



TOWN OF NEWMARKET, NEW HAMPSHIRE  
OFFICE *of the* TOWN MANAGER

---

## REPORT OF THE TOWN MANAGER

---

June 15, 2022

**Gaziano Property:** SouthEast Land Trust was preparing for the conveyance of the deed of conservation restrictions over the former Gaziano Tract along Neal Mill Road. The project passed what they thought was the last hurdle when they received notice from the Land and Community Heritage Investment Program (LCHIP), which awarded a \$150,000 grant to the former Gaziano Tract. The structure of the conservation project was for LCHIP to be the primary holder of the deed of conservation restrictions and the NHDES to have a third party right of enforcement and the Town of Newmarket to have an Executory Interest allowing the Town to take possession of the property if SELT ever fails to exist or tries to transfer the land to a non-conservation or non-government entity. This deed structure was pretty much exactly as LCHIP had written and provided to us to use for the project that had been used by SELT and other organizations across NH on other conservation projects for many years.

They then learned from LCHIP that the Attorney General's office has determined LCHIP does not have the authority to hold the conservation restrictions and thus we cannot convey the restrictions to LCHIP.

This is a problem as SELT has a loan from a private individual that is due for full balloon payment this month and we were already cutting it close but were going to be able to make it. They worked with their funding partners to get advance payments so they can pay off the loan, but they still have a troubling issue in that they need an entity to hold the deed of conservation restrictions.

SELT spoke with Ellen Snyder, Chair of the Conservation Commission and at the outset of the project the Town holding the restrictions was an option that we all considered, but the Conservation Commission preferred having another entity like LCHIP to be responsible for the monitoring especially since LCHIP was willing to be the holder of the conservation restrictions. With LCHIP now out of the picture we are back to considering if the Town of Newmarket would be willing to hold the deed of conservation restrictions.

The deed is essentially the same as the one already reviewed by the Commission and the Town Attorney, but with the Town as the Grantee rather than LCHIP. The Town Attorney reviewed the new deed and there is no issue.

On November 9, the Conservation Commission voted to recommend accepting a deed of conservation restrictions on the former Gaziano tract.

Resolution #2021/2022-07 that the Town Council approved stated:

*NOW, THEREFORE, BE IT RESOLVED BY NEWMARKET TOWN COUNCIL THAT: The Newmarket Town Council hereby accepts a legal interest in the Gaziano property and authorizes the Town Manager to enter into a Memorandum of Understanding and any other agreements with the Southeast Land Trust.*

With LCHIP not being able to hold the easement and the Conservation Commission now willing to hold the easement, legal counsel and I believe that with the Conservation Commission voting in the affirmative, I can sign the new documents without the Town Council having to go through the process of adopting it again. I am making you aware of the situation, but since the Town is not the one who will maintain the tract of land or pay for it, it doesn't change the initial resolution.

**Code Enforcement Officer – Zoning Administrator:** I am happy to announce that we have hired David Evans of Kittery as our new Code Enforcement Officer – Zoning Administrator. Dave is currently serving as the Assistant Code Enforcement Officer for the Town of Kittery. He has numerous certifications, including commercial and residential building; commercial and residential energy; plumbing and land use planning.

Mr. Evans will be a direct report to the director of Planning and Community Development, who he has worked with in the past. His start date will be July 5.

**Town Engineer:** Interviews have been conducted and we should have an announcement shortly.

**Interim Superintendent of Schools:** On Monday June 6, I met with the new Interim Superintendent of Schools, Todd Allen. Superintendent Allen comes to the Town from the Oyster River School district, where he retired as an Assistant Superintendent of Schools.

We discussed many topics, including improving communications between our offices.

**Policy Enactment:** On the agenda tonight is an ordinance amendment to allow for departmental operation policies to be reviewed and approved by the Town Manager. This is consistent with other council-manager forms of government in the area.

---

## ONGOING PROJECTS

*\*\*\*This section will not be reported orally to the Town Council at the meeting but will use this as a chance to update on any developments in ongoing projects.\*\*\**

---

**Town Engineer:** We are receiving resumes currently.

**New Road:** The project is underway.

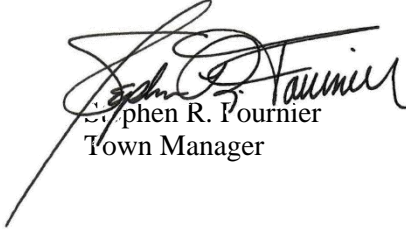
**NH Municipal Management Association Annual Conference:** I will be attending the MMANH annual conference in Keene June 15-17. The Director of Finance and Administration will be filling in for me.

### Contracts Signed on Behalf of the Town Since Last Meeting:

- Employment Agreement – D. Evans, Code Enforcement
- Newmarket NHA CDBG Request - \$21,562.50

- AP Check Run DATE: 06/02/2022 CHECK RUN: 060222-1 AMOUNT: \$ 120,131.48
- AP ACH Payments: 06/02/2022 - 36,312
- AP Check Run DATE: 06/08/2022 Check RUN: 060822-1 AMOUNT: \$ 59,389.94
- HealthTrust Accepting New Rates Effective July 1, 2022
- Environmental assessment review Newmarket Housing Authority CFP FY 2022 for Categorically Excluded Activities/Projects subject to §58.5AP

Respectfully Submitted,



Stephen R. Pournier  
Town Manager