

# **TOWN OF NEWMARKET, NEW HAMPSHIRE**

## **TOWN COUNCIL REGULAR MEETING**

July 20, 2022 7:00 PM

Council Chambers

Minutes

**Approved August 17, 2022**

**Councilors Present:** Council Chair Toni Weinstein, Council Vice-chair Katanna Conley, Councilor Megan Brabec, Councilor Scott Blackstone, Councilor Brian Ward, Councilor Joe Lamattina and Councilor Colin White, Sr.

**Staff Present:** Town Manager Stephen Fournier, Environmental Services Director Sean Greig, and Wendy Chase, Recording Secretary.

Chair Weinstein convened the meeting at 7:00 PM and led the Pledge of Allegiance.

Councilor Conley made a motion *to seal the July 20, 2022 non-public meeting minutes*, which was seconded by Councilor Brabec.

Motion was Passed by a vote of 7-0.

## **AGENDA**

### **PUBLIC FORUM**

Chair Weinstein opened the Public Forum at 7:03 PM.

Representative Ellen Read, Great Bay Woods, spoke in favor of Resolution #2021/2022-37 – Sustainable Energy Goals for the Town of Newmarket. She submitted a petition signed by 166 Newmarket residents (145 signatures were vetted) to the Town Council that encouraged passage of Resolution #2021/2022-37. She encouraged members of the Town Council to vote in favor of the Resolution.

Many town residents were in attendance and spoke in support of the Town Council passing Resolution #2021/2022-37. They voiced concerns over the threat of global warming, climate change and water and air quality. The following residents spoke in favor of Resolution #2021/2022-37 and encouraged the Town Council to pass it:

Henry Smith, 1118 Bennet Way.  
Bill Raley, 25 Packers Falls Road.  
Joan DeYoreo, 191 Bay Road  
Larry Kane, 501 Cushing Road.

Rocky Dietrich, 9E River Street, Apt. E24.  
Emily Jones, 631 Bennett Way.  
Sonke Dornblut, 351 Wadleigh Falls Road.  
Kelsey Myer, South Main Street.  
(unintelligible) Kendall 91A River Street.  
Matt Van Buren, 7 North Main Street.  
Amelia Thompson, 2J Piscassic Street

Chair Weinstein closed the Public Forum at 7:24PM.

## **TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

### **June 1, 2022 Non-public Meeting Minutes**

Councilor White made a motion to Approve *the June 1, 2022 Non-public Meeting Minutes*, which was seconded by Councilor Conley.

Motion was Passed by a vote of 7-0.

### **July 15, 2022 Meeting Minutes**

Councilor White made a motion to Approve *the July 15, 2022 Meeting Minutes*, which was seconded by Councilor Conley.

Motion was Passed by a vote of 7-0.

### **July 15, 2022 Non-public Meeting Minutes**

Councilor White made a motion to Approve *the July 15, 2022 Non-public Meeting Minutes*, which was seconded by Councilor Conley.

Motion was Passed by a vote of 7-0.

## **REPORT OF THE TOWN MANAGER**

- **Wildcat Transit:** Based on this year's observed ridership and subsequent April 2022 Transportation Policy Committee discussion and consensus, the University is announcing its decision to end Wildcat Transit Newmarket service after the spring 2023 academic session.
- **Town Engineer:** Lyndsay Butler has been appointed as the Town Engineer. She will begin in late August.
- **Tucker Well Easement:** The NH BTLA determined that the easement the town is taking from Mr. McClellan for the Tucker Well development cost is \$20,000. The independent appraiser determined the value at \$3,100.00. The town offered \$25,000.00 initially and Mr. McClellan wanted \$285,000.00 for the easement.
- **Cable Franchise Agreement:** We have received a proposed renewal agreement for the

town's franchise agreement with Comcast. The telecommunications attorney is reviewing it.

- **Town Equalization Ratio:** NH Department of Revenue did a community action report of property values in the community. They found that the town's weighted average sales ratio is 72.2% which means that our assessed values are about 28.8% below market value. We determine how much money we can raise by our assessed valuation. Our current town valuation is \$987,870,471 and for every \$1 we have on the tax rate we can raise \$987,870. The town had to correct an overvalued market in 2014 where we lost \$57,639 for every dollar we could raise through taxation and the Town Manager is concerned that we will have to correct the overall valuation by a much larger number in 2024.

