

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

APRIL 18, 2018 7:00 PM

TOWN COUNCIL CHAMBERS

Approved May 2, 2018

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

ALSO PRESENT: Police Chief Kyle True, Conservation Commission Member Drew Kiefaber, Conservation Commission Member Patrick Reynolds, Land Conservation Director Duane Hyde of the Southeast Land Trust (SELT), Planning Board Vice-Chair Valerie Shelton, Community Development Director Diane Hardy, Kyle Pimental of the Strafford Regional Planning Commission

AGENDA

Chairman Dale Pike welcomed everyone to the April 18, 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 HEARINGS

Chairman Pike opened the Public Hearings at 7:02 pm, and asked if anyone from the public wished to speak.

Ordinance #2017-2018-03 Amendments to Chapter 32 Zoning, Section 32-238 Impact Fees of the Municipal Code of the Town of Newmarket and Zoning Ordinance, Adopted 2/14/1996 as Amended through October 18, 2017

Resolution #2017/2018-45 Adoption of the Newmarket, NH Multi-Hazard Mitigation Plan Update

As no one from the public came forward to speak to either Ordinance #2017-2018-03 or Resolution #2017/2018-45, Chairman Pike closed the Public Hearings at 7:02 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the minutes of the Regular Meeting of March 28, 2018

Vice-Chair Weinstein made a motion to approve the minutes of the Regular Meeting of March 28, 2018, which was seconded by Councilor Burns.

Councilor Finch corrected an error on line 259 to state that the Piscassic River-Loiselle Property kiosk sign “will be installed”.

Police Chief Kyle True polled the Council and the minutes of the meeting of March 28, 2018 were approved as amended by a vote of 7-0.

Acceptance of the minutes of the Regular Meeting of April 4, 2018

Vice-Chair Weinstein made a motion to approve the minutes of the Regular Meeting of April 4, 2018, which as seconded by Councilor Burns.

Councilor Kast made a change on line 78 to correct “School Research Officer” to *School Resource Officer*.

Police Chief True polled the Council and the minutes of the meeting of the Regular Meeting of April 4, 2018 were approved as amended by a vote of 5-0, with 2 abstentions.

REPORT OF THE TOWN ADMINSTRATOR – Submitted as part of the Council Packet.

COMMITTEE REPORTS – None

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Chairman Pike asked that Resolution #2017/2018-44 be taken out of order and the Council agreed.

Resolution #2017/2018-44 Purchase of Tucker Property for Conservation Purposes

Drew Kiefaber, member of the Conservation Commission, introduced Conservation Commission member Patrick Reynolds, Duane Hyde of the Southeast Land Trust (SELT), and Valerie Shelton who was representing the seller of the property. He said the property was formerly owned by Don Tucker, who before his death had spoken of a desire to have it conserved. He said the land became part of his estate and the property abutted other conserved lands. He said the Newmarket Conservation Commission,

working with the Southeast Land Trust (SELT), had been communicating with the owners of the property for a way to conserve it.

Mr. Kiefaber said the parcel actually consisted of two (2) pieces of property at the end of Neal Mill Road. He said one piece was a little over 15 acres, much of it wetland, which drained from the Southeast Land Trust to this property and eventually to the Piscassic River. Chairman Pike asked about the site of the Tucker Well and Mr. Kiefaber said it was located across the street and not abutting. He said the current proposal was that the Town and the Southeast Land Trust (SELT) would buy the property, assuming an appraised value of \$150,000 to \$170,000. He said if it was appraised above that amount the landowner would do a bargain sale at \$170,000.

Mr. Kiefaber said the funding would come from two (2) sources: (1) Town of Newmarket Conservation Fund, contributing up to \$105,000; and (2) Wetlands Reserve Easement Program (Federal). He said SELT would do the legwork of applying for and getting the easement, which would be put on the property by the current landowner. He said SELT would ultimately own the property and the Town of Newmarket would have an executory interest in the ownership. He said the proposal was structured that way because a land trust would provide better stewardship of that property for conservation than a municipality, and SELT also owned an abutting property which would drain through this property and provide continuation of water cleansing through conservation land.

