

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

October 18, 2017 7:00 PM

TOWN COUNCIL CHAMBERS

Approved November 1, 2017

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

ALSO PRESENT: Town Administrator Steve Fournier, Community Development Director Diane Hardy, Facilities Director Greg Marles

AGENDA

Chairman Dale Pike welcomed everyone to the October 18, 2017 Newmarket Town Council Meeting and called the meeting to order at 7:09 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

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

Roger Barczak of Honeycomb Way said he had recently moved to Newmarket and had noticed that the lights were off on the Route 108 Bridge. He said he contacted NHDOT and spoke with a project engineer who said that lights on bridges had been turned off 5 or 6 years ago as a cost-saving measure and there were no plans to turn them back on. Mr. Barczak said he received an estimated cost per light from NHDOT of approximately \$200 apiece and decided to see if other towns were interested. He said he spoken with Newfields and Stratham, and both were interested in pursuing the issue.

Mr. Barczak said he was here to bring the matter to the attention of the Newmarket Town Council to see if there was an interest in pursuing discussions with NHDOT. He said the estimated cost to each town would be approximately \$800. He stated that NHDOT was conducting more research to get cost details, and said he was acting as a citizen advocate.

Chairman Pike asked if any of the lights on the bridge were in Newmarket and Mr. Barczak said they were not. Chairman Pike said he appreciated what he was trying to do but said there had not been interest in the past in crossing municipal lines to provide funding for what they were responsible for.

Chairman Pike closed the Public Forum at 7:17 pm.

PUBLIC HEARING – Ordinance #2017/2018-01 Amendments to Chapter 32 Zoning of the Newmarket Municipal Code Regarding New Road Skilled Nursing Facility (SNF) District

Community Development Director Diane Hardy stated that she was there to present the recommendations from the Planning Board for an amendment to the Town Zoning Ordinance to create a Skilled Nursing Overlay District in the New Road area. She said she would first review some background and context with which the recommendations were being made.

Community Development Director Hardy said that Newmarket was an aging community, and that between 2000 and 2010 the elderly population increased 127%. She said this was a trend across New Hampshire and had become an issue for the Planning Board. She said an AARP study done in 2010 showed only 3% of elderly were migrating to warmer climates, and that 86% preferred to age-in-place in their communities. She said recent updates to the Master Plan reflected the need to accommodate these types of specialized housing opportunities for seniors.

Community Development Director Hardy stated that concurrently the Economic Development Committee (EDC) had worked for many years to try to come up with economic development opportunities in Newmarket that would be reasonable and doable. She said Mr. Gary Levy had worked very hard with his EDC committee and hired Peter Kwass, who suggested the concept of providing Continuing Care Retirement Community (CCRC) housing options for seniors. The EDC had agreed and hired a second consultant John Connery to review locations in Newmarket and review the fiscal data of these developments as to whether or not they would make fiscal and economic sense for Newmarket. She said Mr. Connery had concluded that an Overlay District made up of 3 areas east of the railroad tracks be established, which included the Wilson Property and the Ham Property.

Community Development Director Hardy said there was extensive discussion at a meeting of the Planning Board and the EDC to explore the concept of Overlay Zoning in that area, and said the idea was to provide a low-income development area, limited in size and scope, to allow skilled nursing/Alzheimer facilities or special care facilities. She stated that the area obviously had limitations for large-scale industrial development due to limited access, the current zoning, and the difficult topography. She said it was advantageous that the Town owned the properties, as there was no fiscal benefit from vacant, underutilized land, and the development would help to stabilize the tax base.

Community Development Director Hardy said the zoning change proposed would allow for nursing homes, continuing care facilities, facilities for skilled nursing, and provide support services. She said if approved, any developer would have to obtain a Special Use Permit from the Planning Board and it would require a Public Hearing. She said the development would be subject to all site planning regulations of the Town, and it would require an impact analysis on traffic in the area.

Chairman Pike opened the Public Hearing at 7:32 pm.

Mr. Gary Levy of New Road said he had come to support the Ordinance. He said the reason it was specified for skilled nursing/Alzheimers was because of the limitations on the road, and said this type of development would bring the least amount of traffic to the area. He stated that he had found a very good consultant as it was very complicated working with State rules and regulations. He said one issue would be access for the food trucks which would probably not go over the bridge, and said he said another issue would be for an ambulance to get to Exeter or Portsmouth if the bridge were out. He said other than that, he felt the proposed Ordinance was a reasonable option for the land. He said subsequent to this the Planning Board would be looking at Route 152 to see if there were opportunities there.

Chairman Pike closed the Public Hearing at 7:36 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of October 4, 2017

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

Town Administrator Fournier polled the Council and the minutes of October 4, 2017 were approved by a vote of 7-0.

Acceptance of the Minutes of the Non-Pubic Session of October 4, 2017

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

Town Administrator Fournier polled the Council and the minutes of the Non-Public Session of October 4, 2017 were approved by a vote 7-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier stated that he was happy to announce that the Town did receive the **CFDA Grant** for replacement of all their lights with LED lighting for \$43,300 through a low-interest loan which would be paid back through savings in electrical costs.

Town Administrator Fournier next addressed **Energy Performance Contracting**, and said the Town and the School had issued requests for Qualifications for Energy Performance Contracts for all of the combined facilities. He explained that it was a financing technique that used cost savings from reduced energy consumption to repay the cost of installing energy conservation measures, and allowed building users to achieve energy savings without upfront Capital expenses. He said the funding was usually done in the form of a municipal lease purchase agreement with payments matching savings. He said they were

currently reviewing proposals, and asked that any councilor interested in serving on the committee to let him know by email.

Town FY2018/2019 Proposed Operating Budget

Town Administrator Fournier stated that pursuant to Section 5.2 of the Newmarket Town Charter, he respectfully submitted to the Town Council his Proposed Operating Budget for the period ending June 31, 2019. He first reviewed some of the Economic Indicators they were seeing in the area, starting with the Consumer Price Index (CPI) which measures changes in levels of consumer goods and services. He said in 2016 the National CPI increased by 0.8% and increased this year by 1.7%, and the New England CPI increased 0.8% in 2016 and 1.6% in 2017. He said Newmarket tended to look at the Boston CPI which increased 1.5% last year and 2.2% this year, and said consumer goods were going up as well as costs.

Town Administrator Fournier next reviewed Unemployment Rates and said that National rate of 5.1% dropped to 4.3%, the State dropped from 2.9% to 2.5%, the County from 3% to 2.7%, and Portsmouth Metro remained the same with Newmarket dropping from 2.4% to 1.9%. He said the Estimated Current Tax Rate was \$26.64, but they would not know for sure for another few weeks. He said 73% of tax dollars went to funding the School, with the local portion at 63% and 9% rebate by the State. He said the County made up 4% and the Town 23% of the estimated tax rate. He next provided a 5-Year Comparison of rates and said the Local School went from \$15.02 to \$17.08 over the last 5 years, with the Town, State School, and County remaining pretty flat.

Town Administrator Fournier said the Assessed Value of the Town was important and that for every \$1.00 raised with tax rates the Town raised \$749,828,081, an increase of 2.5% over 2016. He said the Assessor had provided the final figure which would be \$1 million higher due to markets and new developments. He said the Bottom Line Budget for FY2017 was \$9,996,942 and for FY18 it was \$11,516,798. He said for FY19 the Departments proposed \$12,760,735 and he was proposing \$11,859,931 for an increase of \$343,133 over the prior year or 2.98%, which needed to be finalized and approved by the State. He said Special Revenue Funds (Library, Solid Waste Rec Revolving) were increasing \$94,566 or 8.82%, they were budgeting a decrease of \$52,768 for the Enterprise funds (Water & Sewer), and the General Fund Budget would increase by \$301,335 or 4.22%.

Town Administrator Fournier said that under Expenditures by Fund he was proposing \$7,437,407 for the General Fund, \$1,155,086 for Special Revenues, and \$3,267,428 for the Enterprise Funds. He explained that the General Fund was raised through taxation and other revenues, Special Revenues recovered funds through programs, and Enterprise Funds were monies raised by rates. He next presented a 3-Year Comparison of Funds. He stated that increases would include \$54,000 for the New Financial Software Lease, \$27,130 for Software Maintenance, \$45,000 for Sidewalk Construction, \$75,000 for the new Operational Repairs line, \$19,000 for the Solid Waste Contract, and \$38,000 for the Recycling Contract.