Councilor Blackstone commented on the Police Department monthly report and mentioned that motor vehicle stops have declined and commented that that is an example of community policing. He commented on the lower levels of nitrogen going into the Great Bay and improving the accessibility to the Library and said those are two great things.

## COMMITTEE REPORTS

Councilor Brabec reported on the Arts & Tourism July 11 meeting. They met with representatives of the Millspace and discussed a collaboration of the two groups. Arts in the Park at Schanda Park continues on Tuesday evenings from 6:00 PM to 8:00 PM, and the "Backyard Bash" is scheduled for August 5<sup>th</sup> from 5:00 PM to 10:00 PM.

Councilor Ward reported on the June 27 Budget Committee meeting. They met with the Interim School Superintendent Todd Allen. He said that school turnover remains low. There is a possibility that the USDA will extend the food waivers to allow for free meals to the children. Families can apply through the school.

Councilor Blackstone reported on the July 12 Planning Board. They had the impact fee presentation and decided to endorse it to the Town Council. They had a presentation from Quell Tech Wireless to put an antenna on the water tower. The Railroad Ave project is going through; the owner is applying for funding from NH Invest so that he can build a two-bedroom workforce housing unit for \$1,800 per month for rent but will not be able to accomplish it without the funding. The Chapel Street property on the corner that intended to have a bike shop has changed the plan to build a two-bedroom apartment on the top floor. The first draft of the accessory dwelling unit will be ready for review at the August Planning Board meeting. The new owners of 25 Beech Street Ext. plan to put in a winery, wine bar and bistro. They are having parking issues and plan to reach out to property neighbors to work out a deal. The Planning Board Chair met with the Town Manager, and they will begin to work on the improvements to the Town's Northern Gateway.

Councilor LaMattina reported on the Riverfront Advisory Committee meeting. They met with the President of the Rivermoor Landing Association. They are working with the Director of Community Development on two grants; one for moonlight brook and the other to look at viable options to the riverfront. A member has resigned from the Committee so there is a vacancy.

Councilor LaMattina reported on the Energy & Environment Committee meeting. They are

working on the energy aggregation plan for the community power coalition application they are working on. There are 5 openings on the committee. Councilor LaMattina said he will request the Council suspend the rules so that they may appoint a member that did not get their application in by the Wednesday deadline. They are all set for the September 27<sup>th</sup> New Hampshire Button-up Webinar sponsored by the Town Council and Energy & Environment Committee.

## **RESOLUTIONS IN THE 2<sup>ND</sup> READING**

### **Resolution #2021/2022-36 – Request funds from Library CRF for Roof Repair**

Councilor Ward made a motion to Approve *Resolution #2021/2022-36- Request funds from Library CRF for Roof Repair*, which was seconded by Councilor Brabec.

Librarian Cronin explained that the Library roof is leaking. The Trustees were able to obtain 5 bids. They recommend the Council approve the bid from a local contractor who presented the lowest bid to repair the roof.

Motion was Passed by a vote of 7-0.

### **Resolution #2021/2022-37 – Sustainable Energy Goals for the Town of Newmarket**

Councilor Ward made a motion to Approve *Resolution #2021/2022-37- Sustainable Energy Goals for the Town of Newmarket*, which was seconded by Councilor Brabec.

Councilor LaMattina made a motion to Amend *Resolution #2021/2022-37 – Sustainable Energy Goals for the Town of Newmarket*, which was seconded by Councilor White.

**(Goal outlined in Resolution #2021/2022-37):** *Now, Therefore, be it resolved by the Newmarket Town Council that: The Town of Newmarket shall commit to achieving one hundred percent reliance on renewable and carbon neutral source of electricity by the year 2030; and one hundred percentage reliance on renewable and carbon neutral sources of fuel for heating and transportation by the year 2050.*

Councilor LaMattina explained that he does not agree with the word “commit” in the resolution . He feels that it can be interpreted as a requirement of the Town to accomplish renewable energy by 2030 and 2050. He said he would like to offer 3 edits to Resolution #2021/2022-37 and that none of the edits change the intent, the goals, or the directive of the Resolution. Edit #1 – 4<sup>th</sup> paragraph - change the word “commit” to “aspire”. Edit #2 – 5<sup>th</sup> paragraph - change the word “commitment” to “aspiration”. Edit #3 – 6<sup>th</sup> paragraph - correct “Environment and Energy” to “Energy and Environment”.

Councilor LaMattina said that the Energy & Environment is starting to work on a comprehensive plan as stated in the last paragraph of the Resolution. They are working on the community power coalition that will bring in renewable energy and made available to Newmarket residents. The Committee is also working on an energy section to the Master Plan.

Councilor Brabec said that she would prefer not to weaken the resolution by approving the proposed edits. She asked what the possible ramifications to the Town would be if the goals are not achieved by 2030 and 2050.

Town Manager Fournier explained that he looked at other municipalities that have adopted this type of resolution and they all use the word “aspire” instead of “commit”. He voiced concern over the fact that the town may not have the money to switch over to renewable energy by 2030 or 2050. He said we carry out the policies; we do not fund the policies.

Councilor Ward said that changing the word from “commit” to “aspire” would give the Town more wiggle room in case something happens like another pandemic, and we don’t want to lock ourselves into anything.

Councilor Conley said the change doesn’t seem to substantively change the guts of the resolution which is to take concrete action toward renewable energy.

Town Manager Fournier said that he will check the law and make sure there are no state regulations that would tie the Councils hands to commit to changing over to clean energy. He agrees that the Town should definitely aspire to switch over by 2030 and 2050.

Motion made on the edits was Passed by a vote of 6-1-0. Council Brabec opposed.

Town Manager Fournier said the Energy and Environment Committee requested a presentation from Robin Werner, former City Councilor of Concord, NH supporting the Resolution. He explained that it was up to the Council to decide whether or not to allow the presentation.

The Council had no objection to allowing Mr. Werner to deliver his PowerPoint presentation.

Mr. Werner gave a PowerPoint presentation via zoom regarding the City of Concord’s adoption of a Resolution for 100% renewable energy commitment with electricity by 2030 and transportation and thermal energy by 2050.

Representative Read said there was a second part to the presentation.

The Council had no objection to allowing two other non-resident presenters to speak.

Lee Oxenham, State Representative in Sullivan County and member of the Science Technology & Energy Committee in Concord, NH spoke in favor of adopting Resolution 2021/2022-37. She offered her opinions on global warming and climate change and encouraged the Council to support “Ready for 100” and adopt Resolution #37.

Evan Oxenham, Co-chair of the Plainfield, NH Energy Committee, explained how the Town of Plainville, NH approved the “Ready for 100 Goal”.

Councilor Conley asked how Plainfield supported low-income individuals with costs associated with reverting to clean energy.

Representative Oxenham said that there was planning and opportunity to provide support to a low-income area, but it was prevented by their utility to put the 3-phase power in. They are optimistic that it will happen in the near future.

Chair Weinstein explained her stance on the proposed resolution. She said that she has served on the Council for over 8 years and was Council Representative to the Energy & Environment Committee with 3 of those years as Chair. She said the resolution is aspirational and it is important to set goals for the community, but when the Council sets goals for the community there must be a plan in place to achieve those goals. She said that she advised the Energy Committee to put a comprehensive plan in place detailing how to achieve the goals. They need to understand the baseline and costs associated with getting to 100% renewable, and what is expected of the municipality, homeowner, and business owner; this work has not been done yet. During Chair Weinstein's tenure the Council has (1) formed an Energy & Environmental Committee, (2) completion of energy audits for the municipal buildings resulting in the installation of LED lights, insulation upgraded, HVAC improved, and solar panels were installed on the DPW building. These improvements have significant environmental impacts and completed with no additional cost to the taxpayers. (3) Three electrical car charging stations were installed in town, (4) the Council approved the first hybrid police cruiser currently in service, (5) approved a composting program at the transfer station for residents diverting approximately 38 tons from the landfill annually, (6) formed an electric aggregation committee to help facilitate a plan to move forward with shared solar energy, (7) in the process of negotiating a solar array garden on town owned land, (8) formed the Riverfront Advisory Committee which in part is looking at ways to mitigate erosion by flooding caused by sea level rise, (9) partnered with Energy NH to make presentations to Newmarket residents that are energy related. The Chair has personally helped organize an annual trash cleanup day. Chair Weinstein said she is happy to see the momentum behind the proposed resolution and hopes people will stay engaged through the process developing standards and systems to get to 100% renewable. She opined that voting for this resolution without a plan or the involvement of the Planning Board and Conservation Commission would be irresponsible, and she is not in support of the resolution.