Mr. Kiefaber said the other parcel was a thin strip of land about $\frac{3}{4}$ acre with frontage on the Piscassic River which would be included in this acquisition, fronting on a Class 6 road. He said this parcel also abutted another property with a conservation easement, which abutted the Town portion for the Tucker Well for which the Town owned the easement.

Discussion: Vice-Chair Weinstein asked the balance of the Conservation Fund, and Mr. Kiefaber said they currently had a balance of \$294,000. Councilor Kast asked what would happen if the property cost came in less than \$170,000. Mr. Kiefaber explained that the Wetlands Reserve Program had a set amount of money which was provided for an easement on a property, on a per-acre basis. As this was a finite amount, if the appraisal came in lower the Conservation Commission would be contributing less.

Land Conservation Director Duane Hyde, of the Southeast Land Trust (SELT), said there was an error in the Resolution, and said SELT was bringing in a little over \$102,000, approximately \$70,000 from the Wetlands Protection Easement Program, \$9,000 applying to Great Bay Resource Protection Partnership for funding, and \$25,000 in private funds, an approximate 50/50 split of the Town and SELT. Mr. Kiefaber said other expenses included long-term easement stewardship funds and closing costs. Councilor Kast asked about access and usage for Town residents, and Mr. Kiefaber said the land was open to the public for non-motorized access in general, and hunting would be permitted within other regulations.

Chairman Pike said he had been hiking the Newfields-Manchester Rail Trail and had come across a side trail which passed through meadows and wetlands, and said he was thrilled to see it being made larger. Councilor Kast asked if there would be development of trails on the property. Mr. Kiefaber said trails were not planned as the area was mostly wetlands, and the end of the Class 6 road became a double-wide trail through the Piscassic Greenway. Director Hyde stated that the Piscassic Greenway, owned by the Southeast Land Trust, currently consisted of approximately 450 acres with a well-signed trail network. Mr. Kiefaber said they would probably have to look at some sort of drainage or improvement at the end of Neal Mill Road to provide space for people to leave vehicles.

Councilor Kast asked about the relation of the easement with NRCS. Director Hyde said SELT secured a dedicated amount of money for projects that met certain criteria from NRCS, the Natural Resources Conservation Service, through its Wetlands Resource Easement Program. He said NRCS was a federal program under the Department of Agriculture related to areas noted in the Coastal Conservation Plan protecting rare turtle habitats, which this property had. He said the program would rank the projects and fund acquisition of Conservation Easements by the NRCS, with the easement held by the federal agency, and paying \$70,000. He stated that SELT, along with the Town, would then acquire the property to round out the overall purchase price.

Councilor Kast asked if that agency would then be involved in some of the Conservation activity. Director Hyde said as part of the program, NRCS was involved in doing wetlands restoration to improve habitat on the property, and would usually undertake that in the first year of ownership. Mr. Kiefaber stated that almost all conservation properties required this sort of combination of funding sources. Councilor Kast asked about water quality, and Director Hyde stated that the Tucker Well had been permitted by the State of New Hampshire but that they did have requirements for source protection around wells.

Councilor Kast asked about the whole picture of the abutting conservation land, and Mr. Kiefaber said in general conservation organizations looked to try to establish larger pieces of property in conserved areas whenever possible. Director Hyde added that he had done the abutting piece with Don Tucker when he was alive, and said they had talked about the importance of the stream that passes through this property to the Piscassic River and to protecting the water quality of the river and the Tucker Well. He said these stream systems and abutting wetlands were also important corridors for wildlife movement and they would be protecting that as well.

Police Chief True polled the Council and Resolution #2017/2018-44 Purchase of Tucker Property for Conservation Purposes was approved by a vote of 7-0.

Ordinance # 2017-2018-03 Amendments to Chapter 32 Zoning, Section 32-238 Impact Fees of the Municipal Code of the Town of Newmarket and Zoning Ordinance, Adopted 2/14/1996 as Amended through October 18, 2017

Community Development Director Diane Hardy said she was there on behalf of the Planning Board to recommend for approval to the Town Council to make some amendments to the Town Zoning Ordinance under the Impact Fees section. She said the Town had an Impact Fees program since 2001, which provided the School and the Town with a means of funding public facilities necessitated by growth and

development in the community. She explained that there was a section in the Zoning Ordinance where the Planning Board could provide waivers under certain circumstances. She said there had been a lot of discussion about Accessory Dwelling Units (ADUs), and said a State Law was passed last year that said communities had to allow these types of dwellings within residential zones as a way of promoting affordable housing.

Community Development Director Hardy said ADUs in Newmarket were basically allowed in all zones that allowed residential/single-family housing. She said to apply for an accessory apartment you would go to the Zoning Board and seek a special exception. She said there were certain conditions that had to be met: the dwelling had to allow for 2-bedroom apartments, one unit had to be owner-occupied, parking had to be accommodated as well as sewer and water provided, there had to be an interior door between units which could not be locked, and the structure had to be compatible with the character of the neighborhood.

Community Development Director Hardy said the Town Attorney had reviewed the Zoning Ordinance, advised them to be in compliance with Federal as well as State laws, and had recommended some language that limited the number of bedrooms created to equal the number of bedrooms before. She said the Planning Board then drafted some language, held a work session and a Public Hearing, and had a recommendation to be brought forward to the Council for consideration. She said they were just adding another paragraph to the Zoning Ordinance stating that the ADUs be created from conversion of existing living areas, and that the number of bedrooms not be increased on the property.

Discussion: Vice-Chair Weinstein asked how the process worked. Community Development Director Hardy said the ADUs could be approved after duly notifying the public, and the Planning Board had the jurisdiction to waive Impact Fees. She felt the changes would help the Planning Board clarify some of the grey areas in the law and put them on a stronger legal ground. She said the Planning Board discussed ways of assuring compliance with the rules through the application process.

Police Chief True polled the Council and Ordinance # 2017-2018-03 Amendments to Chapter 32 Zoning, Section 32-238 Impact Fees of the Municipal Code of the Town of Newmarket and Zoning Ordinance, Adopted 2/14/1996 as Amended through October 18, 2017 was approved by a vote of 7-0.

Resolution #2017/2018-42 Purchase of a Ford Taurus Unmarked Cruiser for the Police Department to include Costs Associated with Replacement of Emergency Lighting, and Equipment Set-up

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-42 Purchase of a Ford Taurus Unmarked Cruiser for the Police Department to include Costs Associated with Replacement of Emergency Lighting, and Equipment Set-up, which was seconded by Councilor Burns.

Police Chief True said the Police Department was looking to replace a 2005 Crown Victoria which had low mileage but had developed a number of maintenance issues, and the vehicle had to be put out of service last year. He said the estimated cost to keep the vehicle would be approximately \$2,800 just to pass inspection. He said in this instance he recommended that the Town not pass the vehicle on to another department but to sell it at State Auction. He said they were looking to replace it with a brand new 2018 Ford Taurus, which would be an unmarked vehicle used by detectives.

Police Chief True said the State bid from Grappone Ford would be a vehicle cost of \$25,000 with a total cost of \$30,609 with set-up, and it would be purchased from the Police Department Detail Revolving Account, which was separate from Capital Reserves. He said he received 3 bids to outfit the vehicle and recommended the lowest bid from 2-Way Communication in Newington.

Discussion: Councilor Dumont asked what would happen to the equipment currently in the vehicle. Police Chief True said the radio was antiquated and unsupported by Motorola, and right now Rockingham County was benefitting from a 50% price drop.

Police Chief True polled the Council and Resolution #2017/2018-42 Purchase of a Ford Taurus Unmarked Cruiser for the Police Department to include Costs Associated with Replacement of Emergency Lighting, and Equipment Set-up, was approved by a vote of 7-0.

Resolution #2017/2018-43 Purchase of a Ford Interceptor SUV for the Police Department to include Costs Associated with Replacement and/or Transferal of Emergency Lighting, and Equipment Set-up

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-43 Purchase of a Ford Interceptor SUV for the Police Department to include Costs Associated with Replacement and/or Transferal of Emergency Lighting, and Equipment Set-up, which was seconded by Councilor Bowden.

Police Chief True stated that this was a black-and-white line car to replace a 2014 SUV with approximately 103,000 miles. He said the current vehicle was beyond warranty and they had spent \$4,900 beyond the warranty. He said items from the 2014 vehicle could be removed and put in the new vehicle, and said the lowest bid on outfitting the vehicle was again 2-Way Communications at \$2,427. He said the State bid from Grappone Ford bid was \$29,122 for a total of \$32,049 with set-up. He said the vehicle would be purchased from the Police Department Capital Reserve Fund, which currently had \$222,000 in the fund.

Discussion: Vice-Chair Weinstein said the Staff Report recommended keeping vehicles from between 4-10 years and this seemed on the low end. Police Chief True said the Department tried to purchase at least one vehicle per year, but in the 3rd year they would replace 2 vehicles, one line car and one unmarked vehicle. He said they kept the unmarked vehicles for 10 years minimum as they got less wear and tear, while the black-and-white line cars were constantly running. He said historically they tried to change out police line-car vehicles between 90,000 and 100,000 miles to make sure they are safe.

Police Chief True polled the council and Resolution #2017/2018-43 Purchase of a Ford Interceptor SUV for the Police Department to include Costs Associated with Replacement and/or Transferal of Emergency Lighting, and Equipment Set-up was approved by a vote of 7-0.

Resolution #2017/2018-45 Adoption of the Newmarket, NH Multi-Hazard Mitigation Plan Update 2018

Vice-Chair Weinstein made a motion to approve Resolution #2017/2018-45 Adoption of the Newmarket, NH Multi-Hazard Mitigation Plan Update 2018, which was seconded by Councilor Bowden.

Kyle Pimental, Principal Regional Planner at Strafford Regional Planning Commission, stated that the Town Administrator asked him to give background on the Hazard Mitigation Update. He said he would talk about

the Multi-Hazard Mitigation Plan, the Town process they had gone through, and some of the more significant changes made in the update since 2013 and go over the next steps moving forward.

Mr. Pimental gave some background stating that in 2000 Congress adopted the Disaster Mitigation Act, which basically authorized Federal funding for development of State and local Hazard Mitigation Plans. He said currently Congress required all local governments to have an approved plan to receive any sort of Federal funding, especially Federal Disaster Funding. He said there was a big difference between pre- and post-disaster funding. He explained that if a community did not have a Hazard Mitigation Plan and there was a natural disaster, they could still receive Federal funding post-disaster, but to do something pre-disaster they would not be eligible to receive Federal funding.

Mr. Pimental said that New Hampshire was one of the most compliant states in the country with 231 out of 234 communities compliant. He said the primary purpose of the plan was for communities to get together emergency personnel and look at different types of hazards that could impact the Town, determine their vulnerability, and start thinking of some long-term strategies to reduce their risks. He said the plans were meant to be revolving documents which should be reviewed by the Emergency Management Department before or after any event and had a life-cycle of 5 years before expiration. He stated that Newmarket's plan expired February 1, 2018, and said that going through Homeland Security took a lot of time and the funding was also delayed until late fall of last year.

Mr. Pimental said the process was that the Town received \$7,500 from Homeland Security from a FEMA Grant, and as part of that the Town's contribution had to be \$2,500 in an in-kind match. He said once funding was in place, the Town had the opportunity to pick their consultant and decided to work again with the Strafford Regional Planning Commission. He said he and the Emergency Management Department then organized a committee of 6 people to review materials and they met 4 times from December 6, 2017 to January 24, 2018. He said the job of the committee was to provide him with some local knowledge, some perspective on the Town's biggest concerns, and to go over what happened over the last 5 years.

Mr. Pimental reviewed significant changes saying that FEMA changed their guidelines every few year. He said Newmarket's Plan met all regulations and Homeland Security had already given conditional approval, so that everything FEMA wanted to see was already in the plan. He said the chapter on Community Profile was not in the Town's 2013 plan, new land use data had come out, and new housing data. He said they reviewed the Town's critical infrastructure and key resources and there were 5 different tables for emergency response facilities, non-emergency response facilities, critical infrastructure, vulnerable populations, and water resources which were all met.