Town Administrator Fournier next reviewed the Contributions to Capital Reserves which showed the amount currently in the fund, the amount proposed by the Department Heads, and the amount proposed by the Town Administrator. He said he was recommending the following contributions to Capital Reserve Funds: \$100,000 for Public Works, \$100,000 for Building Improvements, \$135,000 for Roadway Improvements, \$50,000 for Stormwater, \$50,000 for the Macallen Dam, \$50,000 for Fire & Rescue, \$26,000 for Police Vehicles and \$10,000 for Police Dispatch Equipment. Other contributions included \$2,000 for Veterans Memorial, \$10,000 for the Master Plan, \$2,000 for the Anniversary Celebration, \$10,400 for Library, and \$15,000 for Recreation for a total of \$560,400.

Town Administrator Fournier explained that this did not mean projects would not get done, and said in the coming years he would be recommending withdrawals from Capital Reserve Funds for the following projects: for Public Works \$145,000 for a dump truck and \$160,000 for a sweeper for a total of \$306,000; for Facilities \$15,200 for a security upgrade, \$21,500 for Tiger House repairs, \$38,600 for Façade Work and \$89,750 for Town Hall Furnace with total repairs at \$165,050; \$45,000 for Fire Department Radios, \$45,000 for a Police Cruiser and \$20,000 for a Fire Base Radio for a total of \$1,052,100 of projects departments requested to be completed in 2019.

Town Administrator Fournier moved on to Revenue and said last year he had estimated revenue at \$7,072,204 and was estimating \$7,177,656 in revenues for FY2019, or an increase of approximately \$100,000. He said increases were mainly through Motor Vehicle Registrations, an uptick in some interest on investment, and an increase in Building Permits and other revenues coming in.

Town Administrator Fournier cautioned that the Estimated Tax Impact was only an estimate using data as available today. He said to determine the Tax Impact you take the Gross Appropriations of \$11,859,931, subtract the Revenues of \$7,177,656, and add \$20,000 for overlay and \$160,000 for War Service Credits, which brought the Net Town Appropriation to \$4,852,275, which divided by the Assessed Value of \$749,828,091 came to a Tax Rate of \$6.48 which was an increase over last year. He said if the Budget were to pass as is, the Average Home Value would be \$280,000 with the current portion of the tax bill \$1,727 annually, and said he was proposing \$1,814 annually or an increase of \$87 annually.

Town Administrator Fournier stated that was his proposal and said the Town Council would be meeting on October 28th for a Workshop Session beginning at 9:00 am.

COMMITTEE REPORTS

Councilor Burns said at the last *Planning Board* meeting they had a presentation from Strafford Regional Planning about the Coastal Risks and Hazards Commission Report. She said it was very interesting and wondered if it might be appropriate for the Town Council to hear that type of presentation.

Councilor Finch stated that the *Conservation Commission* met on October 12th and had focused on getting the signs for the Piscassic River/Loiselle Property and discussed surveying of different properties for works. He said they appointed Jeff Goldknopf as alternate member for the Energy & Environment Committee and said they would appoint a fulltime member at the next meeting.

Chairman Pike said the *Macallen Dam Committee* met and saw some numbers for some of the proposals. He said the Public Hearing would be held at the first meeting in December on the Engineering Presentation. He said originally GZA was hoping not to touch the gates but that they were mandated to do repairs around the gate area. He said they focused on the configuration of the abutment walls on the side of the dam towards the Town and found out they could still not do a stability analysis on the spillway and make modifications to the gate. He said that replacing the gates at this time would buy some aesthetic and function as the abutment walls would not have to be as high. He said they would need to decide at the Public Hearing what would be wisest for the long term.

Chairman Pike said he also attended a State DOT meeting last week, and said they discussed replacing the bridge in Newfields. He felt Newmarket should be thinking in terms of the State roads and what it would do for the Town to advocate for Route 108.

Vice-Chair Weinstein reported that though it was not as yet a committee report, the Energy & Environment Committee had appointed all of their at-large members. She said the first meeting would be held on November 6, 2017 at 7:00 pm and they would elect a chair and start to talk about plans and process moving forward.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Town Administrator Fournier said he would like to take the Agenda out of order and start with the Ordinance.

Ordinance #2017/18-01 Amendments to Chapter 32 Zoning of the Newmarket Municipal Code Regarding New Road Skilled Nursing Facility (SNF) District

Vice-Chair Weinstein made a motion to approve *Ordinance #2017/18-01 Amendments to Chapter 32 Zoning of the Newmarket Municipal Code Regarding New Road Skilled Nursing Facility (SNF) District* which was seconded by Councilor Bowden.

Town Administrator Fournier stated that he needed to ask for an amendment to the ordinance. He said he had received a comment from the Town Attorney with regard to a line in the ordinance which needed to be stricken. He said it was the last line in Section 2, paragraph 32-162, section (f)-(1), and said the Attorney had stated that it was not legal to ask for approval from the State prior to having to submit a plan for a site-plan review and asked that the line be stricken.

Vice-Chair Weinstein made a motion to amend *Ordinance #2017/18-01* by striking the last line of Section 2, paragraph 32-162, section (f)-(1), which was seconded by Councilor Burns. Town Administrator Fournier polled the Council and the motion to amend *Ordinance #2017/18-01* was approved by a vote of 7-0.

Discussion: Vice-Chair Weinstein said she was grateful for the amount of work done by the EDC and the Planning Board, and said she wanted to comment on the Ordinance about keeping a balance. She said she

understood that aging was a real issue for the community, but hoped that at the same time they would balance their opportunities for young people and make the Town a vibrant place to work and live. She felt it was also important to make sure they would be able to continue to support and staff the proposed facilities.

Councilor Burns said she also appreciated all the hard work that had gone into this but had some concerns. She said Mr. Levy had raised some valid points at the joint meeting of the EDC and the Planning Board and wanted to make sure she understood them correctly. She said first he had raised the issue of the bridge and access, and had spoken to different facilities in the area about the difficulty in getting the skilled nursing required by this type of facility.

Mr. Levy said all the facilities were having problems staffing, and said 75 units was not a small facility. He said the land is there and if someone saw a financial opportunity they would make sure to research it thoroughly. He said the properties were just sitting vacant with no development since the 1980s, and he felt this type of development would bring the least amount of traffic and would benefit the Town. He said there were not a lot of uses for the land right now and felt Route 152 would potentially be another appropriate area.

Councilor Burns said she was also concerned that if other communities were building these types of facilities, there would be a risk of not finding the people needed to work there. Mr. Levy said skilled nursing and Alzheimers would bring the most revenue to the Town and said the facility would not be built if a developer did not see a need and could not find the staff to fill it. He said the good thing was that it could not be flipped to rentals. Town Administrator Fournier pointed out that Newmarket did not own the bridge as it was in Newfields.

Chairman Pike said there was a sense that there was no opposition here, and said the Town had an interest in making these kinds of uses work and felt Newmarket had a lot to offer. Councilor Bowden asked how many potential jobs the facility would bring, and Town Administrator Fournier said he did not know. Mr. Levy said he felt this was about revenue that could come to the Town for the tax base.

Town Administrator Fournier polled the Council and Ordinance #2017/18-01 Amendments to Chapter 32 Zoning of the Newmarket Municipal Code Regarding New Road Skilled Nursing Facility (SNF) District was approved by a vote of 7-0.

Resolution #2017/2018-16 Resolution Authorizing the Town Administrator to Enter into a Contract with Educational Building Consultants for Town Hall Improvements

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-16 Resolution Authorizing the Town Administrator to Enter into a Contract with Educational Building Consultants for Town Hall Improvements, which was seconded by Councilor Burns.

Town Administrator Fournier stated that they had been having some space, security, and ADA issues on this floor of the Town Hall. He said the School was currently doing their remodeling and he had asked Educational Building Consultants to also look at the Town offices. He said the improvements would include

installing ADA access countertops in the Town Clerk's office, remodeling the Town Administrator's office to provide more space, and moving a door closer to the Council Chambers to allow the installation of a countertop for Building Inspection and Planning. He said the estimate from Educational Building Consultants was \$11,350 for the remodeling plus \$1,650 for Daniels Electric to do the wiring, pending what was found in the walls.

Discussion: Councilor Bowden asked about Daniels Electric being the only quote for electrical work, and Facilities Director Greg Marles stated that they were already doing the work upstairs for the School and would be doing the work on the dais. Councilor Thompson said she found it interesting that the electrical bid came in exactly the same as the in-house estimate, and Facilities Director Marles said he had already met with Daniels Electric and discussed the matter.

Town Administrator Fournier polled the Council and Resolution #2017/2018-16 Resolution Authorizing the Town Administrator to Enter into a Contract with Educational Building Consultants for Town Hall Improvements was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING – None

ITEMS LAID ON THE TABLE

Resolution #2015/2016-52 *Authorizing the Designation of a Portion of Route 152 as an Economic Recovery Zone.* (This Resolution is tabled from the June 15, 2016 Council Meeting pending Planning Board action.)

NEW BUSINESS /CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS – None

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2017/2018-17 **Approval of the Fiscal Year 2019 Budget Submitted to the Town Council by the Town Administrator on October 15, 2017**

Chairman Pike stated that Resolution #2017/2018-17 Approval of the Fiscal Year 2019 Budget Submitted to the Town Council by the Town Administrator on October 15, 2017 had already been covered by the Town Administrator.

CORRESPONDENCE – None

CLOSING COMMENTS

Town Administrator Fournier said he had received a text from Police Chief True with regard to a 2-alarm fire in a condo complex which eventually progressed to 4 alarms. He said he wanted to commend the Police Department and the Fire Department and other communities who came to help. He said if any of

the individuals affected by the fire needed assistance to please let him know, and said Property Management was working with them as well.

Vice-Chair Weinstein reminded councilors that this coming Sunday at 11:00 am was the meeting at the Stone Church to discuss setting up a Rights-Based Ordinance in Newmarket. She said there was also a Craft Fair at the Sunrise Sunset Center on Saturday starting at 8:00 am. She said that a resident had written with concern about the lighting by the Recreation Center, and Town Administrator Fournier said he was working on the issue. Vice-Chair Weinstein asked if Newmarket had scheduled a Public Hearing on the Keno issue and Town Administrator said it would be scheduled for February 21, 2018 as it had to be within so many days of the vote.

Councilor Bowden reminded everyone that it was currently Hunting Season and people should make sure to wear blaze orange for their safety. He said he also wanted to wish the Wii Bowlers at the Sunrise Sunset Center good luck on competing at their national tournament.

Reconsideration of Resolution #2017/2018-09 Operation of Keno Games in the Town of Newmarket

Chairman Pike asked what the process would be to change a vote on the Keno issue. Town Administrator Fournier said a councilor on the winning side would need to make a motion for reconsideration and the Council would then vote to reconsider. If the vote passed the Council would need to vote again on the resolution.

Councilor Bowden made a motion to reconsider Resolution #2017/2018-09 Operation of Keno Games in the Town of Newmarket, which was seconded by Vice-Chair Weinstein. Town Administrator Fournier polled the Council and the motion to reconsider Resolution #2017/2018-09 Operation of Keno Games in the Town of Newmarket was approved by a vote of 7-0.

Discussion: Vice-Chair Weinstein stated that she wanted to reaffirm that she did not think Keno to fund education was not the right way to go for Newmarket or the State of New Hampshire, and that it was not in the best interests of the Town. Councilor Finch said though he did not like keno to fund education, he felt it was a larger public issue not on the Town Council to prevent from occurring. Councilor Bowden said he had felt strongly enough about changing his vote to bring up the issue again. Councilor Thompson said she agreed with Vice-Chair Weinstein that the Council was there to do a job the best they could, and said this was not telling people in Town what they could or could not do as they could bring a petition.

Town Administrator Fournier polled the Council and Resolution #2017/2018-09 Operation of Keno Games in the Town of Newmarket failed by a vote of 3-4. Town Administrator Fournier said the Council would not place the issue on the Ballot.

NEXT MEETING: Town Budget Workshop Session on October 28, 2017; Regular Town Council Meeting on November 1, 2017

Non-Public Session Pursuant to RSA 91-A:3.11 (a) Personnel

Vice-Chair Weinstein made a motion to move into Non-Public Session *Pursuant to RSA 91-A:3.11 (a) Personnel*, which was seconded by Councilor Thompson. Town Administrator Fournier polled the Council and the motion to move into Non-Public Session was approved by a vote of 7-0.

ADJOURNMENT

The meeting was adjourned at 8:45 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary