

**TOWN OF NEWMARKET, NEW HAMPSHIRE
BUDGET COMMITTEE MEETING**

APRIL 29, 2019 7:00 PM

TOWN HALL AUDITORIUM

Approved May 20, 2019

MEMBERS PRESENT: Chairman Michael "Mickey" Burns, Vice Chairman Daniel V. Smith, Jeff Raab, Trevor MacDonald, Robert Ortins, Gary Swanson, Roger Cady, Joe Lamattina, Christian Matthews, Town Council Rep Zachary Dumont, School Board Rep Elizabeth McKinney

ALSO PRESENT: Town Administrator Steve Fournier, Town Attorney John Ratigan

AGENDA

Chairman Burns welcomed everyone to the April 29, 2019 Budget Committee Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance. He said Town Administrator Steve Fournier and Town Attorney John Ratigan would be covering orientation for new members.

Chairman Burns said they had a full Committee this evening and would start with introductions.

OLD BUSINESS

Approval of the Minutes of the Budget Committee Meeting of March 25, 2019

Mr. Ortins made a motion to approve the Minutes of the Budget Committee Meeting of March 25, 2019, which was seconded by Vice-Chair Smith.

Chairman Burns polled the Committee and the Minutes of the Budget Committee Meeting of March 25, 2019 were approved by a vote of 9-0, with 2 abstentions.

NEW BUSINESS

Distribution of Budget Books

Chairman Burns said they did not yet have the Budget Books in hand and they would be distributed at the next meeting.

ORIENTATION FOR NEW MEMBERS

Town Administrator Steve Fournier said he would first provide an orientation of the Town's government, and explained that Newmarket was Town Charter Community. He said they were a Council-Manager form of government, and the Town Council serves as the legislative body for the community, with the voters being the legislative entity for the School Board. He said the only two (2) things on the Ballot for the Town were the Budget and Bonds.

Role of the Budget Committee

Town Administrator Fournier said the Budget Committee was a Sub-Committee of the Town Meeting and their role was to review and recommend a budget for the annual meeting. He said they were not involved in the day-to-day operations of the Town or in setting policy for the Town.

Budget Procedure in Newmarket

Town Administrator Fournier said in August he asks Department Heads to begin working on their annual budgets, which they submit to him in September. He stated that by law he had to submit a Budget to the Town Council by October 15th and the Town Council must submit an Operating Budget to the Budget Committee by November 15th. He said the Budget Committee must review the budget and make recommendations prior to the end of December, after which it goes to Public Hearing and on the Ballot. He said the Budget Committee only has authority over the bottom line of the budget, and it is the Town Council that decides where reductions are made.

Discussion: Vice-Chair Smith asked what would happen in the event they had to go to the State, and Town Administrator Fournier said anytime the Town needed to appropriate or raise additional funds it would be reviewed by the Budget Committee. Mr. Lamattina asked about the School Budget schedule, and Town Administrator Fournier said the Budget Committee could also request a reduction in the bottom line of the School Budget but that the School Board would decide where reductions were made. He added that the Budget Committee must also recommend or not recommend the passage of bonds. Mr. Lamattina asked about the School timeline and Town Administrator Fournier said when they were wrapping up the Town Budget, the School Budget started.

Town Administrator Fournier said by Charter a recommendation must be made to the Town of the CIP program, which is basically a 10-year plan of Town projects. He said it showed the impact and the year they would need to go out to issue bonds or appropriate funds for a project, and they needed to do CIP by State Statute in order to collect impact fees. Mr. Ortins asked if the CIP coordinated with the 10-year needs of the School as well, and Town Administrator Fournier said they had started doing that.

Councilor Dumont asked if it would be worth mentioning the difference between CIP and what was done by the Town Council. Town Administrator Fournier explained that the CIP Committee made a recommendation to him and the Town Council on what the program would look like. He said in the first year there were a number of projects that needed to be funded and it was his duty to present a Budget that was reasonable and that the Town Council would be able to pass on to the Budget Committee. He said he had to make sure the Town could afford what they were doing, and said they were putting money in Capital Reserve Funds to do projects later. Mr. Matthews asked how often CIP was updated, and Town Administrator Fournier said annually.

Right-to-Know Law

Town Administrator Fournier said the most critical part of serving on any public board is the Right-to-Know Law, and said it was basically the public's right to see the operations of their government and what they were doing. He said State Statute 91-A requires all meetings to be held in public unless a certain situation warrants otherwise. He explained that any time 6 members (of 11) got together to discuss "matters upon which they have supervision or advisory power" that was a quorum of this body and the Budget Committee had advisory power of the budget.

Town Administrator Fournier said if an investigation were done with 3 members, that would be a quorum of that sub-committee, and minutes must be taken and the meeting posted. He said unless the meeting qualified for non-public session, all meetings were open to the public to attend but not to participate in, as it is a business meeting of the board. He said it would be rare for this board to go into non-public. He said there were some exceptions to right-to-know called "non-meetings" which included meeting with an attorney (attorney-client privilege), negotiation strategy, or chance meetings. He said if a quorum of the board went to an event, as long as they did not discuss the business of the Town it would be a "chance meeting".

Minutes of Meetings

Town Administrator Fournier stated that minutes had to be taken of every meeting, including sub-committee meetings, and must include the names of members present or persons appearing before the body, an a summary of each subject discussed at the meeting. He stressed that is was a summary of what happened and not a transcript. He said minutes were promptly recorded and open to the public within 144 hours of the meeting, and "draft minutes" were official but not yet approved by the board.

Town Administrator Fournier said the public can inspect all public records including minutes after the regular meeting and during regular business hours, and all materials and sources used to compile the minutes are also available, though they are not obligated to retain the notes after the final minutes are approved.

Open Meeting Law

Town Administrator Fournier stated that Town business could not be discussed outside of a meeting, including no emails or a telephoning majority discussing a topic. He said it was easy to start a discussion by email and social media, and the exception would be a discussion involving the Town Attorney or to schedule a meeting. Otherwise they could not email each other and have a discussion as it would be a Public Record which someone could request, and said communicating with him would automatically become a public record as he is a Public Official. He said if someone comments on social media and 5 other members comment that is a violation of the right-to-know law.

Governmental Records

Town Administrator Fournier explained that if a quorum of this body got an email from a member of the public that would be a public record. He said a Government Record was any "public body or quorum thereof, or any public agency in furtherance of its official function". He said emails to him were public record as he is a public agency, or any emails to the whole board. He said two members could have a discussion, but it was against the law to try to circumvent the right-to-know law.

Town Attorney John Ratigan said if he had to summarize all the warnings given by the Town Administrator, the easy way to understand it and reassure the public is that the public expects business to be done during Public Meetings. He said that was the underlying theory and why the legislature had gone out and regulated the conduct of government boards and people who serve in elected and appointed positions. He said the way to handle the issue was to conduct all the business here at the meetings.

Discussion: Mr. Cady asked if he were to email the Town Administrator to ask a question about a budget item and he got no response, would that still be a public record. Attorney Ratigan said it would, and added that if he called the Town Administrator and asked the same question it would not be a public record. Town Administrator Fournier said if a member of a committee asks him a question he always copies it to the rest of the committee so that any one member would not have more information than another. He said a member could be removed from office for violation of the right-to-know law and for missing 2 consecutive Budget Committee meetings in a row without being excused. Town Attorney Ratigan stated that they only have authority as a whole when they meet and make decisions.

Budget Committee Members Contacting Department Heads

Chairman Burns asked Town Administrator Fournier how Budget Committee members should go about making introductions to Department Heads. Town Administrator Fournier said if they wanted to meet with Department Heads, they would be more than willing to give a tour of their operations. He said they could be contacted by email with a copy to him so he could see when they were being scheduled.

SCHEDULE OF UPCOMING MEETINGS

Chairman Burns said the date listed for the May meeting would need to be changed as it was scheduled for May 27th which is Memorial Day, and said it could possibly be May 20, 2019. Mr. Cady said he would be away until May 22nd. An August meeting was suggested so they could take a look at how they were trending through the budget year. Vice-Chair Smith said the Town and the School should have a good idea of where they would end up the year by the last week in August, and would be a good time to go through the numbers heading into budget season. Chairman Burns said they would schedule their summer meeting for August 26, 2019 and he would confirm the date in May. He said he would also try to get some tentative dates from the Town Administrator for the end of the year.

OTHER BUSINESS – None

NEXT MEETING: To be determined.

ADJOURNMENT

Mr. Cady made a motion to adjourn the meeting which was seconded by Councilor Dumont.

The motion to adjourn was approved unanimously by a vote of 11-0, and the meeting was adjourned at 7:43 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary