

TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL WORKSHOP MEETING 6:30 PM
TOWN COUNCIL REGULAR MEETING 7:00 PM
DECEMBER 18, 2019
TOWN COUNCIL CHAMBERS

Approved January 15, 2020

PRESENT: Council Chairman Toni Weinstein, Council Vice Chairman Amy Burns, Councilor Jon Kiper, Councilor Casey Finch, Councilor Helen Sanders

ARRIVED LATER: Councilor Zachary Dumont, Councilor Gretchen Kast

ALSO PRESENT: Town Administrator Steve Fournier, Environmental Services Director Sean Greig, Conservation Commission Chairman Patrick Reynolds, SELT Conservation Project Manager Jeremy Lougee, Jack Clarke

AGENDA

Chairman Toni Weinstein welcomed everyone to the December 18, 2019 Newmarket Town Council Workshop Meeting and called the meeting to order at 6:30 pm, followed by the Pledge of Allegiance.

Chairman Weinstein stated that Councilor Dumont and Councilor Kast could not make the Workshop Meeting and would arrive later, and she turned the floor over to Conservation Commission Chairman Patrick Reynolds.

TOWN COUNCIL WORKSHOP – Southeast Land Trust (SELT) Purchase of the Clarke Farm Property

Conservation Commission Chairman Patrick Reynolds said the Conservation Commission voted at their last meeting to support contributing towards the purchase of a permanent Conservation Easement on the Clarke Farm Property. He said one of the challenges the Conservation Commission faces, as a relatively small organization, is land management, and by partnering with Southeast Land Trust (SELT) they can get all the benefits of the conserved land without any of the costs. He said this is a one-time cost for them of \$95,000, and Jeremy Lougee of SELT will provide more detail on the overall breakdown of the Budget.

Mr. Reynolds said the plan for conserving land in Newmarket goes back to the Open Space Plan made almost 20 years ago. He said beyond conserving this land, the public would have access to the Clarke Farm which is contiguous to other conserved lands, located in the Northwest corner of Newmarket with Wadleigh Falls Road as one border and Camp Lee Road being the other. He said public access is part of the current conservation easement and current activities will continue to be available in perpetuity for Town residents. He said the property is also a working farm and would remain so, and their vision is to have it perpetually farmed.

Mr. Jeremy Lougee, SELT Conservation Project Manager, said the aerial photographic map of the farm property provided shows, on the back, the wealth of protected land in this area: Tuttle Swamp, Ash Swamp and Wadleigh Falls, New Roots and Wiggin Farms, and the Clarkes have already conserved a portion of their farm which drops down to the Lamprey River. He said access would be from Grant Road or Wadleigh Falls Road, and the frontage of Camp Lee Road is in Epping.

Clarke Farm

Mr. Lougee said the Clarke Farm is prime farmland with important farmland soils for raising food and livestock, and said some of the area is also State-wide important farmland. He said the Clarkes work with UNH, host workshops, and serve as a resource for pasture-based livestock operations. He said SELT is interested in protecting this property for the agriculture and for protecting the water and wildlife resources. He said the property is bordered by the Lamprey River, and protecting that land is protecting the quality of drinking water in the area as well as protecting the Blanding Turtle habitat, a State endangered wildlife species.

Mr. Lougee said as far as the Project Structure, SELT would be the primary holder of the conservation easement and are already working with LCHIP, and hold executory interest with the Town, and SELT does all the stewardship and monitoring for the easement in perpetuity. If something happened to SELT, the Town would have the ability to step into that role. He said they applied for and received a Federal Grant from the Natural Resources Conservation Service (NRCS) in the amount of \$400,000 and have almost a third-party right of enforcement on the property. He said they already negotiated the general terms and cost of the easement and the Clarkes have signed a sales agreement.

Mr. Lougee listed funding sources as NRCS-ALE \$400,000, Clarke donation \$245,000, LCHIP \$150,000, NRCS-WRE \$144,900, Great Bay Partnership \$15,000, National Fish & Wildlife Foundation \$3,650, with total project costs of \$1,052,200 now raised and have been working with the Conservation Commission on the remaining \$95,000.

Mr. Jack Clarke said he bought the land in 1978, and said he had hunted the land, liked what he saw in the soils, and approached the owner who was not using the land. He said he had started clearing some of the land and told the owner he would like to purchase the land for farming. He said since then he has cleared 75 acres, has a barn for cattle and equipment, and runs a pasture operation growing all their own crops as an organic farm which was formerly certified organic by the State. He said he has been raising cattle and sheep since 1979 and rotates the cattle pastures, which helps fertilization, and has an organic flock of Katahdin sheep.

Questions: Town Administrator Fournier asked if Epping is contributing, since part of the land is in their community. Mr. Lougee said they did not reach out to them as there only a narrow strip of land running along the road. Town Administrator Fournier said the land was contiguous to conservation land in Epping and it benefits them as well, and asked about public access. Mr. Lougee said public access is required by all LCHIP projects but allows agricultural areas to be fenced off. He said a lot of people access the property right now at the power lines as there is an area to pull over; the land belongs to Mr. Clarke and connects to other trails the Clarke's have cut through the forest and there is also a snowmobile corridor.

Town Administrator Fournier asked if any signage will give credit to the Town of Newmarket. Mr. Lougee said they generally do not require that of private landowners, but it was open to discussion. Mr. Reynolds said today people find out about trails using the All Trails App, and said this property will probably be added when people start using it, and they would make sure people know they can access this property. Councilor Kast asked how many acres. Mr. Clarke said the field is 23 acres, and there is forest land beyond down to the Lamprey River of 100 acres, with the total Farm about 320 acres.

Chairman Weinstein said she liked to see all the partners that come together for a project like this, and said she appreciated all the work everyone had done. She said one of the things that makes Newmarket a special place is that we have all this conserved land, and she thanked Jack Clarke for making it a priority to conserve his land. Councilor Kast asked if there was a way to approach Epping, and Mr. Lougee said he would be happy to contact their Conservation Commission. Mr. Clarke said the land in Epping adds up to 4 or 5 acres, and the land backs up to Lee.

Town Administrator Fournier said he believed Newmarket money could be used in Epping in certain conservation situations, and Chairman Weinstein said they have a lot of other funding sources. Town Administrator Fournier said he needs to make sure as they are two different communities, and Mr. Lougee said perhaps they can describe executory as only covering Newmarket land. Town Administrator Fournier said procedurally he needs to see the easement then work with Legal Counsel to review. He said after they sign off, a resolution can be presented to the Town Council for two readings, as he believes a Public Hearing is needed. He said the Council would probably not vote on it until February.

Mr. Lougee suggested they move towards Public Hearing as he will have to shop the easement fee through NRCS (Feds), LCHIP, and through the Town, and before that to vote by committee for funds. He said they have a Draft Easement, but the final steps in drafting would happen after the vote. Town Administrator Fournier said you are then asking us to vote on something that is not final. Mr. Lougee said the template is there, which is what they negotiated with the landowner, and said the Town would be signing a letter of agreement. Mr. Reynolds said all funds do not pass over until all the steps are completed. Town Administrator Fournier said traditionally the Council asks me to sign the agreement upon acceptable terms.

REGULAR TOWN COUNCIL MEETING

Chairman Weinstein closed the Workshop Meeting and called the Regular Town Council Meeting to order at 7:02 pm.

PUBLIC FORUM

As no one from the public was present, Chairman Weinstein closed the Public Forum at 7:03 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Joint Town Council/Planning Board Meeting of November 20, 2019

Vice-Chair Burns made a motion to approve the Minutes of the Joint Town Council/Planning Board Meeting of November 20, 2019, which was seconded by Councilor Dumont.

Changes/corrections: Amended copy was submitted by Diane Hardy to Wendy Chase.

Town Administrator Fournier polled the Council and the minutes of the Joint Town Council/Planning Board Meeting of November 20, 2019 were approved, as amended, by a vote of 7-0.

Acceptance of the Minutes of the Regular Town Council Meeting of November 20, 2019

Vice-Chair Burns made a motion to approve the minutes of the Regular Town Council Meeting of November 20, 2019, which was seconded by Councilor Dumont.

Town Administrator Fournier polled the Council and the minutes of the Regular Town Council Meeting of November 20, 2019 were approved by a vote of 7-0.

Acceptance of the Minutes of the Regular Town Council Meeting of December 4, 2019

Vice-Chair Burns made a motion to approve the minutes of the Regular Town Council Meeting of December 4, 2019, which was seconded by Councilor Dumont.

Town Administrator Fournier polled the Council and the minutes of the Regular Town Council Meeting of December 4, 2019 were approved by a vote of 7-0.

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Fournier said the Town owns property off New Road known as the **Wilson Property** purchased 20 years ago for the purpose of developing an industrial park, and the parcel has remained vacant. He said earlier this year he and the Facilities Director began to explore locating a **Solar Array** on the property as a way to benefit the Town with minimal impact on the area, and they are currently working with Revision Energy. He said it would be a 25-year agreement with the owner of a system and the Town would see income from purchasing energy through that system, a payment in lieu of taxes on the equipment, and other areas.

Town Administrator Fournier said they would enter into a solar Power Purchase Agreement (PPA), a financial agreement where the developer arranges for design, permitting, financing, and installation of a

solar energy system on a customer's property at no cost. The developer sells the power generated at a fixed rate, usually much lower than the local utility rate, which serves to offset the customer's purchase of electricity from the grid, while the developer receives income from sales of electricity as well as any tax credits. The developer remains responsible for operation and maintenance of the system for the duration of the agreement. He said currently the Town Attorney is reviewing a letter of intent between the Town and Revision Energy, ultimately to be approved by the Town Council. He said usually after 5-10 years, municipalities have the option to purchase the system.

Town Administrator Fournier said the Town finished the bidding process for the **Macallen Dam** and received 3 bids all over the \$2 Mil Bonding Authority. He said the lowest bid was from Sumco at \$2,181,763. He said the Facilities Director was working with the Town Engineer to reduce the amount, and believe the price is now significantly lower than their Bonding Authority by a few hundred thousand.

Town Administrator Fournier said the Town of Newmarket has been named by the Nature Conservancy as *Community Partner of the Year* for the Lubberland Creek project and will be receiving an award on January 31, 2020 in Concord. He said it is with regret that he informs the Council he has accepted the resignation of Facilities Director Greg Marles, effective in 30 days. He said they will be advertising after the first of the year and it will still be a shared position with the School.

Town Administrator Fournier said he wished the Council a very Merry Christmas and a happy and healthy New Year. He said the next meeting is scheduled for January 1, 2020 and they can either meet the next week or just hold one meeting in January. He said there is only one first reading tonight on Sports Betting.

Questions: Councilor Dumont asked if Revision Energy had any studies or data that might show the benefits of a Solar Array, and Town Administrator said there is data available and a lot of communities are doing this. Councilor Kast said she regrets that Mr. Marles is leaving, and said she was very impressed with his work and initiative and he did a lot for the Town in his short tenure. She asked if Shared Services played any role in his decision.

Chairman Weinstein said under Department Reports for Public Works some of the numbers did not seem correct, in particular Overtime seems significantly higher than this time last year, the Salt Budget has no money spent in 2019, and the same with Gas/Diesel. Town Administrator Fournier said they are not accurate.

COMMITTEE REPORTS

Councilor Dumont said the *Budget Committee* met Monday for the Public Hearing on the Town FY2021 Operating Budget, which passed by a vote of 7-3. He said three members of the Committee took issue with the direction the Town is taking and there was a motion to cut the Town Budget by \$700,000 and a second motion to cut the Budget by \$325,000, with the idea the Town is being somewhat irresponsible and not aware of the tax impact, which he personally felt was a bit unfounded. He said some questions may arise as they get closer to March voting day.

Councilor Kast said the *Planning Board* met last Tuesday and they have a Sub-Committee to look at Economic Development, and coming up for a joint meeting they discussed what the Planning Board can advise the Council on to promote that.

Councilor Sanders said there was a meeting of the *Newmarket Business Association Board* but a quorum was not present. She said she reiterated to them about the opening on the Arts & Tourism Committee.

Chairman Weinstein stated that there was no public comment at the Town Public Hearing and she was the only person who spoke. She said if there are concerns about the Budget or the finances of the community, the Public Hearing is the perfect opportunity to voice those concerns, as they do not always get heard on social media. Councilor Sanders said the Council spent a whole day talking with Department Heads about their budgets, and asked if that was something the Budget Committee could have sat in on. Town Administrator Fournier said they could, but could not participate, but said they did offer to bring Department Heads in if the Budget Committee had further questions.

Vice-Chair Burns said it was the same situation for the Capital Improvement process, and anyone could sit in on the hearings. Chairman Weinstein said the Town Administrator also did a presentation to the Budget Committee, so they certainly had an opportunity to ask questions and get answers as to why those choices are made. Town Administrator Fournier said when he gave the presentation to the Budget Committee there were not many questions they did not have an answer for.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2019/2020-14 Downtown TIF Transfer of CIP Funds

Vice-Chair Burns made a motion to approve Resolution #2019/2020-14 Downtown TIF Transfer of CIP Funds, which was seconded by Councilor Dumont.

Town Administrator Fournier said this resolution has to be adopted annually, as all the money from the TIF is in the Capital Reserve Fund. He said the Bond issued to do the Downtown Project did not give the Town the authority to pay off the bond early, and they have to withdraw the funds annually to pay principal and interest until the Bond is done.

Town Administrator Fournier polled the Council and Resolution #2019/2020-14 Downtown TIF Transfer of CIP Funds was approved by a vote of 7-0.

Resolution #2019/2020-15 Moody Point Association Agreement

Vice-Chair Burns made a motion to approve Resolution #2019/2020-15 Moody Point Association Agreement, which was seconded by Councilor Dumont.

Environmental Services Director Sean Greig stated that Moody Point has their own water system and source, but their source supply has saltwater intrusion and they need another water source, and are part of the Bond put forth for water improvements. He said in this Agreement, the Town of Newmarket will extend the water main from Bay Road to their water system, and once the main is installed and they are receiving water, they will receive water bills like other water users and will be paying betterment fees for the cost of the water main to be installed.

Discussion: Councilor Dumont asked if there was a timeline on this, and Environmental Services Director Greig said they are working as fast as they can and looking to design it this coming year and construct it in the spring of 2021. Councilor Kast said in the Agreement there is one owner in Moody Point who has decided not to be included, and asked how that would work in future. Environmental Services Director Greig said that would be up to the association as the Town is just providing the water. Town Administrator Fournier said the Agreement is not with the homeowners but with the Moody Point Association. Chairman Weinstein said she read through the Agreement and found it very thorough.

Town Administrator Fournier polled the Council and Resolution #2019/2020-15 Moody Point Association Agreement was approved by a vote of 7-0.

Resolution #2019/2020-16 MacIntosh & Tucker Wells Water Treatment Plant

Vice-Chair Burns made a motion to approve Resolution #2019/2020-16 MacIntosh & Tucker Wells Water Treatment Plant, which was seconded by Councilor Dumont.

Town Administrator Fournier said there is an error in the Resolution regarding the amount of money and where it will be withdrawn from. Environmental Services Director Greig said no money is being withdrawn for this and it is coming out of the Drinking Water Trust Fund, and is part of the \$4 Mil the Town is getting to construct that facility.

Town Administrator Fournier asked that the Resolution be amended to include: “authorize the Town Administrator to enter into an agreement with Wright-Pierce not to exceed \$265,000”.

Vice-Chair Burns made a motion to amend the Resolution to add: “authorize the Town Administrator to enter into an agreement with Wright-Pierce not to exceed \$265,000”, which was seconded by Councilor Dumont.

Environmental Services Director Greig said the money will be coming from the Bond Proceeds of the Grant from the New Hampshire Drinking Water & Groundwater (NH DWG) Trust Fund, but the engineering still has to be approved.

Town Administrator Fournier polled the Council and Resolution #2019/2020-16 MacIntosh & Tucker Wells Water Treatment Plant was approved, as amended above, by a vote of 7-0.

Resolution #2019/2020-17 Bennett & Sewell Well Improvements

Vice-Chair Burns made a motion to approved Resolution #2019/2020-17 Bennett & Sewell Well Improvements, which was seconded by Councilor Dumont.

Environmental Services Director Greig said this is part of the \$12.2 Mil Water Improvement Project. He said the preliminary engineering has already be done and this is to complete the final engineering for bidding for the project.

Town Administrator Fournier polled the Council and Resolution #2019/2020-17 Bennett & Sewell Well Improvements was approved by a vote of 7-0.

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

Ad Hoc Arts & Tourism Commission

Candidate: *Chris Klemmer – Term to Expire December 2022*

Vice-Chair Burns made a motion to appoint *Chris Klemmer – Term to Expire December 2022* as member of the *Ad Hoc Arts & Tourism Commission*, which was seconded by Councilor Dumont.

Comment: Chairman Weinstein said she is pleased to see someone who has been involved in the arts and is relatively new to the community.

Town Administrator Fournier polled the Council and the appointment of *Chris Klemmer* as a member of the *Ad Hoc Arts & Tourism Commission* was approved by a vote of 7-0.

Riverfront Advisory Committee

Candidate: *Dale Pike – Term to Expire June 30, 2021*

Vice-Chair Burns made a motion to appoint *Dale Pike – Term to Expire June 30, 2021* as a member of the *Riverfront Advisory Committee*, which was seconded by Councilor Dumont.

Comment: Chairman Weinstein said this is not someone new to the Town, but someone who has served the Town in many other ways and has so much to offer.

Town Administrator Fournier polled the Council and the appointment of *Dale Pike* as a member of the *Riverfront Advisory Committee* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2019/2020-18 – Allow Sports Betting to be Added to March Ballot

Chairman Weinstein read *Resolution #2019/2020-18 – Allow Sports Betting to be Added to March Ballot* in full.

CORRESPONDENCE

Town Administrator Fournier said email correspondence to the Town Council was received Sunday from Michael A. Provo requesting that he be allowed to resign from his appointment to the Newmarket Riverfront Advisory Committee. Mr. Provo said at the time he applied, he was not aware of the Ad Hoc

Arts & Tourism Commission, and feels this is where his background and real interests lie and he will be applying for that committee instead.

Vice-Chair Burns made a motion to accept the resignation of *Michael A. Provo* as a member of the *Riverfront Advisory Committee*, which was seconded by Councilor Dumont.

Chairman Weinstein said she had a long talk with Michael and he assured her he could still be involved in the Riverfront Advisory Committee, just not as an active member. She said he has so much information on Newmarket, and will be a force to be reckoned with on the Ad Hoc Arts & Tourism Commission.

Town Administrator Fournier polled the Council and the motion to accept the resignation of *Michael A. Provo* as a member of the *Riverfront Advisory Committee* was approved by a vote of 7-0.

CLOSING COMMENTS

Councilor Kiper reiterated what the Chief said in his report about a Parking Committee, said if a Parking Committee is formed he would be happy to join. He also asked if anyone responded to the other letter received about the Dam. Town Administrator Fournier said he only brings correspondence addressed to the Council as a body.

Vice-Chair Burns said they will be moving towards the Deliberative Session very quickly, and reminded everyone about the filing period in the last week in January. She said joining a board or committee is the best way to have your voice heard and also attending the meetings.

Councilor Dumont echoed what was said by Vice-Chair Burns, and said it is very important if you want to be involved to take the step and do it. He added that the Tree Lighting was well-attended and thanked the Recreation Department for making that happen.

Chairman Weinstein said approximately one month ago she spoke about Coastal Resiliency and appointing a Council member to that Board, and she received a second email from them asking who had been appointed, and asked if any of the councilors had an interest in serving in that capacity. Councilor Finch said he was interested and asked the number of meetings per month. Town Administrator said traditionally one meeting, and Councilor Finch said he could make it work but travel would be tough. Councilor Kast said she was also interested and Chairman Weinstein gave her a month to think it over. Town Administrator Fournier recommended reading the actual legislation.

Chairman Weinstein said there is a petition she has been seeing online and the petitioner is listed as the Town of Newmarket. She said she wanted to make it clear that it has nothing to do with the Town of Newmarket. Town Administrator Fournier said this petition is to the School Board and it is **not** a Town petition. Vice-Chair Burns asked if this is something that needs to be corrected. Town Administrator Fournier said they do not have the authority to do that, and do not even know who the head petitioner is. He asked that whoever the petitioner is, to remove "Town of Newmarket" from the petition. Councilor Dumont asked if it would be beneficial to have the office put out an official statement. Councilor Sanders said she felt they needed to do something and Vice-Chair Burns agreed. Chairman Weinstein said reaching out through social media would be the best.

Chairman Weinstein wished everyone Happy Holidays and a Happy and Healthy New Year.

Town Council Workshop & Regular Meeting
December 18, 2019

NEXT MEETING: The next Town Council meeting will be held on Wednesday, January 15, 2020 at 7:00 pm in the Town Council Chambers.

ADJOURNMENT

Chairman Weinstein adjourned the meeting at 8:44 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary