



TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL
AGENDA

REGULAR MEETING – FEBRUARY 5, 2014 7PM
NEWMARKET TOWN HALL COUNCIL CHAMBERS

1) **Pledge of Allegiance**

2) **Public Forum**

****Public Forum is an opportunity for the public to address the Town Council. All comments should be addressed to the Chair of the Council. No person will be allowed to speak longer than 5 minutes. ****

3) **Public Hearing – Discuss Issuance of a Bond or Note for \$1,055,000 for Installation of 16-Inch Water Main from Water Tower on Great Hill to Area of the Carwash on Route 108, and to Improve the Water Tower Electrical and Telephone Utilities and Vault**

4) **Town Council to Consider Acceptance of Minutes**

a) Minutes of January 22, 2014

5) **Report of the Town Administrator**

6) **Committee Reports**

7) **Old Business**

a) Ordinances and Resolutions in the 2nd Reading

b) Ordinances and Resolutions in the 3rd Reading

c) Items Laid on the Table – *Items will remain on the table unless a member of the Town Council moves to remove the item.*

i) *Ordinance #2013/2014-01 Adoption of the Administrative Code*

ii) *Resolution #2013/2014-45 Accepting Harvest Way as a Town Street*

8) **New Business/Correspondence**

a) Town Council to Consider Nominations, Appointments and Elections

- b) Ordinances and Resolutions in the 1st Reading
 - i) Resolution #2013/2014-48 Municipal Trash Bags
 - ii) Resolution #2013/2014-49 Relating to Stair Well Door Push-Bar Hardware
 - iii) Resolution #2013/2014-50 Limiting Political Spending
- c) Correspondence to the Town Council
- d) Closing Comments by Town Councilors

9) Adjournment

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FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

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

NOTICE OF PUBLIC HEARING

Pursuant to the Municipal Finance Act, RSA Chapter 33, the Newmarket Town Council will hold a public hearing pursuant to RSA 33:8-a to discuss the issuance of a bond or note in the amount of \$1,055,000 for the installation of a new 16-inch water main from the water tower on Great Hill to the 16-inch water main that is located in the area of the carwash on Route 108, and to improve the water tower electrical and telephone utilities and vault. The hearing will take place Wednesday, February 5, 2013, at 7:00 pm during the Town Council's regular business meeting in Town Council Chambers Town Hall 186 Main Street Newmarket NH 03857.

DRAFT

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING
JANUARY 22, 2014
TOWN COUNCIL CHAMBERS**

PRESENT: Council Chairman Gary Levy, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Larry Pickering, Councilor Dale Pike, Councilor Ed Carmichael

Town Administrator Steve Fournier

Council Chairman Levy opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance.

PUBLIC FORUM

Ellen Read said she had been trying to get an item on the agenda for some time concerning getting big money out of politics. She said she had been told to submit her request and it would be put on the agenda, but this had not happened. She said that she had been given the reason that municipalities had no authority to regulate political spending, which she agreed was true. She said this was not an attempt to control spending, but a Resolution that would show the Town's support for an Amendment. She said this was on 50 ballots in New Hampshire and had been passed by 500 municipalities across the country. She wanted to know why this hadn't been put on the agenda. Town Administrator Fournier said that Newmarket operated on the Town Council/Town Administrator manner of government and only budgetary items were on the Warrant for Town Meeting, while the New Hampshire towns that had this on the ballot had the traditional Town Meeting form of government and non-budgetary items could be placed on the Warrant by petition. He added that he and the Council Chair reviewed items before preparing the agenda to see if they were at the appropriate level for the Council, but, by Council rules, any Resolution would have to be brought forward by a Councilor or staff member. He said there was some confusion on the petition process. He said that since the subject was brought to this meeting, the Council could decide if it wanted to pursue it. Ms. Read said she understood that there was no Warrant for this type of petition, but had gotten signatures to show that there was support. She said she had been told that by doing this, the issue would be placed on the agenda. Town Administrator Fournier said the Council was the legislative body and apologized if the process was misunderstood. Ms. Read said there was wide support for this issue and they were trying to get local support, but it seemed that it would not be brought up.

Council Chairman Levy said he was not sure what the Council could do, and suggested that Ms. Read talk with the Town Administrator. He said he thought this was about public funding of campaigns and felt it would be more appropriate at the State/Federal level. He added that at the Council level, there was basically no campaign funding. He asked if Ms. Read was asking the Council to have a Resolution that showed support for getting big money out of politics. Ms. Read said that she was asking for a Resolution that said the Town of Newmarket supports a Constitutional Amendment and encourages its legislative delegation to vote to approve. She said that Constitutional rights were created for people, not artificial entities. Council Chairman Levy felt this would be more effectively discussed with the delegation. Ms. Read said there was support in the legislature, but there was a push for municipalities to offer additional support. Councilor Nazzaro asked for clarification that if a

Councilor was amenable to some of the thoughts expressed, he could put forth a Resolution that would then go on the agenda, which was confirmed. Council Vice Chairman Bentley said he would support the ideas brought forward but had some concerns as he represented the constituency and did not know if there was support in the community. Councilor Nazzaro said there could be a Public Hearing so the community could say what it thought, and Town Administrator Fournier said that if there was support on the Council, he would draw up a Resolution. Ms. Read said she had sent more information about the Amendment to all the Council members. The Supreme Court had ruled that this would have to be an Amendment to the Constitution, and she said that they were not looking to make this a municipal law, just asking for support. Council Vice Chairman Bentley said that either he or Councilor Nazzaro would make sure this was on the agenda, and Town Administrator Fournier said the first reading would be on February 5th and discussion and the vote on February 19th.

Bert Allen of Moody Point said a speaker at a Conservation Commission meeting had stated that about 4,000 cubic square feet of water went over the dam in one second. He related this to the concerns about widening the road for the bike path. DOT had told the Town that it would not have to contribute any funds toward this, but now the Town was forced to move water and sewer pipes at its own cost. He said that Newmarket would not have the State required 8' for each lane of traffic, and felt this was a reason to have one-way traffic through this part of the road. He felt that the Town should challenge the State to pay for relocating the main.

As there were no further comments, Council Chairman Levy closed the Public Forum at 7:17.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Council Vice Chairman Bentley moved to accept the minutes of the December 18, 2013 Non-Public session. Councilor Nazzaro seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed 6 – 0 – 1, with Councilor Pike abstaining as he had been excused from the meeting.

Council Vice Chairman Bentley moved to accept the minutes of the January 8, 2014 Regular Meeting. Councilor Nazzaro seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Fournier had requested information from Town Attorney Ratigan about having a Warrant Article giving the Council authority to establish a Village or Utility District for water and sewer. He had replied that this was not necessary because the Council, as the legislative body, already had the authority under State Statute. Items for the Warrant were for bonds or other budgetary matters. Town Administrator Fournier said the decision would require a great deal of research, and he recommended that, if the Council agreed, the review be put off until after the March election. He said the Town Attorney would also be involved in the process. Councilor Pike asked if the process would start by a Councilor asking for a review, which it would. Both he and Council Vice Chairman Bentley expressed agreement that it would be best to wait for the next Council.

Town Administrator Fournier said that the Town Warrant would be finalized later in this meeting after the vote to recommend the Petition Warrant Article. He reminded the public that the Deliberative Session would be on Saturday, February 8, 2014 in the High School. The Town was scheduled to begin at 1:00 p.m. after the School. He spoke about the Town or School advocating for Warrant Articles or candidates. He referred to a 2011 Municipal Association publication that stated a Town had the right to speak for itself, because if it could not do so, it could not function. Based upon Court rulings, it was acceptable for the Town to use its own tax dollars to endorse its own policies without violating the First Amendment. Also, the Town was not required to offer equal opportunities to those opposed to the Government's speech. The Town could make factual statements

necessary to allow voters to make a decision. However, there were some limits. The Town may not use tax dollars to unfairly promote the private speech of an individual or group rather than truly expressing the viewpoint of the Government. In those cases, the Government must allow both sides to speak.

He added that his office was neutral and the Town Government did not endorse candidates or positions unless voted on by the Council. The Town would not encourage citizens to vote for or against a Warrant Article, but provide the ramifications of either vote. Council Vice Chairman Bentley said that a Council member could express an opinion by stating he was speaking as a taxpayer, parent, etc., and not as a Councilor or for the Town. Town Administrator Fournier said a Councilor was always a Councilor to the public, but had to make it clear that he was not speaking for the Town. Council Chairman Levy asked where the line was drawn around free speech and what would be the final arbiter. Town Administrator Fournier said it was a fine balance, but the final arbiter would be if someone filed a lawsuit. There was no limitation on the number of items the Town can advocate or on the amount of money it could spend. Councilor Nazzaro said that the factual side would be difficult, because facts were selected for a handout and it was necessary to be transparent and present supporting facts for both the Council's and the contrary position in order to inform the public. Town Administrator Fournier said they could inform, but not push.

Councilor Nazzaro asked if the Planning Board had met on the 21st, because he hadn't seen the meeting on line. Councilor Wright said they had met, but the meeting was taped because the School Board met at the same time. Councilor Nazzaro asked how much legal fees were over budget and what the projections were. Town Administrator Fournier said that as of this time they were about \$6,000 over from 2 cases that existed prior to the change in Town Attorneys and he expected they would be over between \$10,000 and \$12,000 by the end of the fiscal year. Both cases had settled. He said the new law firm had a conflict in representing the Town in reviewing tax exempt status for a few properties, so the Town would have to contract out. Council Chairman Levy said the Police call graph on page 19 of the packet seemed to be somewhat out of scale with the figures. He asked if DOT had selected an engineering firm for the bike path, and Town Administrator Fournier said they were still reviewing firms.

COMMITTEE REPORTS

Council Chairman Levy said that Consultant Peter Kwaas would be meeting with the EDC on January 23rd at 7:00 to present his report and this would be an opportunity for the public to ask questions. Councilor Pickering announced that the Budget Committee had met earlier to decide on the School Bond Warrant and had voted not to recommend by a vote of 6 – 5. Councilor Wright said the Planning Board had met and approved landscaping guidelines, rather than landscaping regulations. He said they would continue with the golf club and Rockingham development at the February meeting. Councilor Pike said the Conservation Commission had met at the same time as the Council. Town Administrator Fournier had said in his report that he expected the Gomez and Sullivan preliminary report on the dam to be back at the end of January. To Councilor Pike's question, he thought it might be later, but it would be on the agenda for a regular Council meeting. Councilor Carmichael asked when the retail center including a supermarket on Spring Street and a restaurant at the old gas station were supposed to be started. Councilor Wright said both projects had been approved but he knew of no time line for the developers to start. Building permits have a time limit, but it is possible to get an extension.

PRESENTATION ON CHARTER COMMISSION WARRANT ARTICLES

Councilor Nazzaro, Vice Chairman of the Charter Commission, reported on the proposed 18 Charter Amendments and explanations, all of which could be found on the Town's and Commission's web sites. The explanations had been eliminated from the slide presentation. This was one of many group presentations that

would be made throughout Town, and handouts, including explanations, would be available at the Deliberative Session. (Some corrections and duplications in the handout the Council received will be corrected before that time.) A 2013 Warrant Article established the 9 member Charter Commission. Along with its regular meetings, the Commission held 5 Public Hearings and gathered oral and written comments from the community. It also reviewed Charters from other towns and met with experts from NHMA and MRI and the Town Attorney. All suggested amendments were reviewed by the Town Attorney, the Secretary of State, the State Attorney General and DRA before the Final Report was submitted to the Town Council on December 30th in accordance with NH RSA 49B: 4. The Council would not vote on the amendments; the townspeople would vote at Town Meeting. The general conclusions of the Commission were that Newmarket's citizens were satisfied overall with how its Town government works. The Commission found no reason to change the structure of government and the proposed changes and tightening of language were made to comply with State law, clarify the responsibilities of the Council and Town Administrator, provide the Council with additional flexibility and ensure accountability. Each Article would contain a summary explanation of the changes to each section and a statement of approval by the Attorney General. Each Article would be a summary or a reprint of the Charter, and where appropriate, some would have a strike through of old language with the amended language underlined.

Article 1 (Section 1.2): The amendment confirmed that Newmarket had a Town Council form of government with a Town Administrator under RSA 49-D: 3. This was not stated in the present Charter.

Article 2 (Section 2.5.B.): The amendment struck the poll hours of 7:00 a.m. to 8:00 p.m. and instead gave the Council the authority to designate Town poll hours on an election by election basis after consulting with the Supervisors of the Check List and the Town Moderator. RSA 659: 4-a requires that polls open no later than 11:00 a.m. and close no earlier than 7:00 p.m. Councilor Nazzaro said that the percentage of votes that come in between 7 and 8 p.m. was less than a tenth of one percent. Council Chairman Levy noted that many people go to the polls early, and then asked how this would affect the School District vote. Councilor Nazzaro said he knew the 2 Town Moderators meet before the Deliberative Session, and that could be a good time to coordinate poll hours with the Town Council and the School Board. Council Chairman Levy asked if the Commission could add something saying that the Town and School would have the same times. Councilor Nazzaro said that nothing in the Charter Amendments could be changed as it was after the December 30th final submission date, and the language had been approved by the Attorney General. Also, the Charter could say nothing about the School in this matter. Generally, Towns and Schools have the same hours even though not required.

Article 3 (Section 2.6): The amendment struck the word "separate" before "ballots", and added that the names of candidates be listed according to State law. This would prevent a further amendment if the State law changes.

Article 4 (Section 3.8): This Amendment clarified the difference between Resolutions and Ordinances, which are laws.

Article 5 (Section 3.17): This Amendment confirmed the Council's authority to establish one or more Village Districts in accordance with RSA Chapter 52. Town Administrator Fournier read from a long list of Village Districts the State allows in addition to those for water and sewer. He said these were usually formed because one part of town was not getting the same services as others. Those in Village Districts would have an additional line on their tax bills to fund the District. The Council would make the decision as to whether a District was necessary. Once established, the District would have its own legislative body and hold its own and District member meetings.

Article 6 (Sections 4.2, 4.3, 4.6, 4.8, 4.10, 4.11, 4.12): The Amendments clarified the authority, qualifications, responsibilities and duties for the position of Town Administrator. It specified that the Town Administrator must be reviewed at least annually, and clarified: his role in appointing Department Heads; the process of removing Department Heads; the limits on non-interference by the Council in Administrator duties, and the role of the Administrative Code in structuring Town work. Councilor Nazzaro said this was mostly tightening of language to specify what the Town Administrator does. To Councilor Carmichael's questions, when the Town Administrator

is away, he must appoint an Acting Town Administrator who does not have to be an employee or a resident. The Article would not designate one person/position to be Acting Town Administrator.

Article 7 (Section 4.15.A.): This Amendment changed the Town Treasurer from an elected, at-large position to a position appointed by the Town Administrator and approved by the Council, solely on the basis of qualifications, education and experience. Councilor Nazzaro stated that this was not to say that there were any problems or issues with the current Town Treasurer who was doing amazing work. With the difficulty in finding people to run for office, there could come a time when someone unqualified and inexperienced with the increasingly technical work could be elected to the position. If this passed, the Council would be the check and balance for the voters. Council Chairman Levy noted that the word "he" was used in the amendment, but the Treasurer could be a woman. The masculine was used throughout the Charter, although the "he" in this section was not part of the amended language. He then asked what the qualification standards would be for the position, as his only concern was that this could allow a buddy system to occur. Councilor Nazzaro said that having the Council approve the appointment would prevent this. Town Administrator Fournier said if this passed, there would be a job description just as there is for every Department Head.

Article 8 (Section 4.16): The Amendment stated that the Master Plan had to be reviewed every 10 years, and revised if necessary, which was in line with State recommendations. This did not mean that all Chapters had to be done at the same time, but could be done at the rate of one Chapter a year.

Article 9 (Section 5.5): The proposed language required the Town Administrator or his designee to present to the Council at the beginning of every month a financial report showing the current estimated and actual income and expenses and the outstanding expenses and estimated future expenses. Also, he or his designee would be responsible for submitting to the Council by October 1st of each year, a five-year financial forecast consisting of at least expenses, revenues, and resulting tax impact including capital expenditure forecasting provided by the Capital Improvement Plan. Councilor Wright said he liked the five- year forecast and asked if the Commission had also discussed one for ten years. Councilor Nazzaro said he couldn't recall if there was discussion about a ten-year forecast, and although he would like to have one, he felt it might be difficult to predict that far ahead at this point. Town Administrator Fournier said this did not preclude preparing longer forecasts.

Article 10 (Section 5.7): This Amendment would require that the Capital Improvement Plan be submitted to Budget Committee in addition to the Council so that it was looking at the long term impact and not just one year's budget and impact. Also, this would include School facilities in the CIP, which is a requirement for implementing impact fees. As the Council votes to distribute impact fees, it should have some idea of the School facility CIP. He said this was to ensure that when they were giving out impact fees that they were in compliance with the law.

Article 11 (Section 6.2): This Amendment clarified that if an amendment to the Personnel Plan is not considered or acted on by the Council within 90 days, it is considered rejected. The current Charter gave the process for approving an amendment, but gave no mention of the result if no action was taken. Council Chairman Levy asked if this would also apply to the Master Plan, and Councilor Nazzaro said the only part of Section 8 amended was the 10 year review requirement. Council Chairman Levy said he was thinking about some parts of the Master Plan that were not accurate.

Article 12 (Section 6.3, C): This Amendment eliminated Section C, as Section 4.8 states that both the Personnel Plan and compensation for Department Heads are the responsibility of the Town Administrator. This was one of the eliminated redundancies in the current Charter.

Article 13 (Section 6.4): This Amendment eliminated the statement that "rates of compensation comply with approved pay schedules" because they don't exist. In its place was the statement that "rates of compensation have been approved by the Town Administrator," which reflects actual procedure. This was one of the responsibilities laid out in Section 4.8. Council Chairman Levy asked if this included bonuses, and Councilor Nazzaro said the Charter Commission had not discussed bonuses, but they were part of compensation. He said he did not want to speak on behalf of the Commission. He added that this was not a change, but a reaffirmation

of the way things were always done. If the Council wished to eliminate bonuses, it could do so by eliminating them from the budget. Council Chairman Levy said that the Council had been given a heads up about these payments and/or merit increases, and wanted to know if the Council could weigh in. There was no distinction between bonuses and salaries made in the original Charter or the amendments.

Article 14 (Section 8.6): Although the Commission had not discussed this section, it had been removed because the Town Attorney and Attorney General had advised that the recall of elected officials by the municipality is unlawful and unenforceable. Councilor Nazzaro said he believed this came out of case law within the past few years. Recall cannot be initiated by the public with a citizens' petition, but the Town Council can recall a member independently based on the Section 3 covering behavior of Councilors. If a citizen wanted a Councilor recalled or removed, he could ask that a Councilor bring this forward.

Article 15 (Section 10.12): This Amendment removed the Section on reorganizing Town government and Town departments, as this was already addressed in Section 4.12 on the Administrative Code.

Article 16 (Section 10.13): This Amendment removed the Section on reorganizing Town government, as this already addressed in Section 4.12 on the Administrative Code.

Article 17 (Section 11.1 D): This Amendment mandated, rather than authorized, the existence of a CIP Committee of 6 members, and replaced the language on membership. This recognized that the long-term as well as short-term decisions made were crucial to the health of the community. In addition to the Town Council, Budget Committee and Planning Board each appointing one member and one alternate to a one-year term, the School Board would be invited to appoint one member and one alternate, as discussed earlier in relation to impact fees, so it would be represented in discussions. Also, there would be 2 at-large members, each appointed by the Council for 3-year terms, to ensure continuity, and to not have staff members vote. The CIP Committee could appoint ex-officio members it felt were needed, subject to the approval of the Council. Council Chairman Levy asked if the School had its own CIP, and Councilor Nazzaro said he knew it had a plan, but it had never been overseen by the CIP Committee. He said this was a liability to the Council when handing out impact fees without any visibility of the plan. Charter Commission member, Leo Filion, said that the plan was not in compliance with RSA 674-7 concerning impact fees as it had not gone through the CIP Committee, and about \$340,000 in impact fees had been given to the School.

Article 18 (Section 11.1. H & G): This intention of this Amendment was to ensure that Newmarket was acting as a community and to foster communication. The Town Council would invite the School Board to a joint meeting at least annually, but could not mandate its attendance. The agenda would cover current and the future year's anticipated projects, with the subjects chosen by the Chairs.

Councilor Nazzaro said that there were no fundamental changes to Town government in the Articles, but the Amendments were proposed for the Town to be in compliance with State laws and to reduce redundancies. Councilor Nazzaro said it had been an honor to serve on the Commission, and he knew that Mr. Filion and Chief Cyr felt the same way. The Commission had between 16 and 20 meetings. He asked if Mr. Filion or Chief Cyr had anything else to add. Chief Cyr said the Commission had discussed everything in detail, starting with whether it felt the type of government should be changed, but found the townspeople were satisfied overall with the present type of government. Council Chairman Levy thanked Councilor Nazzaro for his presentation, and Councilor Carmichael said that as a taxpayer, he appreciated the work of the Commission.

OLD BUSINESS

Resolution #2013/2014-44 Accepting NH Dept of Safety E911 Map Set and Associated Data

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-44 Accepting NH Dept of Safety E911 Map Set and Associated Data. Councilor Pike seconded.

Discussion: Chief Cyr said that the map was prepared by State Emergency Management. It was mapping the entire State for the E 911 system in Concord, and some of the more important sites would have GPS coordinates. The new mapping system would include new roads in addition to those that had existed. Newmarket had been given a hard copy of the map, and also would have access to the data base in the dispatch center. In order for the State to turn on the system in Newmarket, the Council would have to agree to accept the map. Along with the map, the State had sent guidelines for naming streets in the future so that they did not sound like existing streets. Also, there was a list of conflicts and inconsistencies in street names and street numbers. The Council could change these if it wished, but Chief Cyr and Fire Chief Malasky had reviewed the conflicts and said they were not a problem for the departments. The Council vote would allow Chief Cyr to have the State turn the system on so it could be used.

Councilor Nazzaro read from the Resolution that there were some areas of concern in the Town that the Town would work to correct, and asked if accepting the map would bind them to anything. Town Administrator Fournier replied that they would be acknowledging the areas of concern and the State recommended the language. He said that even though the language said they would work to correct the areas of concern, they were under no obligation to do so. He said the Town had no liability as it had sovereign immunity in this. He said they could amend the language if they wanted. Councilor Nazzaro asked who else would be using this as the Police and Fire Departments already knew the area. Chief Cyr said that this would be used if a 911 call goes to the Concord dispatch center, and they wanted to be sure that they were giving the correct information to the local departments. They also wanted to ensure that in naming new streets, they could not be confused with other streets and that in numbering new buildings, that there is some consistency to reduce possible confusion. Chief Cyr said that they go over addresses with new staff and towns providing aid follow Newmarket police and fire fighters. To Councilor Nazzaro's question, he said that this had never been a problem in Town. Council Chairman Levy said he was guessing that someone coming in from out of town, such as the FBI, would use the system. Chief Cyr said all the State was saying was that to someone coming into town, an address could possibly be confused with another place, although, as end users, those within the Town had never had a problem. Town Administrator Fournier said this started with the introduction of GPS, and this meant that most people could find an address. Councilor Nazzaro asked if Newmarket dispatch would be using E911 or if new equipment would be installed in the vehicles. Chief Cyr said that Emergency Management updated software all the time, and accepting the system would allow Newmarket to see what they updated. Council Chairman Levy asked if there was a downside to this, and Chief Cyr said there wasn't. He thought this was an opportunity to get something free from the State, but Councilor Nazzaro said that every time they get something potentially free from the State they eventually have to pay for it.

Town Administrator Fournier polled the Council. Motion passed 6 – 1, with Councilor Nazzaro voting against.

Resolution #2013/2014-45 Accepting Harvest Way as a Town Street

Council Vice Chairman Bentley moved to approve Resolution #2013/2014-45 Accepting Harvest Way as a Town Street. Councilor Nazzaro seconded.

Discussion: DPW Director Rick Malasky explained that the plows and emergency vehicles had to drive through Epping to get to the part of Harvest Way that was in Newmarket. He said the road had been built to Newmarket's specifications, but he had expressed concerns about emergency vehicles because Newmarket and Epping had different ideas of how streets should be taken care of in the winter. The developer had set up a Neighborhood Association that had paid Newmarket in the past to plow the area from the Newmarket town line to the portion of Harvest Way that was in Epping, but no longer wanted to pay. Epping would not pay Newmarket either, so he said they would pick up their plows until they came back into Newmarket, a distance of about 2,000 feet. He said he had some concerns, as sometimes Epping did not plow or sand the area. Town

Administrator Fournier said there was a 2002 agreement that required Newmarket to plow and sand in perpetuity the 1,400 feet of Epping roads leading to Harvest Way and the more than 500 feet of Harvest Way leading to Newmarket's portion at no cost to Epping. Council Chairman Levy asked why they wouldn't continue with the arrangement with the Association as they were getting some compensation, but was told that the residents felt they were paying taxes for this service and shouldn't have to pay twice. Councilor Levy said that if Epping doesn't take care of the road, and the Association does not pay, it would put more of a burden on Newmarket. Mr. Malasky said that Epping had several roads in the area that it had to maintain, but if there were 2 or 3 inches of snow, Epping wouldn't plow, which concerned him.

Councilor Nazzaro said there were 2 issues: accepting Harvest Way as a Town road and the Association not wanting to pay twice for the same service, and the plowing agreement that had been signed by a former Town Administrator and he wanted to know more about the agreement. He didn't know if the agreement was legal or if the Council had approved it. He added that because of the time of year, a vote to accept the road would have a direct impact. Councilor Wright asked what kind of the agreement the Homeowner's Association had about paying for plowing. Mr. Malasky said it was part of the development approval from the Planning Board as he had concerns at the time. The developer, Mr. Chinburg, had set up the Homeowners' Association and said it would pay to plow Epping Roads into the sub-division. He said this was at a time when Newmarket only needed a permit to plow Epping Roads at no cost. He said he hadn't been a part of the original permit, and didn't know the legalities. He added that residents knew about the agreement to pay for plowing when they bought their property. He said that some residents had mixed views, because they could see the difference between each side of the town line. He that each town would respond to 911 calls for its own residents, but most of the houses were in Newmarket. Councilor Pickering said he could understand the view of the Association and the view of the Town for emergency services. He thought the Town Administrator might be able to get more information. Mr. Malasky said that, originally, the entrance to the road was going to be from Grant Road. Councilor Pike said it seemed that if they accepted the road, they might be stuck forever, and there were assurances made in order to build the development, but now the Association was saying it didn't like the conditions. Councilor Nazzaro asked if he could make a motion to table the Resolution to give the Town Administrator time to learn more about the agreement with Epping. Council Chairman Levy said he would like to know what the up side and down side were for the agreement.

Councilor Nazzaro moved to table the Resolution. Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

NEW BUSINESS: Ordinances and Resolutions in the 1st Reading: Resolution #2013/2014-47 Recommendation on Petitioned Warrant Article for \$5,326 Contribution to Rockingham Nutrition and Meals on Wheels (TA Request to Suspend Rules)

Council Chairman Levy read the Resolution in full. Councilor Nazzaro moved to suspend the rules and vote on the recommendation. Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 7-0.

Discussion: Councilor Pickering said he was sad that the organization had to go through this, but also upset that someone had given them a check the previous year when they had not requested it. Town Administrator Fournier said that the year before he started in the position, there was no line item in the budget and no appropriation, so for the current fiscal year there was also no appropriation or contribution. His understanding was that a contribution was made during the previous year, because the Town felt it had made a mistake in the budget. Councilor Nazzaro understood that work was being done to verify non-profit status and the process, but he cited all the good work of Meals on Wheels and how much the contribution would mean to them. He said he would wholeheartedly support this. Town Administrator Fournier verified that the Warrant said the

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contribution would be \$5,623. Councilors spoke about all the help the organization provides to the community and offered support of the Article. To Councilor Pike's question, Town Administrator Fournier said they had to have a Petition Warrant Article this year, as the request came in late, but they would be in next year's budget.

Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

ADJOURNMENT: Councilor Nazzaro moved to adjourn and Council Vice Chairman Bentley seconded. Meeting adjourned at 8:55 p.m.

Respectfully submitted, Ellen Adlington, Recording Secretary

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FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

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

REPORT OF THE TOWN ADMINISTRATOR
February 5, 2014

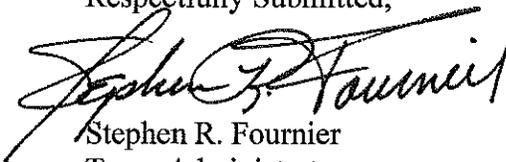
Deliberative Session: A reminder to the Town Council that this Saturday, February 8, the Town Budgetary Deliberative Session will be held at 1PM at the High School. This is an opportunity for the voters in Town to discuss and amend the Town's operating budget and any other financial warrant articles.

I am attaching a copy of the presentation that will be made during the session to my report for your information. In addition, there have been questions on what happens if the school district meeting goes longer than the 1PM time. The School District will have to recess their meeting, the Town Moderator will open our meeting, then recess it to a time certain on Saturday and the School District meeting will reconvene.

Custodial Services RFP: In our continuing efforts to attempt to find cost savings in the Town, we have issued an RFP for Custodial Services. Currently, the Town employs two part-time individuals to perform these services. We are examining the cost of contracting this out to a private company. If it is beneficial to the Town, we will provide the Town Council with the proposal.

If anyone would like to see any proposals that we issue, the status and the outcome, we now post this information on the Town website under the Finance Department.

Respectfully Submitted,


Stephen R. Fournier
Town Administrator

TOWN OF NEWMARKET, NJ TOWN ELECTION

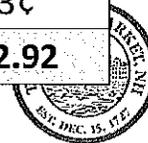
Tuesday March 11, 2014



Impact of The Town and School Articles

This slide illustrates the **estimated** impact on the tax rate if all the Town and School Articles pass in March

	2013	2014	Difference
Town	\$6.07	\$6.05	-2¢
School	\$15.02	\$17.96	\$2.94
State School	\$2.35	\$2.32	-3¢
County	\$1.03	\$1.06	+3¢
Total	\$24.47	\$27.39	+\$2.92



Article 1: Election of Town Officers

3 - Town Councilors	For Three Years
1 - Moderator	For Three Years
1 - Treasurer	For Three Years
3 - Municipal Budget Committee Members	For Three Years
1 - Municipal Budget Committee Member	For Two Years
2 - Members of the Planning Board	For Three Years
1 - Town Clerk - Tax Collector	For One Year
1 - Supervisor of the Checklist	For Six Years
1 - Trustee of the Trust Funds	For Three Years



Article 2: \$1.055M Bond for Rt. 108 Water Line Upgrade

- Install 16 inch waterline from water tower to area on Rt. 108 of Pelczar Funeral Home
- Improve electrical service for water tower
- Bond for \$1.055M to be paid by sewer users
- Low interest loan through NHDES
- No impact on the Tax Rate. Impact on the Water Rates
- **Recommended by the Town Council 5-2**
- **Recommended by the Budget Committee 11-0**



Article 3: Charter Amendment 1

- Amends Charter to state that the Town of Newmarket operates under the Town Council – Town Administrator form of government in accordance with RSA49-D:3



Article 4: Charter Amendment 2

- Amends the Charter to allow the Town Council to set polling hours for Town Elections
 - State law requires polls to be open 11AM to 7PM



Article 5: Charter Amendment 3

- Amends the Charter to state that candidates will be listed on the Town ballots in accordance with State law.



Article 6: Charter Amendment 4

- Clarifies the difference between Town Council resolutions and ordinances
 - Ordinances = Laws
 - Resolutions = Policies or Actions



Article 7: Charter Amendment 5

- Allows the Town Council to create Village Districts
- Village districts can be created for the following:
 - Fire, Police and Ambulance Departments
 - Street lights
 - Trees
 - Water Supply
 - Sidewalks
 - Sewage and waste treatment plants;
 - Parks and Recreation
 - Electricity



Article 8: Charter Amendment 6

- Clarifies role and duties of the Town Administrator
 - Clarifies qualification
 - Requires annual review
 - Outlines the duties of the Town Administrator
 - Clarifies appointment and dismissal authority of Town Administrator
 - Clarifies the Town Council cannot interfere with daily operation of Town
 - Clarifies Administrative Code adoption



Article 9: Charter Amendment 7

- Changes the Town Treasurer from an elected to an appointed position
 - Appointed by the Town Administrator, approved by the Town Council
- Currently no qualifications required to be Town Treasurer
- Would require a job description, police background check and other qualifications.



Article 10: Charter Amendment 8

- Requires that the Master Plan be updated at least every 10 years.



Article 11: Charter Amendment 9

- Requires the Town Administrator to submit annually a 5 year forecast to the Town Council



Article 12: Charter Amendment 10

- Requires Budget Committee receive a copy of the Capital Improvement Plan (CIP)
- Requires School facilities to be included in CIP



Article 13: Charter Amendment 11

- Clarifies that an amendment to the Town's Personnel Plan that is not adopted in 90 days by the Town Council is rejected



Article 14: Charter Amendment 12

- Section 6.3 *Compensation* is deleted from the Town Charter
- Now a duty of the Town Administrator under Section 4.8 and part of the Town Council approved personnel plan



Article 15: Charter Amendment 13

- Requires that the Town Administrator certify all employee pay rates in the Town
- Currently practice, but not required



Article 16: Charter Amendment 14

- Deletes Section 8.6 *Recall of Councilors*
- The State Attorney General Office indicated that Towns cannot recall elected officials and this section is not in compliance with State law



Article 17: Charter Amendment 15

- Delete Section 10.12 *Reorganization Plans*
- Now addressed in Section 4.12 Town Administrator



Article 18: Charter Amendment 16

- Delete Section 10.13 *Proposed Reorganizations by the Town Administrator*
- Now addressed in Section 4.12 Town Administrator



Article 19: Charter Amendment 17

- Changes the make up of the Capital Improvement Programming Committee
- Currently:
 - 1 Town Councilor
 - 1 Planning Board Member
 - 1 Budget Committee Member
 - 1 Member at Large
 - Town Planner
 - Finance Director
- Proposed
 - 1 Town Councilor
 - 1 Planning Board Member
 - 1 Budget Committee Member
 - 1 School Board Member
 - 2 Members at Large



Article 20: Charter Amendment 18

- The Town Council shall invite the School Board to meet annually to discuss issues of common concern



Article 21: FY2014 – 2015 Operating Budget

- Municipal Budget Committee Recommends an Operating Budget of \$9,060,199
 - This is an decrease of \$87,636 over the current year or decrease of - 0.96%
- Default Budget is \$9,105,093
 - This would be a \$42,739 decrease over current year or \$44,894 increase over proposed
- If passed will reduce tax rate by 6¢
- **Recommended by the Municipal Budget Committee 11-0**



Article 22: Creation of Compensated Absence Expendable Trust Fund

- Create Expendable Trust Fund to put Money aside to pay for employees earned time at the end of employment
- Currently \$200,000 liability
- Raise \$29,500 from fund balance to fund
- Number equals liability of employees able to retire
- No Impact on the Tax Rate
- **Town Council Recommends 6-1**
- **Budget Committee Recommends 11-0**



Article 23: Creation of Storm Water Management Capital Reserve Fund

- Town needs to begin to address non-point source water pollution
- Examples: Run off from driveways and roads, septic systems, lawn fertilizer, pets
- Part of settlement with EPA
- Raise \$41,113 from taxation to the fund
- Operating budget contains funds to do planning
- 6¢ Impact on the Tax Rate
- **Town Council Recommends 5-2**
- **Budget Committee Recommends 11-0**



Article 24: Creation of 300th Anniversary Expendable Trust Fund

- Town will be celebrating 300th Anniversary in 2027
- Money will be placed in fund annually until 2027 to fund the celebration
- Raise \$2,000 from fund balance to the fund
- Plan to have \$26,000 in the fund at time of celebration
- No Impact on the Tax Rate
- **Town Council Recommends 5-2**
- **Budget Committee Recommends 11-0**



Article 25: By Petition: Donation of \$5,623 to Meals on Wheels

- This article will raise \$5,623 for Rockingham County Meals on Wheels
- **Town Council Recommends 7-0**
- **Budget Committee Recommends 11-0**



Remember Town Election Day is
March 11 from 7AM to 8PM at
the High School



TOWN OF NEWMARKET, NEW HAMPSHIRE
by the NEWMARKET TOWN COUNCIL
Ordinance #2013/2014-01
Adoption of the Administrative Code

The Town of Newmarket Ordains:

The purpose of this ordinance is to rescind all prior versions of the Town of Newmarket's Administrative Code pursuant to Town Charter Section 4.12 and replaces it with the following. This shall take effect upon adoption.

THE ADMINISTRATIVE CODE

Section 1. ADMINISTRATIVE CODE

1.1. PURPOSE

1.1.1. Pursuant to Article 4 Section 12 of the Town Charter adopted 1990, the purpose of this ordinance is to outline the general operations of the Town government

1.2. SEPARABILITY

1.2.1. If any provision of the Administrative Code is declared unconstitutional or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the ordinance and its application to other persons or circumstances shall not be affected.

1.3. ADMINISTRATIVE ORGANIZATION

1.3.1. Form of Government

1.3.1.1. Pursuant to Article 1 Section 2 of the Town Charter, the Town of Newmarket operates under the Town Council –Town Administrator form of government. The Town Council serves as the legislative body for the Town and the Town Administrator serves as its chief administrative officer.

1.3.2. Duties of the Town Administrator

1.3.2.1. Pursuant to Article 4 of the Town Charter, the Town Administrator shall serve as the Chief Administrative Officer of the Town of Newmarket. The Town Administrator shall supervise and be responsible for the

administrative and financial affairs of the Town and shall carry out the policies enacted by the Town Council. The Town Administrator may propose rules and regulations for the internal operations of the Town. The Town Administrator shall see to the enforcement of the ordinances of the Town and the laws of the State of New Hampshire. The Town Administrator shall supervise and direct the administration of the Town departments and personnel therein. They shall be responsible for:

- 1.3.2.1.1. Maintaining accounting control over the finances of the Town;
- 1.3.2.1.2. Making monthly financial reports to the Town Council
- 1.3.2.1.3. Assuring the audit and approval of authorized claims against the Town before paying the same, supervising procurement as provided by the Town Charter;
- 1.3.2.1.4. Keeping the Town Council informed of the condition of the needs of the Town and making such reports and recommendations as he may deem advisable or may be requiring of him/her;
- 1.3.2.1.5. The rental and use of all Town Facilities under his/her control
- 1.3.2.1.6. Other duties as may be assigned

1.3.3. Definition of Department

- 1.3.3.1. A department is a functional subdivision of the town government for which specific goals and tasks may be defined. Departments may be operational or budgetary. Operational Departments are departments which the head of the department reports to the Town Administrator or a single purpose elected board. A budgetary department is an entity defined by the annual budget.
- 1.3.3.2. The person in charge of a department is a department head for the purposes of this ordinance and except otherwise provided:
 - 1.3.3.2.1. Department heads shall be responsible for the safe and efficient operation of their department. They shall perform all duties and exercise all powers conferred upon their office by applicable laws, ordinances or resolutions.

1.3.3.2.2. Department heads may prescribe department rules and regulations not inconsistent with general law, this code, and the Town Personnel Ordinance, for the administration of their various departments, conduct of their employees and the proper performance of the department's business.

1.3.3.2.3. Department heads, may upon review and approval of the Town Administrator and Town Council, establish such Departmental Divisions and sub-units as may be deemed desirable in the interest of economy and efficiency, and in accordance with sound administrative principals and practices.

1.3.3.2.4. Each department head shall be responsible for maintain the operation of the Department on a close and friendly basis of cooperation with all other departments.

1.3.3.2.5. The Town Administrator shall request from each department head an itemized estimate of expenditures for the next fiscal year for their department for use in the preparation of the proposed budget for said year.

1.3.3.2.6. Each department head shall be responsible for following the provisions of the Purchasing Ordinance for their department.

1.3.3.2.7. Each department head shall be responsible for the coordination of divisional functions within that Department.

1.3.4. Reorganization of Departments

1.3.4.1. The Town Administrator may propose to the Town Council a change to the organizational structure of the Town to meet unexpected requirements of the Town or to ensure the efficient operation of the government.

1.3.5. Departmental Rules and Regulations

1.3.5.1. Each department may, with the approval of the Town Administrator, create rules and procedures for the internal operation of their department. No departmental rule shall provide for any action or ordinance that is already provided for in Town Ordinance or State Statute.

1.4. TABLE OF ORGANIZATION

1.4.1. The following table of organization defines the town government by operational departments. Nothing in this table of organization shall be construed as prohibiting additional subdivisions of the annual budget to provide more comprehensive financial control or of limiting a department head from organizing or assigning responsibility within that department.

1.4.1.1. *Department of Administration*

1.4.1.1.1. Office of the Town Administrator

1.4.1.2. *Office of the Town Clerk - Tax Collector*

1.4.1.3. *Department of General Assistance*

1.4.1.4. *Department of Finance*

1.4.1.4.1. Finance

1.4.1.4.2. Personnel Administration

1.4.1.4.3. Purchasing

1.4.1.4.4. Division of Assessing

1.4.1.5. *Department of Planning and Zoning*

1.4.1.5.1. Planning and Zoning

1.4.1.5.2. Office of Conservation

1.4.1.6. *Department of Building Safety*

1.4.1.7. *Department of Public Works*

1.4.1.7.1. Highway and Public Infrastructure

1.4.1.7.2. Cemeteries

1.4.1.7.3. Solid Waste

1.4.1.7.4. Buildings and Grounds

1.4.1.8. *Department of Environmental Services*

1.4.1.8.1. Water Services

1.4.1.8.2. Waste Water Services

1.4.1.9. *Police Department*

1.4.1.10. *Fire and Ambulance Department*

1.4.1.10.1. Fire Division

1.4.1.10.2. Ambulance Division

1.4.1.11. *Department of Emergency Management*

1.4.1.12. *Department of Information Technology*

1.4.1.12.1. Information Technology

1.4.1.12.2. Channel 13/Communications

1.4.1.13. *Department of Parks and Recreation*

1.4.1.13.1. Recreation Programs

1.4.1.13.2. Parks and Recreational Facilities

1.4.1.14. *Library*

1.4.2. Common Duties and Responsibilities

1.4.2.1. Each Department is responsible for the for the execution of town policies and programs as expressed in ordinances, annual budget, and actions of the Town Council and to the extent the actions of independent boards and commissions in the execution of their responsibilities. When a specific duty provided by state law is assigned to a department division or office, any changes in state statute shall continue to apply to the appropriate organizational body.

1.4.2.1.1. All departments are charged with:

1.4.2.1.1.1. Conducting operations in accordance with the laws of the State of New Hampshire and of the Town of Newmarket

1.4.2.1.1.2. Maintaining and caring for all property and equipment assigned to the department

1.4.2.1.3. Purchasing appropriate materials and equipment in accordance with purchasing policies of the Town

1.4.2.1.2. Individual departments, divisions and offices have additional responsibilities as described below.

1.4.2.2. Office of the Town Clerk - Tax Collector: The Office of the Town Clerk is listed for record purposes and is governed by the Town Clerk - Tax Collector and RSA 41, the Office of the Town Clerk - Tax Collector shall:

1.4.2.2.1. Be the repository of all official records of the Town and its boards and agencies

1.4.2.2.2. Collect all fees and issue licenses as provided by State Statute

1.4.2.2.3. Arrange for and supervise all elections and Town Meeting, and maintain all associated records

1.4.2.2.4. Collect automobile registration fees as provided by state law

1.4.2.2.5. Perform all duties of a Town Clerk as provided by state statute and Town Charter

1.4.2.2.6. Perform the duties of the Tax Collector as provided by state statute including providing notices of taxes due, depositing collections including fees and penalties in coordination with the Town Treasurer; providing notice of delinquent taxes; advertising and processing tax sales and collecting tax liens and receivables

1.4.2.2.7. Perform other duties as necessary

1.4.2.3. Department of Finance: The Department of Administration and Finance shall be responsible for the oversight of the Divisions of Finance and Personnel Administration, Assessing, and General Assistance. The department head shall be the Finance Director.

1.4.2.4. Finance and Personnel Administration: The Division of Finance and Personnel Administration shall:

1.4.2.4.1. Include the functions of the Town Treasury in conjunction with the Town Treasurer. The Treasurer will receive and hold the funds of the Town in accordance with the Town of Newmarket Investment Ordinance

and disburse them in accordance with State Law and Town of Newmarket policies

1.4.2.4.2. Maintain the fiscal accounting and control system of the Town in accordance with generally accepted accounting principles

1.4.2.4.3. Prepare reports of financial transactions of the Town from time to time as directed by the Town Administrator

1.4.2.4.4. Under the guidance of the Town Treasurer and in accordance with the Town of Newmarket Investment ordinance, shall invest idle funds of the Town to obtain the maximum prudent return on such investment.

1.4.2.4.5. Prepare and administer the payment of employees and maintain records of time earned and used for compensation

1.4.2.4.6. Administer employee benefits

1.4.2.4.7. Perform other duties as necessary

1.4.2.5. *Division of Assessing:* The Division of Assessing shall

1.4.2.5.1. Maintain a complete roll of the appraised value of property and improvements in the Town of Newmarket

1.4.2.5.2. Prepare and maintain all assessment and tax rolls as required by State Law or Town Ordinance

1.4.2.5.3. Perform other duties as necessary

1.4.3. Department of General Assistance: The Department of General Assistance shall provide welfare assistance to eligible recipients as provided by state law and approved Town of Newmarket General Assistance Guidelines. The head of the department shall be the Welfare Director

1.4.4. Department of Planning and Zoning: The Department of Community Development shall be responsible for the Offices of Planning (in coordination with the Planning Board and Historic District Commission); Code Enforcement, Zoning and Building Appeals (in coordination with the Zoning Board of Adjustment), and Conservation (in coordination with the Conservation Commission.) The head of the department shall be the Town Planner.

1.4.4.1. *Office of Planning:* The Office of Planning shall:

1.4.4.1.1. Provide land use and economic growth planning services to all

Town Departments and boards

1.4.4.1.2. Recommend changes in land use and other regulations to provide harmonious and economical growth for the Town

1.4.4.1.3. Work with agencies and entities outside the Town to further the planning and development goals of the Town

1.4.4.1.4. Provide oversight and the administration of grants awarded to the Town.

1.4.4.1.5. Perform other duties as necessary

1.4.4.1.6. Maintain appropriate records and files

1.4.4.1.7. Perform other duties as necessary

1.4.5. Department of Building Safety: The Department of Building Safety shall be responsible for building inspections, code enforcement, and health office. The head of the Department shall be the Building Official.

1.4.5.1. The Department of Building Safety shall receive applications and issue permits for the construction and renovation of structures under the State of New Hampshire's building and safety codes.

1.4.5.2. With the assistance of the Office of Planning and in coordination with the Zoning Board of Adjustment, interpret the zoning ordinance of the Town and other land use regulations and enforce the building code, zoning ordinance and related land use regulations

1.4.5.3. Shall serve as the Town's Health Officer in accordance with RSA 128.

1.4.6. Department of Public Works: The Department of Public Works shall be responsible for the Divisions of Highway and Public Infrastructure, Solid Waste, and Cemeteries. The head of the department shall be the Director of Public Works.

1.4.6.1. *Division of Highways and Infrastructure*: The Division of Highways and Infrastructure shall be responsible for all the physical structures and facilities in the Town not assigned to another department. The Division of Highway and Infrastructure shall:

1.4.6.1.1. Repair, maintain, construct and operate the public streets, bridges, sidewalks and rights-of-ways of the Town

1.4.6.1.2. Repair, maintain, construct and operate the storm drain systems for the town

1.4.6.1.3. Maintain and repair all Town mechanical equipment except items for which other maintenance agreements have been made

1.4.6.1.4. Perform other duties as may be assigned

1.4.6.2. *Division of Buildings and Grounds:* The Division of Buildings and Grounds shall be responsible for the maintenance of all municipally owned buildings and grounds unless assigned to another department.

1.4.6.3. *Division of Solid Waste:* The Division of Solid Waste shall be responsible for the collection, recycling and disposal of solid waste for the Town. The Division of Solid waste shall:

1.4.6.3.1. Operate and maintain the Transfer Station and Solid Waste Landfill in accordance with State Law and Town Ordinance

1.4.6.3.2. Perform other duties as may be assigned

1.4.6.4. *Department of Cemeteries:* The Division of Cemeteries is listed for record purposes only and is governed by the Board of Cemetery Trustees and State law. The Department of Cemeteries shall:

1.4.6.4.1. Ensure the proper burial of the deceased in the Town of Newmarket's public cemeteries

1.4.6.4.2. Maintain the public cemeteries in the Town

1.4.6.4.3. Maintain appropriate records and files

1.4.6.4.4. Perform other duties as may be assigned

1.4.7. Department of Environmental Services: The Department of Environmental Services shall be responsible for the Division of Water and Division of Wastewater. The head of the Department shall be the Director of Environmental Services.

1.4.7.1. *Division of Water:* The Division of Water shall:

1.4.7.1.1. Provide potable drinking water within the Town

1.4.7.1.2. Provide water for fire protection

1.4.7.1.3. Operate the water supply system (wells and treatment plants) an water distribution plants.

1.4.7.1.4. Operate the Water Fund on a utility basis.

1.4.7.1.5. Perform other such related duties as may be assigned.

1.4.7.2. *Division of Wastewater:* The Division of Wastewater shall:

1.4.7.2.1. Be responsible for the operation and maintenance of the Newmarket Wastewater Treatment Facility,

1.4.7.2.2. In coordination with Wastewater Treatment Plant Laboratory, provide laboratory services to other departments.

1.4.7.2.3. Operate the Sewer Fund on a utility basis.

1.4.7.2.4. Perform other such related duties as may be assigned.

1.4.8. Department of Parks and Recreation: The Department of Parks and Recreation in conjunction with the Recreation Commission shall be responsible for the Divisions of Recreation Programs, Parks and Recreational Facilities. The head of this department shall be the Recreation Director.

1.4.8.1. *Division of Recreation Programs:* The Division of Recreational Programs shall:

1.4.8.1.1. Provide recreational programs for the residents of the Town and others, as authorized

1.4.8.1.2. Perform other duties as may be assigned

1.4.8.1.3. *Division of Parks and Recreational Facilities:* The Division of Parks and Recreational Facilities shall:

1.4.8.1.3.1. Maintain parks and recreation facilities not otherwise assigned

1.4.8.1.3.2. Perform other duties as may be assigned

~~1.4.8.2. Department of Library: The Department of Library is listed for record~~
purposes only and is governed by the Board of Library Trustees and RSA 202-a, The Department of Library shall:

1.4.8.2.1. Provide library services for the Town as provided in state law for Towns (New Hampshire Revised Statutes Annotated Chapter 202-A)

1.4.8.2.2. Maintain the Newmarket Library

1.4.8.2.3. Perform other duties as necessary

1.4.9. Police Department: The Police Department shall:

1.4.9.1. Enforce the criminal laws of the state and the penal ordinances of the Town of Newmarket

1.4.9.2. Safeguard the persons and property of the residents and visitors of the Town through activities designed to deter criminal actions and to apprehend persons who have committed crimes of whatever nature within its jurisdiction

1.4.9.3. Promote community awareness of the causes of crime and its prevention

1.4.9.4. The Police Department shall consist of the following divisions:

1.4.9.4.1. *Division of Operations*

1.4.9.4.2. *Division of Support Services*

1.4.9.5. Perform other duties as may be assigned

1.4.10. Fire Department: The Fire Department shall be responsible for the Divisions of Fire, Ambulance and Emergency Management. The head of this department shall be the Fire Chief.

1.4.10.1. *Division of Fire:* The Division of Fire shall:

1.4.10.1.1. Protect the lives and property of residents and visitors through the suppression of all unwanted fires, or where suppression is not possible, prevent the spread of fire to adjacent buildings and land

1.4.10.1.2. Promote the prevention of unwanted fire by enforcement of state and local fire prevention codes and fire prevention education

1.4.10.1.3. Through the office of the Town Forest Fire Warden, appoint

Deputy Forest Fire Wardens, provide permits for planned fires that meet state law and requirements, and suppress fires that are not permitted.

1.4.10.1.4. Perform other duties as may be assigned

1.4.10.2. *Division of Ambulance:* The Division of Ambulance shall:

1.4.10.2.1. Provide emergency medical services by responding to calls for assistance for medical aid

1.4.10.2.2. Maintain a mutual aid network

1.4.10.2.3. Perform other duties as may be assigned

1.4.11. Department of Emergency Management: The head of the Emergency Management Department is the Emergency Management Director. The Department of Emergency Management shall:

1.4.11.1.1. In accordance with the Town of Newmarket Emergency Management Plan insure the complete and efficient utilization of Town emergency response resources

1.4.11.1.2. Develop and maintain an effective communication system to work with all Town Departments and state and federal communication networks in accordance of RSA 21-P:38.

1.4.11.1.3. Maintain the Town's Emergency management Plan in accordance with the rules and regulations of the New Hampshire Bureau of Emergency Management

1.4.11.1.4. Perform other duties as may be assigned

1.5. TOWN BOARDS, COMMITTEES AND COMMISSIONS

1.5.1. **Planning Board**

1.5.1.1. The Planning Board shall be made up of six (6) members elected by the town at-large and one Town Councilor appointed by the Town Council. It shall conduct its business in accordance with NH RSA Chapter 673 or its successor.

1.5.2. **Zoning Board of Adjustment**

~~1.5.2.1. The Zoning Board of Adjustment shall be made up of five (5)~~

members appointed by the Town Council and shall conduct its business in accordance with NH RSA Chapter 673 or its successor.

1.5.3. Cemetery Trustees

1.5.3.1. There shall be a three (3) person board of Cemetery Trustees appointed by the Town Council. The board shall have charge of the public cemeteries in the Town subject to budgetary limitations imposed by the Town Council.

1.5.4. Municipal Budget Committee

1.5.4.1. The Municipal Budget Committee shall be made up of eleven (11) members; nine (9) members elected by the Town at-large, and two additional members one member of the Town Council, and one member of the Newmarket School Board. The Municipal Budget Committee shall conduct its business in accordance with and shall conduct its business in accordance with NH RSA Chapter 32 or its successor.

1.5.5. Supervisors of the Checklist

1.5.5.1. The Supervisors of the Checklist shall be elected and shall perform their duties in accordance with Article 5 of the Town Charter and NH RSA 654 and its successors.

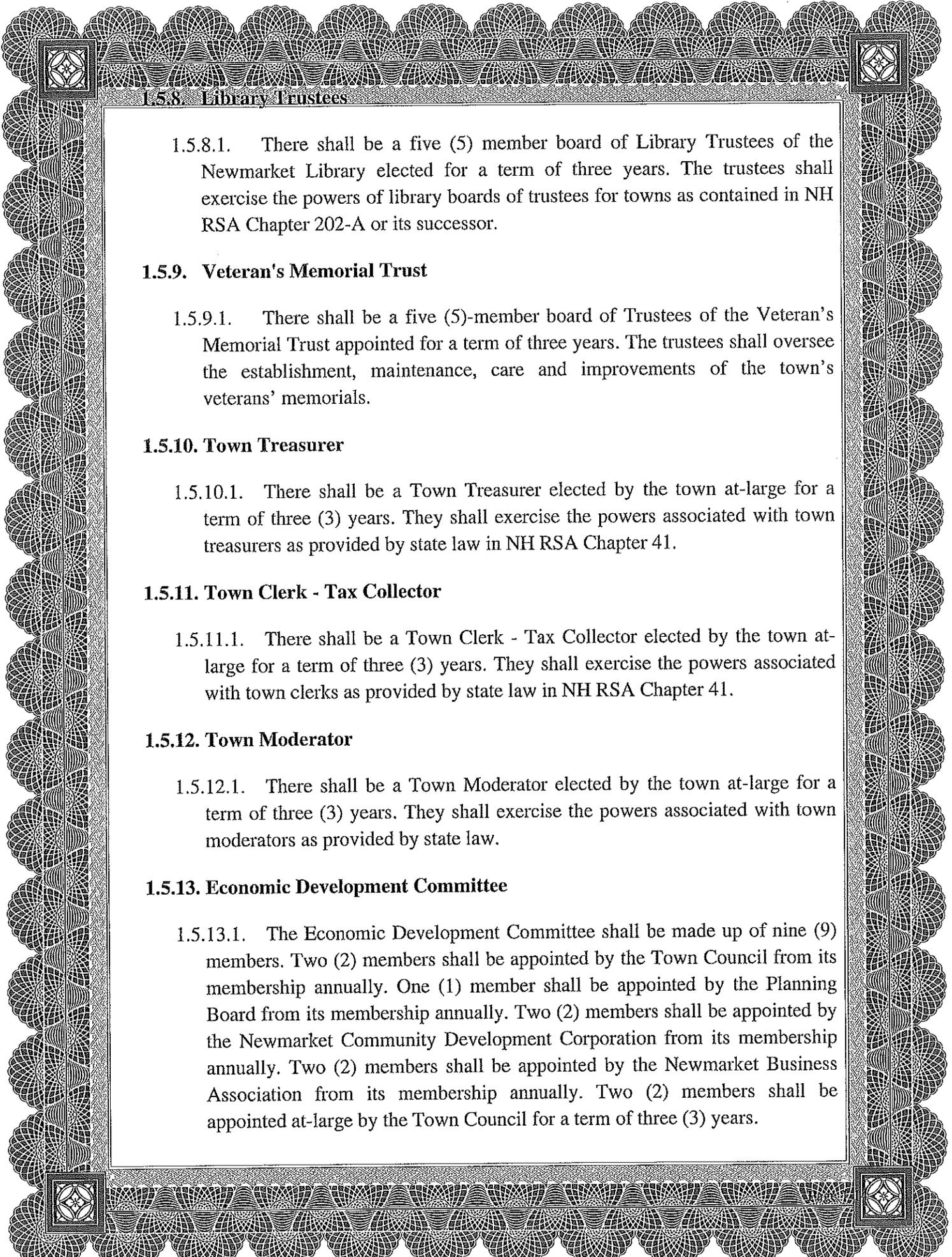
1.5.6. Trustees of the Trust Funds

1.5.6.1. The Trustees of the Trust Funds shall consist of three (3) members and shall be elected as provided by State Law and shall have the duties and responsibilities as provided by NH RSA 31:19.

1.5.7. Conservation Commission

1.5.7.1. The Conservation Commission shall be made up of five (5) members appointed by the Town Council. The terms of the Conservation Commission shall be for three years and shall overlap. One member of the Conservation Commission may also serve as a member of the Planning Board.

1.5.7.2. The duties of the Conservation Commission shall be to promote and develop the natural resources of the Town and to protect its watershed resources. The Conservation Commission shall have such other duties as provided in state law for conservation commissions (RSA 36-A.)



1.5.8. Library Trustees

1.5.8.1. There shall be a five (5) member board of Library Trustees of the Newmarket Library elected for a term of three years. The trustees shall exercise the powers of library boards of trustees for towns as contained in NH RSA Chapter 202-A or its successor.

1.5.9. Veteran's Memorial Trust

1.5.9.1. There shall be a five (5)-member board of Trustees of the Veteran's Memorial Trust appointed for a term of three years. The trustees shall oversee the establishment, maintenance, care and improvements of the town's veterans' memorials.

1.5.10. Town Treasurer

1.5.10.1. There shall be a Town Treasurer elected by the town at-large for a term of three (3) years. They shall exercise the powers associated with town treasurers as provided by state law in NH RSA Chapter 41.

1.5.11. Town Clerk - Tax Collector

1.5.11.1. There shall be a Town Clerk - Tax Collector elected by the town at-large for a term of three (3) years. They shall exercise the powers associated with town clerks as provided by state law in NH RSA Chapter 41.

1.5.12. Town Moderator

1.5.12.1. There shall be a Town Moderator elected by the town at-large for a term of three (3) years. They shall exercise the powers associated with town moderators as provided by state law.

1.5.13. Economic Development Committee

1.5.13.1. The Economic Development Committee shall be made up of nine (9) members. Two (2) members shall be appointed by the Town Council from its membership annually. One (1) member shall be appointed by the Planning Board from its membership annually. Two (2) members shall be appointed by the Newmarket Community Development Corporation from its membership annually. Two (2) members shall be appointed by the Newmarket Business Association from its membership annually. Two (2) members shall be appointed at-large by the Town Council for a term of three (3) years.

1.5.13.2. The purpose of the Economic Development Committee is to foster sensible economic growth in the community.

1.5.14. Highway Safety Committee

1.5.14.1. The Highway Safety Committee shall be made up of nine (9) members. The Town Administrator, Director of Public Works, Police Chief, Fire Chief, Superintendent of Public Schools, the Town Planner, the Building Official shall be ex officio members. There shall be one (1) member appointed by the Town Council from its membership. There shall be one (1) member appointed by the Town Council for a term of three (3) years.

1.5.14.2. The purpose of the Highway Safety Committee is to review and discuss of issues and subsequently make recommendations to the Town Council for implementation/placement of signage, repairs and maintenance, striping, make recommendations concerning the town's present and future needs for traffic control signs and signalization and the like in accordance with RSA238:6. In addition, to advise, upon request, any town board, committee, commission regarding matters pertaining to highway safety.

1.5.15. Personnel Advisory Board

1.5.15.1. There shall be a Personnel Advisory Board of three (3) citizens holding no other political office, who shall be appointed as follows: One (1) member by the Town Administrator, one (1) by the Town Council and the third by these two (2) appointees. The terms of all members shall be for three (3) years. It shall be the duty of the Personnel Advisory Board to study the broad problems of personnel policy and administration, to advise the Council concerning the personnel policies of the city and to advise the Town Administrator regarding administration of the Merit Plan and to hear appeals from any employee aggrieved as to the status or condition of his or her employment or retirement. The Board shall promptly issue written reports containing findings of facts and recommendations to the Town Administrator upon such appeals, but the board shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee without just cause. The term "employee" as used in this section shall not include department heads and officers of the Town. Nothing herein shall be construed as prohibiting an appeal by an aggrieved employee to the court.

This Ordinance shall become effective upon its passage.

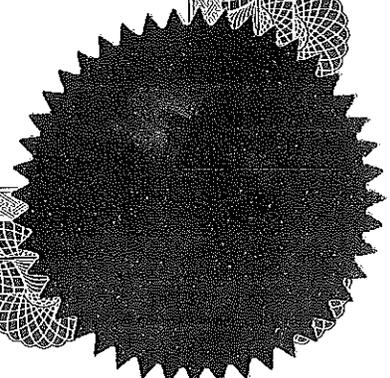
First Reading: October 2, 2013

Second Reading: November 6, 2013

Final Approval: November 6, 2013

Approved: _____
 Gary Levy, Town Council Chairman

True and Attest Copy: _____
 Donna Dugal, Town Clerk



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2013/2014-45
Accepting Harvest Way as a Town Street

WHEREAS, The Home Owner's Association of Harvest Way has requested that Harvest Way be accepted as a Town street, and

WHEREAS, The Department of Public Works and Planning Department have reviewed the street and determined it meets the Town standards and specifications for street acceptance.

NOW THEREFORE BE IT RESOLVED, by the Newmarket Town Council that Harvest Way be accepted as a Town street.

First Reading Date:	January 8, 2014
Second Reading Date:	January 22, 2014
Final Action by Council:	January 22, 2014 (Tabled)

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Town Clerk

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2013/2014-48
Municipal Trash Bags

WHEREAS, The Town of Newmarket purchases municipal trash bags for its pay-to-throw program when its inventory becomes low.

WHEREAS, Two bidders responded to the Town's Request for Proposal (RFP) for the Town's requirements of municipal trash bags.

WHEREAS, WasteZero, Inc. is the low cost bidder for lots of 50,000 - 33 gallon trash bags and 20,000 - 15 gallon trash bag at \$10,650 and \$2,750 respectively.

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council does authorize the Town Administrator to enter into an agreement with WasteZero, Inc. for the purchase of municipal trash bags.

First Reading Date: February 5, 2014

Second Reading Date:

Final Council Vote:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2013/2014-49
Relating to Stair Well Door Push-Bar Hardware

WHEREAS, the State of New Hampshire Life Safety Code requires public spaces with an occupancy limit greater than 99 occupants requires latching exit doors to have panic bar hardware; and

WHEREAS, the current hardware to the Town Hall auditorium is broken and missing parts that are not obtainable; and

WHEREAS, the Town of Newmarket requested bids for panic bar hardware, and the low cost and recommended bidder is Amco Supply of Londonderry, New Hampshire for a cost not to exceed \$4,145.00; and

WHEREAS, Town Meeting created the Town Building Improvements fund on May 14, 1996 for the purpose of improving town buildings; and

WHEREAS, the Town Building Improvements fund has a balance of \$317,693 as of December 31, 2013.

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council does hereby approve a transfer from the Town Building Improvements Fund not to exceed \$4,145 for the purpose of replacing panic bar hardware, accept the low cost and recommended bid from Amco Supply, and to authorize the Town Administrator to execute any associated agreements.

First Reading Date: February 5, 2014

Second Reading Date:

Final Action by Council:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Town Clerk

**TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution 2013/2014 –50**

**Urging Congress to Support a Constitutional Amendment that Safeguards Fair
Elections by Limiting Political Spending**

WHEREAS, government is responsible to, and derives its powers from, a free people;
and

WHEREAS, our state and nation are founded upon the principle that every person
possesses inherent and inalienable rights; and

WHEREAS, that to secure these rights, governments are instituted among people,
deriving their just powers from the consent of the governed; and

WHEREAS, the very foundation of government, therefore, rests on the inalienable rights
of the people and of each individual composing their mass; and

WHEREAS, whenever any form of government becomes destructive of these ends, it is
the right of the people to alter it; and

WHEREAS, over 60% of campaign financing for elections to federal positions for
Republican and Democratic party campaigns come from large donations or political action
committees; and

WHEREAS, the amount of money spent on political campaigns has over doubled in the
past twelve years; and

WHEREAS, Fewer than one half of one percent of Americans were responsible for
eighty percent of all contributions made to candidates for federal office in 2008 and;

WHEREAS, Wall Street campaign contributions to candidates for federal office increased
five-fold from \$60 million in 1990 to \$311 million in 2008; and

WHEREAS, the consolidation of influence upon our elected officials through the control of campaign financing presents a clear and present danger to the freedoms and liberty of all American citizens.

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council urges the New Hampshire State Legislature to join nearly 500 local municipalities and 16 other states, including all other New England states, in calling upon Congress to move forward a constitutional amendment that guarantees the right of the American people to safeguard fair elections through authority to limit political spending and clarifies that inalienable rights are possessed by individuals, and furthermore the council urges our New Hampshire Congressional delegation to support such a constitutional amendment, and urges the New Hampshire State Legislature to support such an amendment once it is approved by Congress and sent to the State for ratification.

FURTHERMORE BE IT RESOLVED, that the record and language of this resolution shall be transmitted by written notice to Newmarket's congressional delegation, to Newmarket's state legislators, and to the President of the United States informing by the Town Administrator's office within 30 days of the vote.

First Reading Date: February 5, 2014

Second Reading Date:

Final Action by Council:

Approved: _____

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Donna Dugal, Town Clerk