Town Manager Fournier informed the Council that according to the Council's Rules of Proceedings there was 30 minutes left to conduct business.

Council Brabec said it is clear that the Town is already committed to environmentalism. She said she is happy to support passing the amended resolution but agrees that without a plan it is a bit hollow, but she doesn't see any harm in setting a goal tonight.

Councilor LaMattina hoped to change the Chair's mind to support the resolution and said that part of the resolution is to come up with a plan and the Energy Committee is working on that. He said the resolution is the beginning piece that we included with the energy aggregation plan to show the community power coalition that the Council is committed to doing this.

Motion to Approve Resolution #2021/2022-37 as amended was Passed by a vote of 6-1-0. Chair Weinstein opposed.

Town Manager Fournier addressed the following procedures:

- Committee member resignation: the member must submit a written resignation letter and submit it to the clerk; the resignation is not effective until that time.
- Committee Quorum: what constitutes a quorum is the number of designated spots on a committee. Committees should not be meeting without a quorum (majority of the number of members).
- How to place items on the agenda: Staff and Councilors present items to the Town Manager to add items to the agenda. Committees do not submit agenda items. He commented that tonight's meeting could have run much more smoothly if the Council's rules were followed. There were presentations that were more advocacies than presentations.
- Council Subcommittees: Minutes must be taken at each meeting and submitted to the town clerk within 5 business days. If there is no quorum, discussions can take place, but no conclusions of those discussions can be made.

Chair Weinstein rearranged the agenda to allow the Council to act on Resolution #2022/2023-01 because of the late hour and to accommodate the staff member present.

Councilor White called for a Point of Order. He commented that if a member of the audience needed to converse with their neighbor, they should take it outside the Council Meeting. The Chair agreed.

## **RESOLUTIONS IN THE 1<sup>ST</sup> READING**

### **Resolution #2022/2023-01 – New Road Watermain & Drainage Improvements Project**

Town Manager Fournier asked the Councilors to suspend the rules to allow the Council to act on Resolution #2022/2023-01.

Chair Weinstein read Resolution #2022/2023 into the record.

Councilor Ward made a motion to suspend the rules to take action on Resolution #2022/2023-01 without a second reading, which was seconded by Councilor Brabec.

Motion was Passed by a vote of 7-0.

Environmental Director Greig explained that the Bay Road project is a difficult project and they have had some issues. They are required to have police details for the project. It is estimated that they will need an additional amount of \$29,700 to pay for the details to the end of the project and an additional \$12,900 for asphalt because the prices have increased. The total additional costs of \$42,600 will be split between the drainage portion of the project (coming from ARPA funds) and the water portion of the project.

Motion was Passed by a vote of 7-0.

## **TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS**

### **Pam Myers-Morgan – Arts & Tourism Ad hoc Commission – Term Expiration April 2023**

Councilor White made a motion to Appoint *Pam Myers-Morgan to the Arts & Tourism Ad hoc Commission for a term expiration of April 2023*, which was seconded by Councilor Brabec.

Motion was Passed by a vote of 7-0.

### **Julianna Tyson – Conservation Commission – Term Expiration April 2025**

Councilor Ward made a motion to Appoint *Julianna Tyson to the Conservation Commission for a term of April 2025*, which was seconded by Councilor White.

Motion was Passed by a vote of 6-1-0. Councilor Conley opposed.

### **Cris Blackstone – Racial Equity, Inclusion and Human Rights Advisory Committee – Term Expiration April 2025**

Councilor LaMattina made a motion to Appoint *Cris Blackstone to the Racial Equity, Inclusion and Human Rights Advisory Committee with a term expiration of April 2025*, which was seconded by Councilor Ward.

Motion was Passed by a vote of 6-0-1. Councilor Blackstone abstained.

### **Ruth Kane – Energy & Environment Committee – Term Expiration April 2023**

Councilor Ward made a motion to Appoint *Ruth Kane to the Energy & Environment Committee with a term expiration of April 2023*, which was seconded by Councilor LaMattina.

Councilor Conley said that the original makeup of the Energy & Environment Committee included a representative from the Planning Board and the Conservation Commission. She said one thing that came clear through discussions this evening about the nature of the work the Energy & Environment Committee will be involved in, especially work on the Master Plan, the Council may want to revisit the committee makeup and include that representation.

Councilor Conley suggested the Council table the appointments to the Energy & Environment Committee until they had a chance to change the Charter and make changes to the makeup of the Committee members to include Planning Board and Conservation Commission representation.

Councilor LaMattina suggested voting on the applicants tonight so that the Committee can meet and start work on the energy aggregate plan for the community power coalition. Changes to the Committee could take months.

Councilors Ward and White agreed with Councilor LaMattina to act on the Energy & Environment Committee appointments.



Motion was Passed by a vote of 7-0.

Councilor LaMattina made a *Motion to suspend the rules and allow the meeting to continue to 9:30 PM*, which was seconded by Councilor Brabec.

Motion was Passed by a vote of 7-0.

**William Raley – Energy & Environment Committee – Term Expiration April 2025**

Councilor White made a motion to Appoint *William Raley to the Energy & Environment Committee with a term expiration of April 2025*, which was seconded by Councilor Ward.

Motion was Passed by a vote of 7-0.

**Carol Gulla – Racial Equity, Inclusion and Human Rights Advisory Committee – Term Expiration April 2024**

Councilor White made a motion to Appoint *Carol Gulla to the Energy & Environment Committee with a term expiration of April 2024*, which was seconded by Councilor Ward.

Motion was Passed by a vote of 7-0.

**Emily Jones – Energy & Environment Committee – Term Expiration April 2023**

Councilor Brabec made a motion to Appoint *Emily Jones to the Energy & Environment Committee with a term expiration of April 2023*, which was seconded by Councilor Ward.

Motion was Passed by a vote of 7-0.

**Sean Moran – Energy & Environment Committee – Term Expiration April 2025**

Councilor LaMattina made a motion to Appoint *Sean Moran to the Energy and Environment Committee with a term expiration of April 2025*, which was seconded by Councilor Ward.

Motion was Passed by a vote of 7-0.

**Morgan Santos – Arts & Tourism Commission – Term Expiration April 2025**

Councilor Ward made a motion to Appoint *Morgan Santos to the Arts & Tourism Commission with a term expiration of April 2025*, which was seconded by Councilor Brabec.

Motion was Passed by a vote of 7-0.

**Stacy Brown – Racial Equity, Inclusion and Human Rights Advisory Committee – Term Expiration April 2025**

Councilor White made a motion to Appoint *Stacy Brown to the Racial Equity, Inclusion and Human Rights Advisory Committee with a term expiration of April 2025*, which was seconded by Councilor Ward.

Motion was Passed by a vote of 7-0.

Councilor LaMattina made a motion to *suspend the rules to act on the appointment of Sarah Stinson to the Energy & Environment Committee*, which was seconded by Councilor Ward.

Motion was Passed 6-1-0. Chair Weinstein opposed.

Chair Weinstein commented that her vote in opposition of suspending the rules had zero reflection on Sarah Stinson and said she thought Sarah would make a good addition to the Energy & Environment Committee.

### **Sarah Stinson – Energy & Environment Committee – Term Expiration April 2023.**

Councilor Ward made a motion to Appoint *Sarah Stinson to the Energy & Environment Committee with a term expiration of April 2023*, which was seconded by Councilor White.

Motion was Passed 7-0.

### **CORRESPONDENCE TO THE COUNCIL**

There was no correspondence.

### **CLOSING COMMENTS BY THE TOWN COUNCILORS**

Council LaMattina spoke about an email he sent to the Council regarding Harmony Homes in Durham; a facility that offers lower rents and childcare for the Town of Durham's employees. He asked if the Council would be interested in him gathering more information on their practices.

Chair Weinstein said that any information a Councilor feels is important to share with other Councilors is welcomed.

### **NEXT MEETING**

September 7, 2022

### **ADJOURNMENT**

Chair Weinstein adjourned the meeting at 9:03 PM without objection.

Respectfully submitted,  
Wendy V. Chase  
Recording Secretary