Mr. Pimental said they had looked at the Town's Flood Insurance policies and compliance with the Flood Insurance Program, looked at various projects done (seawater rise, Stormwater, etc.), and assessed each hazard using a required vulnerability tool. He said two new hazards were added: (1) cyber-attacks and (2) coastal flooding. He said they looked at Federal declarations over the last 5 years and each hazard now had a new write-up including potential future impacts and losses.

Mr. Pimental said they also looked at what the Town had accomplished since their 2013 Plan, and said there were 12 actions of which the Town completed 7, rolled 2 over into the 2018 Plan, and 2 were removed. He said they looked at existing mitigation items like the Town's Flood Plan Ordinance, building codes, mutual aid, and assessed functioning, and looked at new mitigation actions and put this all together in an Implementation Plan. He said the plan was submitted on January 11, 2018 and Homeland Security had given conditional approval on March 23, 2018.

Mr. Pimental said New Hampshire was only the second state in the country to allow the State to review these plans, which was important in that it saved communities time in going through FEMA. He said New Hampshire now allowed the State Department of Homeland Security to review their plans and provide assistance. He said the next steps would be for the Council to adopt the plan and send it back to FEMA for final approval. He said the approval date of the final letter would be the start of the 5-year plan.

Discussion: Councilor Kast said since the Town's prior plan had expired and they were now in the period where they were not eligible for funding. Mr. Pimental said if the Town were to apply for any pre-disaster funding now they would be ineligible. He explained that the funding from FEMA was late and nothing could be done until the funding arrived. He said it also took time to go from Federal to State Homeland Security to the Planning Commission down to getting the community ready.

Community Development Director Hardy said the Town of Newmarket did not have any pre-disaster projects ready so that timing was really a moot issue. She said there was nothing on their Capital Improvement Program that qualified for pre-disaster funding, and they were still eligible for post-disaster Federal funding. Councilor Kast asked how the projects listed would move forward once the plan was adopted. Mr. Pimental said that each action identified on the Implementation Plan should have a responsible party as lead for moving that project forward, and said it was the Town's responsibility to look at the actions and decide which were most important, depending on resources.

Councilor Bowden asked about active shooter situations, and Mr. Pimental said they had that discussion and some communities were adding it into their disaster plans, however the Town also had an Emergency Management Operations Plan that might be a better fit. Chairman Pike pointed out that there was not a single plan that covered everything the Town had to monitor.

Police Chief True polled the Council and *Resolution #2017/2018-45 Adoption of the Newmarket, NH Multi-Hazard Mitigation Plan Update 2018* 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

Cemetery Trustee

Candidate: *David Erwin Smith - Term Expires March 2020*

Councilor Dumont made a motion to approve the nomination of *David Erwin Smith - Term Expires March 2020* as a *Cemetery Trustee*, which was seconded by Councilor Burns.

Police Chief True polled the Council and the nomination of *David Erwin Smith* as a *Cemetery Trustee* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING – None

CORRESPONDENCE – None

CLOSING COMMENTS

Vice-Chair Weinstein said the Roadside Cleanup would be held Sunday, April 29, 2018 from 1:00 pm–4:00 pm, and people interested in helping out could meet at the Elementary School at 12:45 pm or send her an email.

Vice-Chair Weinstein said there was also an event being organized by Patty Marsden of the Newmarket Community Church for the First Annual Newmarket Cares Day. She said the idea was to bring volunteers together and pair them with projects for the Town and private projects. She said it would be held May 11, 2018 from 11:30 am to 5:00 pm and coincide with a half-day of school. Anyone interested should contact the Community Church.

Councilor Finch reiterated that the Piscassic-Loiselle sign would be going up on Saturday morning.

Councilor Dumont said there were 2 public hearings last week on Wildcat Transit Route 5 Bus Service, as they were looking at getting rid of all weekend service and cutting off the Bennett Way section of their bus route. He said there were noticeable concerns from non-motor vehicle owning residents, and said he was working on some ways to save some weekend service as he was an employee of Wildcat Transit.

NEXT MEETING: The next Regular Town Council Meeting will be held on May 2, 2018 in the Town Council Chambers.

ADJOURNMENT

Chairman Pike adjourned the meeting at 8:39 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary