

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

SEPTEMBER 5, 2018 7:00 PM

TOWN COUNCIL CHAMBERS

Approved September 19, 2018

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

EXCUSED: Councilor Zachary Dumont

ALSO PRESENT: Town Administrator Steve Fournier, Facilities Director Greg Marles, Environmental Services Director Sean Greig, Neil Cheseldine of Wright-Pierce, and Renee Bourdeau of Horsley Witten

AGENDA

Chairman Dale Pike welcomed everyone to the September 5, 2018 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

Chairman Pike opened the Public Forum at 7:01 pm.

As no one from the public came forward, Chairman Pike closed the Public Forum at 7:01 pm.

PUBLIC HEARING – CDBG Grant Money for Upgrades to 50 Residential Units at Great Hill Terrace

Chairman Pike opened the Public Hearing at 7:01 pm.

Town Administrator Fournier said Community Development Block Grant (CDBG) funds were available for towns through the New Hampshire Community Development Finance Authority (NHCDFA), with up to \$500,000 annually for public facilities and housing projects, and \$350,000 for emergency activities that directly benefit low and moderate income persons. He said the purpose of the hearing was to update the public on the progress of the CDBG grant Newmarket was awarded for \$500,000, less \$25,000 for administrative costs. He said the remaining \$475,000 was sub-granted to Newmarket Housing Authority for upgrades to 50 residential units at Great Hill Terrace, with the first phase complete and the second to

be completed by October. He said the third phase, which was the sewer project, would go out to bid shortly.

As no one from the public came forward, Chairman Pike closed the Public Hearing at 7:03 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of August 22, 2018

Vice-Chair Weinstein made a motion to approve the minutes of the Regular Meeting of August 22, 2018, which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of August 22, 2018 were approved by a vote of 6-0.

REPORT OF THE TOWN ADMINSTRATOR

Potential Changes in Recycling: Town Administrator Steve Fournier stated that due to increasing costs, municipalities were looking at ways to save money by changing the recycling of certain materials. He said Newmarket was a consortium with Newfields and Stratham for waste services and they were trying to find ways to reduce costs, one idea being automated recycling collection. He explained that the Town would supply new 91 gallon recycling bins with lids and wheels with pick-up every other week. He said they were also eligible for grants from conservation groups. He said Casella was trying a system in Maine using RFIDs, or radio frequency communication devices.

ARM Grant: Lubberland Creek/Bay Road Crossing Restoration: Town Administrator Fournier stated that Newmarket and the Nature Conservancy submitted a grant application to ARM (Atmospheric Radiation Measurement) for restoration of Bay Road's crossing of Lubberland Creek. He said the project would achieve 3 goals: (1) restore aquatic connectivity at the system's tidal/freshwater interface, (2) enhance resilience of the Lubberland Creek saltmarsh by removing existing tidal restrictions to allow upstream migrations, and (3) remediate the flood hazard of this road-stream crossing. He said the Town would lead the project management and construction, with Nature Conservancy responsible for post-construction monitoring. He said the total cost was estimated at \$411,500 and the Town was requesting \$200,000 from ATM through the Department of Environmental Services as well as other grants.

NHMA Legislative Police Process: Town Administrator Fournier said councilors should have received notice of the FY2019/2020 NHMA Legislative Police Conference, which determines what issues it will lobby for on behalf of municipalities. He said the NHMA Board of Directors oversees NHMA advocacy activities, and Legislative policy positions direct the board and NHMA staff in representing municipalities before legislators and State agencies. He said in spring of each even-numbered year the NHMA formed legislative policy committees addressing different aspects of municipal government, and the three committees this year were: Finance and Revenue, General Administration and Governance, and Infrastructure, Development and Land Use. He said each committee developed policies to be voted on at the Legislative Police Conference on September 21, 2018, with each community having one vote on any one issue.

Discussion: Councilor Kast asked about the timeframe and Town Administrator Fournier said the vote had to be the whole Council and not one individual and he would vote on behalf of Newmarket. Chairman Pike said he did not see anything controversial in the policy proposal, and asked about Candidate's Night. Town Administrator Fournier said the Town did not sponsor candidates, and he and his staff remained neutral through all elections.

Chairman Pike stated that the Newmarket Business Association had not yet gotten back to the Council about parking, and asked the Town Administrator to add it to his list of ongoing projects in his report. Vice-Chair Weinstein asked about the Municipal Association, and Town Administrator Fournier said it would be held November 14-15, 2018. Vice-Chair Weinstein said she received an email from a constituent that an ingredient in the weed killer Roundup was found to cause cancer, and said Newmarket was also using a product containing the ingredient. Town Administrator Fournier said they were looking at alternatives but other products proved less effective in weed control, and said the issue was turned over to the CIP to prioritize projects.

Discussion of Town Council Goals 2018-2019

Chairman Pike stated that if the councilors were all in agreement, they would consider the Town Council Goals 2018-2019 goals that were set at the April 11, 2018 meeting to be ratified, and said the public would be notified of the goals as they were updated. Town Administrator Fournier said he had already made a lot of progress, and said the first goal was a Facilities Plan that coordinated with CIP, with a complete list of all Town facilities and their conditions. He said it was completed by the Facilities Director and would now go to CIP for prioritization as part of their process.

Town Administrator Fournier said the second goal was Economic Development and a joint meeting with the Planning Board would be held at the next Town Council meeting on September 19, 2018. He said they would explore the hiring of an Economic Development Consultant in the FY2019 Budget, and the Marketing Plan would come from the consultant. The third Council goal was Quality of Life, and he said they were looking at the taxing of current Town properties and re-reviewing potential economic development of bike lanes and sidewalks. He said the Waterfront Plan would be a larger project, and they were looking into extending the Riverwalk to the Heron Point Sanctuary.

Discussion: Vice-Chair Weinstein asked where they stood with Performance Contracting for energy savings. Town Administrator Fournier said it was part of the CIP process, and said projects that could be 100% funded would be bumped up. Vice-Chair Weinstein asked about large projects like installing a solar array at the landfill, and Town Administrator Fournier said that was a whole different project and these were Capital projects. Chairman Pike said the work done on North Route 108 with the bike path needed to be replicated from South Route 108 to Stratham. Town Administrator Fournier said widening of South Route 108 would have to happen eventually due to congestion.

COMMITTEE REPORTS

Councilor Burns said that the first meeting of the *CIP Committee* was mostly organizational and they elected Russ Simon as Chairman. She said the election of the Vice-Chair was postponed as not all members

were present, and said they were getting their schedule together. She said they would be meeting on September 17th and 25th, and were coordinating facilities tours.

Vice-Chair Weinstein said the *Energy & Environment Advisory Committee* met, and they were having a Button-Up Program on October 2, 2018 sponsored by New Hampshire Saves for residents throughout the community. She said the program would be held at 6:30 pm in the Auditorium about energy efficiency, and said the Committee was also close to presenting a food waste/composting proposal to the Council.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2018/2019-05 Community Center Gazebo Pad

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-05 Community Center Gazebo Pad, which was seconded by Councilor Burns.

Facilities Director Greg Marles stated that they were looking to put a concrete pad and ADA ramp into the Gazebo Center at the Recreation Department as it was unusable during rain due to flooding, and said it would also connect with the Splash Pad. He said he received 1 bid at first and then no bids, and had negotiated a price with a contractor who was working on a Police Department project. He said he was asking for the approval of Resolution #2018/2019-05 using Impact Fees in the amount of \$11,914 from Lupoli Excavators of New Hampshire.

Discussion: Vice-Chair Weinstein said she was happy to see the Town was using impact fees. Councilor Finch asked about a start date and Facilities Director Marles said it would be finished this fall.

Town Administrator Fournier polled the Council and Resolution #2018/2019-05 Community Center Gazebo Pad was approved by a vote of 6-0.

Resolution #2018/2019-06 Dedicate Impact Fees for the MacIntosh and Tucker Wells Treatment Project and the Exeter Road Sewer Main Improvement Project

Vice Chair Weinstein made a motion to approve Resolution #2018/2019-06 Dedicate Impact Fees for the MacIntosh and Tucker Wells Treatment Project and the Exeter Road Sewer Main Improvement Project, which was seconded by Councilor Bowden.

Economic Development Director Sean Greig stated that the Impact Fees for Water and Sewer could only be used on expansion projects. He said they found out through a study that there was a lot of expansion on South Route 108, and said there was a choke point of approximately 2,000 feet of pipe that needed to be replaced. He said the other piece was to expand the water supply for the MacIntosh Well. He said they were approved for 25% grant funding on the well project through the NHDWG Trust Fund and would look for other grants to reduce the cost of that project.

Town Administrator Fournier polled the Council and Resolution #2018/2019-06 Dedicate Impact Fees for the MacIntosh and Tucker Wells Treatment Project and the Exeter Road Sewer Main Improvement Project was approved by a vote of 6-0.

Resolution #2018/2019-07 Total Nitrogen Control Plan

Vice-Chair Weinstein made a motion to approve Resolution #2018/2019-07 Total Nitrogen Control Plan, which was seconded by Councilor Burns.

Environmental Services Director Greig said as part of reaching 8 mg/L total nitrogen at the Wastewater Treatment Facility the Town agreed to do certain things, one of which was to produce a Total Nitrogen Control Plan. He said the plan would be presented by Renee Bourdeau of Horsley Witten and Neil Cheseldine of Wright-Pierce.

Mr. Neil Cheseldine of Wright-Pierce said he worked closely with the Town during the Wastewater Treatment Facility upgrade and was now working on the Total Nitrogen Plan. He said he would give a general overview and then pass it over to Renee Bourdeau for more details. He said the plan was needed as nitrogen was the number 1 quality concern in Great Bay and the Lamprey River, and the focus of the plan was to improve water quality through nitrogen control.

Mr. Cheseldine started with watershed goals and load reduction goals, and said they had calculated watershed loads into the river from Newmarket and surrounding communities for comparison. He said he would then talk about DES reduction goals designed a few years ago to achieve the designated water quality level, ways to reduce nitrogen flowing to the watershed, how to develop alternatives, explain the basis for the recommended plan, and provide a reasonable schedule of expected outcomes.

Mr. Cheseldine stated that Newmarket and Exeter were both doing a nitrogen plan and would do the report as a team. He said Newmarket got a new permit with a new nitrogen discharge limitation that the Wastewater Treatment Plant, federally licensed by the EPA, was not designed to meet, causing violation of the original permit and leading to an Administrative Order of Consent (AOC) to submit to the EPA and NHDES a non-point source and point source Stormwater control plan/nitrogen control plan. He said the Administrative Order set a timetable for a treatment plant upgrade to reduce nitrogen and set a new limit for nitrogen at 8 mg/L versus the prior limit of 3 mg/L.

Mr. Cheseldine said the plan would calculate out the baseline loads with regard to the regulatory framework, then evaluate different methods to get rid of nitrogen at dollars/pound of nitrogen being removed. He said they would prioritize the different approaches and set up a reasonable schedule for the Town to account for projects and report them. He explained that nitrogen was a nutrient needed for plant growth, and reducing the total nitrogen would reduce total plant growth in marine waters. He stated that some of the sources of nitrogen in ground water were wastewater, fertilizer, Stormwater, and atmospheric and septic systems which varied from community to community. He said the Newmarket Wastewater Treatment Plant allowed more wastewater loadings of nitrogen into the water system and the true load needed to be calculated.

Ms. Renee Bourdeau of Horsley Witten said the plan was just for the coastal watershed which included Great Bay. She said right now it is estimated that 1,285 tons of nitrogen are discharged into Great Bay, with approximately 30% from Wastewater Treatment Facilities, 70% from non-point source Stormwater

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which runs off the surface and ground water sources. She said the Lamprey River discharges into the Great Bay watershed and that Newmarket discharged a portion to the Lamprey River and the Exeter River watersheds with a small portion on into Great Bay. She said out of the total tonnage, 181 tons or 14%, was from the Lamprey River, with 19% of that from the Wastewater Treatment Plant and the remaining 81% from non-point sources, of which 27% was from Stormwater and 54% from septic.

Ms. Bourdeau said Newmarket's contribution to Great Bay was approximately 3% of the total load of 52 communities, and their contribution to the Lamprey River was approximately 22% or 40 tons with the remaining communities at 78%. She said of Newmarket's total, approximately 71% was from the Wastewater Treatment Facility pre-upgrade.

Ms. Bourdeau said they determined load reduction by starting with a baseline load of 43 tons and then talked about reducing that. She said in 2009 NHDES did a study which set thresholds for Great Bay and tributaries, however they were unable to use those values and she did not want to over-obligate the Town if there was no regulatory threshold. She said 3 goals were outlined in that study: (1) a threshold of 182 tons/year to protect Great Bay eelgrass, (2) 226 tons/year for River-dissolved oxygen, and (3) 140 tons/year for River eelgrass.

Ms. Bourdeau stated that the Town was already meeting two of the goals and there was only one threshold the Lamprey River was not meeting pre Wastewater Treatment Plant upgrade to protect the Lamprey River eelgrass, and said the watershed would need to move an additional 29% of the load. She said huge strides were made by Newmarket and that post-upgrade this came down to 10% by removing 52,000 pounds to reduce the load. For Newmarket to continue to reduce loads and make an impact, they looked at all manageable non-point sources for the Town and developed strategies: atmospheric deposition, agricultural nutrient and fertilizer management, street cleaning program, organic waste and leaf litter collection, Stormwater infrastructure program, advanced on-site septic, targeted sewer extensions and Stormwater best management practices such as catch-basin cleaning.

Ms. Bourdeau said as the Town was already obligated under the MS4 Permit to do certain items they would focus on those efforts for nitrogen reduction. She said they looked at the most cost-effective way for the Town to reduce nitrogen and did a costing analysis, and said some of these the Town was already doing. She said they came up with 3 alternatives: (1) minimum MS4, (2) MS4 Plus, and (3) the equivalent to the final permit. She said with Alternative 1 they looked at which measures in the MS4 would reduce nitrogen and quantified the cost and pounds removed; Alternative 2 would be Alternative 1 plus the Town investing an additional \$75,000/year; and Alternative 3 would be to bring the Town's temporary permit of 8 mg/L to 3 mg/L.

Ms. Bourdeau stated that Alternative 1 would remove approximately 1,500 pounds with a 6% reduction for \$4.8 million, Alternative 2 would remove approximately 1,800 pounds with a 7% reduction for \$6.3 million, and Alternative 3 would remove 4,200 pounds for a 17% reduction at \$27 million. She said the implementation plan would be to use Alternative 1 to meet minimum MS4 Permit requirements, continue refining operations at the Wastewater Treatment Facility, monitor in-stream water quality, participate in the PTAPP program, and coordinate with NHDES for watershed allocations to continue to see if the numbers could be lowered.

Ms. Bourdeau said because Newmarket has a new permit fee they would not be required to complete some of the items until after the AOC period, and said most of the first ones listed on the

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Implementation Schedule were non-point source strategies and were basically MS4 Permit requirements. Town Administrator Fournier stated that the Town did not agree with the MS4 Permit and that they were pursuing legal action with other communities. He asked if by approving the Implementation Plan they would be approving the MS4 Permit as of today, as he did not want to say Newmarket agreed with MS4. Ms. Bourdeau felt this issue was extremely important and needed to be taken into consideration, and said they would go back to the table to make sure it was not legally binding the Town.

Town Administrator Fournier said the problem with the MS4 was that it was written for the State of Massachusetts and they believed there should be different standards for the State of New Hampshire, and said the timing left no chance for appeal. Environmental Services Director Greig said they could just go back and redo the wording, continue what they were doing, and formalize the plans without referring to the MS4. Councilor Kast asked about overlap, and Town Administrator Fournier said there was none at this time as they were currently going with the MS4 Permit on hand which they were appealing. Ms. Bourdeau suggested they just not refer to the MS4 Permit at all, and Town Administrator Fournier agreed.

Ms. Bourdeau said the expected outcome if they implemented the current plan would be an additional nitrogen reduction of 6% from non-point sources, with the Town investing approximately \$182,000 over the next 4 years. She said where they were headed with the Total Nitrogen Plan was also in the AOC, that the Town would be responsible in 2022 for doing an engineering evaluation to demonstrate trends in water quality or determine if additional upgrades to the Wastewater Treatment Facility were needed.

Discussion: Chairman Pike asked if there would be a compilation at some point on all these reports. Town Administrator Fournier stated that they were part of the PTAPP program which monitored reductions and was all being compiled into one location by the State. He said Newmarket was putting 60,000 lbs of Total Nitrogen into the river before the Wastewater Treatment Plant upgrade which had been reduced to 5,000 lbs after the upgrade and they needed to look and see that that was doing.

Chairman Pike said they would add a few edits to the resolution and have the correctly version distributed for the next packet, and asked if there were any objections to holding Resolution #2018/2019-07 over for a third reading.

Councilor Bowden said the graph on page 26 showed Epping and Nottingham with figures almost double. Ms. Bourdeau said that was correct but that both towns had received waivers. Chairman Pike said that due to the length of the Lamprey River, natural processes could remove nitrogen along the way. Ms. Bourdeau explained that the issue was a watershed problem and not just 1 community, and said there were other unregulated communities along the way. She said MS4 was based on density, and that communities under a certain amount were not included, and some had applied for and received waivers.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING – None

ITEMS LAID ON THE TABLE – None

NEW BUSINESS /CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS – None

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2018/2019-08 – Designating the Second Monday in October as “Indigenous Peoples’ and Columbus Day”

Town Administrator Fournier read *Resolution #2018/2019-08 – Designating the Second Monday in October as “Indigenous Peoples’ and Columbus Day”* in full, stating that it was submitted by Councilor Casey Finch.

CORRESPONDENCE

Chairman Pike said he had a conversation with a citizen on New Road who passed along how impressed he was by Public Works in general and Rick Malasky in particular, on their efforts and diligence with the resurfacing work on New Road.

CLOSING COMMENTS – None

NEXT MEETING: The next Regular Town Council Meeting will be held on September 19, 2018 in the Town Council Chambers. The meeting will be a joint meeting with the Planning Board.

ADJOURNMENT

Chairman Pike adjourned the meeting at 8:57 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary