and dark areas. The bridge would have to meet fire and safety codes, and it was felt that it should be covered for safety and easier maintenance. DOT required that the clear span from the street to the bottom of the bridge be at least 15'6", although it would have preferred 17'6". He and DeStefano Architects prepared a first conceptual drawing of the bridge. It included an elevator and enclosed staircase and was accessible from both sides of Main Street. The original cost estimate for the bridge had not included the engineering portion of the project. The first conceptual plan came in at about \$1.3M, which when added to the current phase of the project would bring it to a total of about \$1.18M. As this was well above what the town had received, the Committee met again with the consultants to determine what the essential elements of the project should be. Eliminating the lowest stair tier level helped reduce the cost to about \$950,000. Next, they eliminated the entire stair tower, extended the bridge and were projecting ramps that would lead to the parking area. This would eliminate two parking spaces. This reduced the cost to about \$780,000, and he said that DeBois was not able to cut the cost any further and meet the minimum required codes and the goals of the project. He said their original idea was to build a skeleton bridge with updates that could be phased in over time.

Mr. Bossier showed a photographic rendering of the proposed bridge. They had filed an initial project review request with the New Hampshire Department of Historical Resources, as one of the requirements in meeting the terms of the National Environmental Protection Act. He felt the plan would be accepted. He said they were in communication with DOT about further funding, but that did not look promising as the grant had been signed into law with the Federal Highway Department, and projects from the old bill cannot extract funding from the new bill. He said they had kept DOT apprised of their efforts to stay within funding. They had asked DOT about additional funding, but his understanding was that all available funding had been allocated or was currently in use. Councilor Wright asked if it was necessary to have heat in the bridge. Mr. Bossier said that regulating the temperature inside the bridge was necessary to reduce moisture and prevent the windows from fogging up and to reduce the temperature in the summer.

Councilor Carmichael asked where the thermostat would be located. Mr. Harbeson said there probably would be a thermostat somewhere in the control room inside the building. He added that, as the space is considered temporary, the air would be conditioned or tempered mostly to prevent moisture buildup and intense heat in the summer. Councilor Carmichael asked about the placement of the piers for the bridge. They would be located on the outside of the street sidewalk, but the exact placement would be determined during the design phase. Some bore holes had been drilled to get an idea of proper footings. There would be ample room for plows and sidewalk clearing. Councilor Levy said that, looking at the challenges for the project, they were basically servicing one building and not the whole town. He questioned the need for a roof over the bridge, stating that the bridges spanning Storrow Drive were not enclosed. He felt

this would realize further cost savings and crossing the bridge would be fine for 90% of the year.

Mr. Bossier said the committee had discussed this, but even if the bridge was roofed but not enclosed, snow and ice would collect on the bridge and someone would have to remove it. He said Councilor Levy's point was valid, and had been discussed at length. Councilor Levy noted that the bridge had been extended. Mr. Bossier said the bridge had to be free-standing so there would be no impact to the foundation of the burned out old mill foundation next to the site. The bridge had been slanted to reduce the number of stairs and ramps required and eliminate the elevator. Councilor Levy said that the parking lot was not covered and he felt that whoever maintained the sidewalks and parking lot could also remove snow from the bridge. Councilor Levy said it seemed like an enormous expense to enclose and heat the bridge, and asked what the savings would be if it were not enclosed. Mr. Bossier said he would bring the point back to the committee, and estimated the savings would be between \$100,000 and \$120,000.

Council Vice Chairman Bentley said he agreed with Councilor Levy about the money that could be saved, and asked the Town Administrator who would pay the cost of heating an enclosed bridge. Ms. Hardy said they were working on an agreement with Chinburg Builders, with the intent that the firm maintain the bridge over time. She offered to share the draft of the agreement with the Council. Councilor Zink said the enclosed bridge looked to him like a mill, rather than a town amenity and he too questioned the need for it to be enclosed. Council Chairman Nazzaro asked where the bridge would enter the building. It would be in the public, business lobby on the third floor adjacent to an elevator and stairs. He asked what the alternatives were for glass enclosures that would not create a chain-link-fence appearance. Mr. Bossier said that the sides could be made of a steel mesh/grid, and his original proposal had phased in the addition of glass on the outside of mesh. To Council Chairman Nazzaro's question, he said he would bring the idea to the committee of perhaps adding glass at a later time. Council Vice Chairman Bentley said he would be glad to have any sort of a bridge there, and hoped that they did not get into the all-or-nothing mentality.

He said the Council had committed to not go above a certain dollar amount. Ms. Hardy reviewed the budget details for the Council. She said that as of that time, they had \$520,950 available from the state which was 80% of the original estimate, and the Town and Chinburg Builders would each pay 10% or \$63,095. She said the total cost of the project with available funds was \$631,950, which, with the current estimate left them with a shortfall of \$148,950. This was lower than the original design. Councilor Levy asked if the cost of the project was lowered would the state consider giving the town a higher percentage of the cost. Ms. Hardy said the federal/state grant would be 80% of the project, with a requirement of 20% in matching funds. Mr. Bossier said the next steps for the project would be to finalize the engineering and agree on the design. Once that was done, they could move on to design development, completing the documentation required for the grant, and advertising. He said that if everything went efficiently he hoped construction could begin in October or November.

Councilor Levy asked if there would be height limitations posted for vehicles, and if tall vehicles would have to take an alternate route to 108. Mr. Bossier said that DOT had determined that the height had to be at least 15'6", and even the sloping part of the bridge was elevated 17'1" above the street, slightly below DOT's preference of 17'6". He said that standard trucks would fit under the bridge. Councilor LaBranche said they had starting discussing the bridge as an enclosed structure, and asked if that was a part of the agreement with the state for grant money. Ms. Hardy said they would probably have to prepare some modification documentation on the project. This would be submitted to STIP, which intends to begin its review process in April. She said an amendment would not reflect on the 80% ratio of the grant. Council Chairman Nazzaro said that the town would also benefit from the pedestrian bridge. He said there was currently a public safety issue for those attempting to cross the street in the downtown. He said that everyone agreed that they were looking for a safe and economical way to solve the problem.

#### b. Discussion on Amendments to Zoning Ordinance #2012/2013-02

Council Vice Chairman Bentley said he had heard from some townspeople that they felt the cart was being put before the horse and they felt, as he did, that a decision was being rushed. He felt that if this was a good ordinance, it would be equally good in a while. He questioned why it was thought that a proposal that had taken 18 months to develop would pass in 18 days. He said he was learning more about the zoning change, and felt they needed more time to understand it completely. He had asked Councilor Levy to find someone who could look at the changes, and he had found Mr. Kwas. He cited Chapter 5 of the 2001 Master Plan, which seemed to contradict some of what was proposed in the new ordinance. He said even if the plan was old, it still was the document that they were going by. He felt he could not vote yes or no on the ordinance at this point, as he wanted to know more about it. He said he would like to find out how long a study would take and how much it would cost.



Councilor Wright said that 2 developers had come forward with conceptual designs during the hearing, and asked if anyone else had come forward with proposals. Ms. Hardy said that proposals were on-going. She said they have had on-going discussions with Mr. Chinburg about Newmarket Mills as a two-phased project, the second phase of which involves developing the property behind the library for a small retail establishment. He was also speaking with some one who was thinking of renovating the Riverdale property perhaps as a restaurant. Ms. Hardy said the purpose of the zoning change, in addition to providing for mixed-use development and commercial expansion, was to utilize in-fill development in the downtown area, where there were 4 – 5 tracts of land that could be developed. She said they had been asked where the best areas for housing growth were: in an area close to services that favored pedestrian traffic or further out which would encourage sprawling development. She said the Master Plan talks about long-term growth, but the Planning Board wanted to be in the driver's seat to determine where the growth occurs. The Board felt that the best area for growth was in the more urban, compact area. She said the housing section of the Master Plan was out of date. Since it was written, the state has enacted a work force housing law, which requires communities to have a certain percentage of its housing for the work force.

Councilor Levy referred to page 93 of the packet concerning permitted uses. He asked what the design rules were for structures requiring 3 or more residential units. He said it had been implied that they would be mostly one bedroom and not house children, although he felt that had been overstated at the meeting. He said there was nothing that would prevent an office or den being converted a bedroom, and a tenant could not be told that another person (child) could not live in the apartment. He said he would relate the ordinance to the Master Plan. The ordinance removed the ZBA in several places and replaced it with the Planning Board. He said the fiscal impact statement clause had removed general impacts and assessing school impacts in particular. He thought the table of permitted uses gave a lot of discretion to the Planning Board. He did not know why the school impact was removed, although he did not think that school impact was the first and foremost issue with multi-family housing. He said the market analysis could be waived at the Board's discretion and the part that stated "...in a community which already has an over abundance of multi-family housing" had been removed.

Councilor Levy said that #4 under permitted uses, by saying that structures without a commercial use within the building could have 4 residential units, would not increase business in town. Ms. Hardy clarified that there could be a maximum of 6 buildings per acre, with a maximum of 4 units be building. Councilor Levy said that if there was no commercial use proposed for a building, could there then be structures that were built exclusively for multi-family purposes with 4 residential units. Ms. Hardy said this would require a special use permit, and the Planning Board would require a fiscal impact statement including that of the impact on the school. The project would have to show a positive impact before the Board could issue a special use permit. He said he did not like that the Board could waive the feasibility study if it wished.

He said that page 5 of the Master Plan showed that the town discouraged further multi-family housing in town. "To broaden its tax base, the town must slow residential growth, encourage sensible non-residential growth and increase the value of its residential tax base. With the possible exception of elderly housing or retired communities, the town should discourage further multi-family complexes so that the town's mix of housing is more similar to the regional distribution with about 60% single family detached units. Single family units will typically provide more tax revenues per unit than duplex or multi-family units and demand less in community services. The town needs to encourage growth so that the town's mix of housing shifts to a more normal pattern with about 60% single family houses. "

Also on page 5, there is mention that the town should consider additional set back requirements and if possible density restrictions for future development in the watershed area. This was a recommendation to "address the high number of multi-family units in Newmarket through ordinances and regulation", which he felt the proposed ordinance expressed the opposite action. It continued: "limit the number of multi-family units to bring the distribution of housing types back into the regional and state norms." He said with the state asking for more multi-family housing, he felt that Newmarket had more than done its share. He quoted from the Master Plan again that, "particular forces should be on the trend for conversion of older, large single and duplex units into multi-family apartments which increase the density and also increase impacts on town services and parking requirements." He felt that point had been left out of the earlier discussion which tended to focus on the schools. He was concerned about the impact on the infrastructure, such as water and wastewater, which the town was having trouble funding. He said they were facing a building moratorium on building if the water supply did not increase and it would take a minimum of 2 years to develop a new well. Also, it would take a minimum of 4 years to address the wastewater situation. He said that police, fire and parking would also be impacted.

He again quoted from the Master Plan, that "causing congestion in the village area, while not proportionally contributing to the tax base ... This approach should reflect the historic pattern of the downtown area, however, where densely populated should and always have been found. This is particularly where the town seeks to develop a vibrant downtown." He said he felt they had done that. His concern was that they were doing the opposite of what the present Master Plan

recommended which he thought they were obligated by the state in some way to follow. He said he was not against the ordinance in general, but he felt that it required a more thorough study. He said when about unintended consequences, they shifted, but he felt there were more issues that would be covered by further vetting the proposal. He thought the positive part of the proposal would be in establishing a few businesses and developments that theoretically would look better than what they had now. He was not averse to that or density, but felt they had to find the right balance for density. He felt they had to go about the process properly, vet it properly and not throw out the baby with the bathwater to placate 3 or 4 developments that needed a certain density to proceed.

Council Chairman Nazzaro said he appreciated the downtown and the concept of expanding the area appealed to him. He stated that he had done research on the issue. He said the premise that Chapter 5 of the Master Plan drew on was that multi-family housing puts an excessive draw on services. He said he did not know if that was true 11 years ago when the plan was written, and he would like to hear more about the analysis the Planning Board had done over the last 18 months. He knew from his research that this was not true now for the schools as only 14% of students lived in multi-family units. He added that water and sewer were a concern for the town, but as a rate payer, he appreciated spreading the costs over a larger number of rate payers. He said if the well does not pass, the town would have a building moratorium and the proposals would not take effect. He said the zoning change would not be an excessive drawer on water unless the well article was defeated at which point there would be no development in town. He said he questioned some of the premises now on which Chapter 5 of the Master Plan was based. He said based on the type of development he had seen proposed during the meeting, he felt it was in character with the area. He said he was inclined to support the proposal.

Council Chairman Nazzaro said he had 2 questions. There were several places where the Planning Board was taking authority from the ZBA, and he wondered about the purpose of this shift. Ms. Hardy said that the ZBA was governed by state and case law. Before it can grant a variance, it has to meet a strict and specific legal test. She said the ZBA deals with legal arguments in attempting to balance the rights of the applicant with the general public interest, and it is very difficult to prove the criteria for a variance or special permit. The ZBA had said that there had been some projects that would benefit the town, but they because of their strict guidelines, they could not approve them. She said the previous EDC had thought the development process needed to be streamlined, so that a developer only had to go before one board for approval within a reasonable time. The purview of the Planning Board is in reviewing design, and design issues, such as appropriateness of a development to an area, are being shifted to it from the ZBA. She said this was backed up by state law. She said they were trying to streamline the process to help facilitate development. His second question concerned the trust deficit in town and the school of thought that the zoning change was being proposed to benefit a specific developer or development. Ms. Hardy said that they had developers coming in on a regular basis to test the waters for their projects, even during the time period when the economy was at its lowest. She said they had not experienced a developer coming in demanding a zoning change for a project. She said she had suggested that developers wait until everything was fully vetted and to see how this process unfolded before going to the ZBA. She said they had no specific developer in mind when they were working on the proposal. She said there were developers who were interested and that was a good thing to move things forward in town.

Council Vice Chairman Bentley moved to continue the meeting past 10:00 p.m. Councilor LaBranche

seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried

unanimously, 7 – 0.

Councilor Zink said that he is a developer in the Cambridge, Somerville and Brookline area, and the communities were extremely welcoming to developers. He said if he were interested in developing in Newmarket, he would not want to wait until the politics played themselves out, but would go somewhere else. He said as a developer he would go where the definitions were clear, even if they were not inviting, and would not want to get involved in this. He stressed that the Zoning Board, the Planning Board, including their Council representative, and the NBA had all recommended the zoning change to the Council. He said due diligence was appropriate. He said the most important thing he had learned at the meeting was that multi-family housing might not be a drain on the town. He said he did not think it appropriate to discuss whether or not this was true, when they should be trying to find the facts. He said he had heard in many earlier presentations that the vote on the ordinance should wait until an EDC study was done. He pointed out that the Council had voted not to fund the EDC, and there was no money and no outstanding RFP for a study. He felt if they were waiting for that study it would be a huge mistake. He said he would like to see the Council make a statement that it would make a decision within a certain time frame, rather than indefinite postponing for more studies. He felt they could spend some time getting more information about the ordinance, but to delay the decision indefinitely was not fair to developers or to the community.

Councilor LaBranche said that he and the other Council members took their positions seriously and he respected the fact that Planning Board members took their positions seriously also. He said as a Councilor, he didn't follow everything the Board did, but he felt it knew what had to be done and had spent a fair amount of time on the ordinance. He said they put people in places to help guide the town, but when these people present an idea, they are told we don't like it and will get someone else to present another opinion or just postpone making a decision. He said this pattern has been bothering him for a long time. He said with this zoning change, he could appreciate that there would be additional users of the water and sewer system, both of which have to be fixed. He said that while Mr. Greig had told them there would be no increase in water rates, the sewer rate hike scares him. He said he had heard, even before being on the Council, that the town needed a development process that was more inviting and streamlined. He said that the change would make it possible for a developer to go to one board to see what was necessary for project approval. He made a distinction between streamlining and rubber stamping. He agreed with Councilor Zink that they could not wait to make a decision until the EDC came back with a study or different opinion, which the new Council probably would not listen to either.

Councilor Carmichael reminded Council Chairman Nazzaro that he would not be present at the March 6th meeting. As it was felt important to have a full Council for a vote, this could be held until the new Council has its March 20th meeting. He was going to check if the Charter provides for calling in a vote.

Council Vice Chairman Bentley said he had no reason to doubt the numbers that Mr. Cheney presented on school children in the Bennett Way/Cherry Hill and Lita Lane area. However, he felt there was an impact on the police in the frequency of calls to some of the units. He said he was one of the first to suggest a study, but did not know what that would cost or how long it would take. He felt if this was a good proposal, it would still be good in a couple of weeks or a month. He wanted the time to get more information and know more about the ordinance and he did not think waiting a couple of weeks should scare any interested people away. He said as far as the suggestions of political overtones, he could say that all his decisions were based on what he thought was best for the town. He said he had heard overwhelmingly from people that more facts were needed, and if it had taken 18 months to prepare the ordinance, it should take more than 18 days to understand the information and make a decision. In addition, he said they still had to follow the Master Plan even though it was old and out-dated. He said he did understand the point about a study taking too long.

Councilor Wright said he had heard some comments that the ordinance was an attempt by the Planning Board to grab power from the ZBA. He did not believe this and said some communities have one committee for developers to go to. He said the last thing a developer wanted to do was go before the ZBA with his lawyer, and then to have to continue bringing him back. He said that if the town could attract responsible growth, he felt that was a good thing. He felt more developers would be attracted to Newmarket if it had this one-stop-shopping approach. He asked if there was an example of a town in the area that had this approach. Mr. O'Connell said that Dover had changed to form-based zoning, which meant that they could look at doing anything in any district, but they were doing this responsibility. He said the town had a development package that it gave to developers to inform them of what they needed to do. Developers still had to go before the appropriate boards, but knew the expectations and the process. Mr. O'Connell thought he had a copy of the package which he would email to everyone.

Councilor Levy said he was not suggesting that they not implement parts of the zoning change. He agreed to what Councilor Zink had said about getting back to developers within a reasonable period of time. He said that in his experience as a business owner he had gone before both Planning Boards and Zoning Boards only to be shut out and said he could sympathize with this being a frustrating process. However, he did not think it fair to say that Newmarket was an unreasonable and unreceptive town. He had asked Peter Laughlin, an attorney, if he thought this was true of Newmarket's zoning, and been given the reply that Newmarket's zoning was more reasonable, lenient and flexible than most towns in the area. Regarding Dover's form-based zoning, he said he did not know the percentage of multi-family units in Dover, but would assume that it was lower than Newmarket's which ranks closer to what would be found in a city. He said he was not trying to kill the ordinance or table it until it died. He would like to work with those that had viable projects. He said that having mom-and-pop structures, with a business on the street level and residence for the owner above were very different from having a business on street level with multiple apartments above or a structure with 6 residential units only.

Councilor Levy said that in regard to Councilor LaBranche's point, he did not want to ignore what the Planning Board had said. He said he did not think the Planning Board had received outside help in developing the ordinance, and that the Council was ignoring recommendations that had been offered by a hired consultant. Regarding the Master Plan, he questioned why it included statements about the impact of multi-family housing if they weren't true. Council Chairman Nazzaro said he had questioned the statements in Chapter 5 and wanted to get impact figures from the police and fire

departments. He said that for 2012, at least, the statements regarding impact were not accurate for the schools.

Councilor Levy said he was not just talking about the school, but a wide range of services. He said if the zoning was changed and someone came in with a proposal, the state was not going to declare a moratorium in two weeks, and the town could see increased demands on its infrastructure. He said he was not advocating discarding the proposal, but wanted sufficient time to absorb the information and find out if the statements made in the Master Plan were true.

Councilor Wright asked if it was correct that the ordinance required that there had to be 2 parking spaces provided for each residential unit. Ms. Hardy verified that this was true, and said if the lot was too small to accommodate the parking requirement, no residential units could be built. Councilor Levy asked, in the case of larger lots that included a business and residences, how they would accommodate for parking for business customers in addition to parking for residents and perhaps their guests. Ms. Hardy said the parking requirements in a B-2 zone were different from those in an M-1 zone. The B-1 zone has a schedule that requires a certain number of parking spaces based on the square footage of the building and the use. Parking in M-2 zoning is based on International Transportation Engineer standard determinations of spaces found necessary to accommodate parking for a business type. In addition, Newmarket had included the requirement that 2 spaces be set aside for each residential unit. She said that in M-2 zoning there is also the opportunity for shared parking, which can be worked out through a lease agreement with the town or another entity. She said another method would be by contributions to a parking fund, which could be considered in the future. In any case, any proposal for more than 3 residential units would have to have a site plan review by the Planning Board. She said if there were traffic or parking concerns, the Board had the authority to require a traffic impact study which would include steps to be taken that would mitigate the impact.

Councilor Zink wanted, even if it was not appropriate, to make a request of the Council. He said that he had spent a lot of time trying to understand the issues because he knows how important they were to the community. He would not be on the Council when the vote was taken, but would like a commitment to a schedule for resolution of the issue from this Council before it was replaced. He felt this was important to those interested in development and revenue generated from development as well as the whole community. Council Chairman Nazzaro said they could decide that at the next meeting. Council Vice Chairman Bentley, in reference to Councilor Wright's comments, said that he had been appalled at the red tape that people had gone through to establish their businesses. He said he was a huge supporter of business, and he, along with other Councilor's had advocated cutting the red tape. He said that his wanting more time to further understand and gather information about the issue did not mean he was anti-business.

Town Administrator Fournier asked for clarification for himself and staff as to what information the Council was seeking for its next meeting or for the following meeting. He said he had heard that some wanted a study done, but he wanted to know the subject of the study. Would it be the impact of this zoning proposal on municipal services, or zoning in general on municipal services. He said if it were the latter, he would need further clarification. He said that even if a study was done, he felt there were still procedural questions that had not been answered in any of the sessions. He thought it would be beneficial to schedule a future session with the Planning Board before action was taken on the ordinance. He felt it important for the Council to know the intent of the ordinance, as individual Council members were interpreting this differently. He had sent a memo earlier about certain procedures, including reposting for another public hearing, which had to be followed if the ordinance was amended. He did not feel it was a bad thing to sit down and study and discuss the proposal more before reaching a decision. He agreed that the town should make a decision one way or the other, and not just let issues die on the vine.

Council Vice Chairman Bentley said that Councilor Levy had asked about impact fees, and whether the town would still collect them. Someone else had asked for worst case scenarios that occur if the zoning was changed. Councilor Levy said he thought they could set a reasonable time frame for some of the answers to some of the questions that had been asked. He wanted clarification on the housing chapter in the Master Plan, and the thought that Newmarket was not as flexible as other towns in zoning. He suggested that Councilors send their written questions to Town Administrator Fournier, and perhaps an expert could be hired reasonably for a short amount of time to prepare the answers. He said he felt setting a time frame was appropriate, and that the goal was to take time for due diligence, not to let the issue die on the vine. He said they needed clarification of the many contradictory statements that were made at the meeting. He thought it was a good idea for the Council to sit down with the Planning Board, and that Councilors Zink and LaBranche also be invited to give input from their research and the meetings they had attended. He said he had an issue with the process and the time line, along with the other issues he had brought up at this meeting. Town Administrator Fournier said the Council should vote only when it felt comfortable doing so. Council Chairman Nazzaro asked that Council members get their questions to the Town Administrator by Wednesday, February 27th.

## 8. NEW BUSINESS: Closing Comments by Town Councilors

Councilor LaBranche asked if there was any money set aside in the budget for consulting and if there was time to send out an RFP. Town Administrator Fournier said there was \$2,000 in the 2014 for consulting, but he would look for the funds, if not in the budget, then in other places. Councilor Levy said an RFP was a good idea, and if they wanted to make a decision in 60 – 90 days, they could probably find someone who would do the work reasonably, perhaps with the \$2,000 that exists. As an example, he said that Peter Kwas was going to send a phased cost estimate to the EDC and Town Administrator. He said he would not have a problem if the Council wanted to deal with the issue independently from the EDC.

Councilor Levy thanked the Newmarket Fire Department for their response to a fire at his home during a blizzard. He said they were amazing, professional and thorough. Council Vice Chairman Bentley said the girls' basketball team had won the previous evening and would be playing again on Friday. The boys' basketball team had won in overtime, and would be in the playoffs on Tuesday, the 26th. He encouraged the community to go out and support them both. Councilor Carmichael said that Officer Jordan and the EMTs had responded to a call when an elderly neighbor had fallen. He said they talked to her while they were attempting to get in the house and that they had done a great job.

9. ADJOURNMENT : Next meeting March 6, 2013

Councilor LaBranche moved to adjourn and Council Vice Chairman Bentley seconded. Motion carried unanimously, and the meeting adjourned at 10:44 p.m.

Respectfully submitted,

Ellen Adlington,

Recording Secretary