

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

May 20, 2015 7:00 PM

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Amy Thompson, Councilor Larry Pickering, Councilor Amy Burns

EXCUSED: Councilor Toni Weinstein

ALSO PRESENT: Town Administrator Steve Fournier, Water & Wastewater Director Sean Greig, Town Planner Diane Hardy, Underwood Engineers Phil MacDonald and Ben Dreyer, Building Safety Inspector Mike Hoffman, Interim Finance Director Matt Angell

AGENDA

Chairman Phil Nazzaro welcomed everyone to the May 20, 2015 Newmarket Town Council Meeting and called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance. He announced that Councilor Weinstein was excused.

Motions by the Council:

Vice Chair Levy made a motion to seal the Non-Public minutes of *RSA 91-A:3 II – Personnel*, and the motion was seconded by Councilor Burns. Town Administrator Fournier polled the Council and the motion passed 6-0.

Vice Chair Levy made a motion to enter into a 2-year agreement for employment with Town Administrator Fournier. Chairman Nazzaro explained, for the benefit of the public, that the contract had been in negotiations for the past 6-8 weeks and would become a public document. Town Administrator Fournier polled the Council and the motion to approve the 2-Year Contract Agreement passed the 6-0.

Chairman Nazzaro stated that the next 2 motions would be read by the Town Administrator.

Town Administrator Fournier read the first motion, which was to authorize the Town Administrator to enter into an agreement for an amount not to exceed \$77,000 with Commett Creek LLC for land located on Durrell Drive, Tax Map R5 - Lot 134 as shown on plan D-38611 of the Rockingham Registry of Deeds, to settle the Town's eminent domain proceedings versus Commett Creek LLC for the MacIntosh Well project. Vice Chair Levy made the motion to authorize the Town Administrator to enter into the agreement, and Councilor Burns seconded. Town Administrator Fournier polled the Council and the motion passed 6-0.

Town Administrator Fournier next read a motion to proceed with Deeding for taxes owed of the following properties located at Tax Map U2-92, U3-40, U2-159, and R5-43, and to begin court proceedings against properties located on Tax Map R2-18-19, U3-117-28, U3-117-36, R2-86-23, and U3-117-7C. Vice Chair Levy made a motion to proceed with the Deeding and court proceedings, and the motion was seconded by Councilor Thompson. Vice Chair Levy clarified that the proceedings were all in Small Claims Court. Town Administrator Fournier explained that for any properties lienied for back taxes, after the time period owed, the State could either take the property deed or initiate court proceedings. He then polled the Council and the motion to proceed passed the Council by a vote of 6-0.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:05 pm and asked if anyone from the public wished to speak to any issues not already listed for Public Hearing.

As no one from the public came forward, Chairman Nazzaro closed the Public Forum at 7:05 pm.

PUBLIC HEARING

Chairman Nazzaro opened the Public Hearing at 7:06 pm. There were two (2) topics on the Public Hearing Agenda:

Public Hearing I - Route 108 Shoulder Widening and Bikeway Project

Town Planner Diane Hardy gave an overview of the project. She said the project had been around for a long time as a result of a grant application filed in 2001 by the New Hampshire Department of Transportation Division 6 for a Congestion Mitigation and Air Quality Improvements (CMAQ) program funded by the Federal Highway Administration. She said the project was originally a collaboration between the towns of Newmarket and Newfields to add shoulders along Route 108 from Bennett Way to the Newfields town line. She said that in 2008 the town of Newfields pulled out, and that in 2010 the State offered to pay a 20% match for the project. Town Planner Hardy explained that a feasibility study had been done first and an effort made to determine the cost of the project. She stated that this was an \$809,000 project, with 80% Federal funds and 20% State funds. She said that the Underwood Engineers Ben Dreyer and Phil MacDonald were present to go over the feasibility/engineering study results and would then open the meeting to public comment.

Engineer Ben Dreyer introduced himself and Engineer Phil MacDonald and explained that this was the first of two (2) presentations that would be made for the *New Hampshire Route 108 Shoulder Widening and Bikeway Project*. He said that he would review the project purpose and give an overview of the project, and emphasized that they were here to get public input and feedback. He stated that the Project Purpose was to create a design for shared roadway usage for bicycles and automobiles and provide a connection with other bike paths in the area. He stated that the area of the project was from Ash Swamp Road to Bennett Way, and said he would look at existing conditions, provide a description of the two alternatives, discuss project constraints, and cover the schedule for the project. He said that existing conditions included very heavy traffic for bicyclists with 17,000 vehicles per day with varied

pavement conditions and narrow pavement widths. He described Alternative 1 as having paved bike lane shoulders on either side of the road, and Alternative 2 as having a shared bike lane construction with an 8-foot path for two-way bicycle traffic, separated from the road by a grass strip. He next addressed the project constraints which included variables with right-of-way, natural features such as embankments, utility poles close to the road, and a railway corridor and drainage to consider. Mr. Dreyer stated that this New Hampshire DOT CMAQ Grant Program had a budget of \$809,000, as mentioned by Town Planner Diane Hardy. As far as the schedule, he said that they would be wrapping up the study phase by June and use the summer of 2015 to finalize the design, with construction to be set up in 2016. He added that exit surveys were being distributed in the hallway for public feedback on either of the alternatives. Maps showing the two (2) alternatives were posted on the wall.

Town Administrator Fournier specified to the public that all questions had to go through the Chairman, as Council rules needed to be followed. Chairman Nazzaro asked people to step up to the microphone and give their names and addresses.

Eric Longbottom of 136 Exeter Road said that he had lived in Newmarket for 40 years and was very much in favor of the project, feeling that safety along Route 108 needed to be addressed. He said that he did have some concerns regarding the slope of his driveway and the slope of drainage from behind his house which may need to be adjusted as a result of the project. He also mentioned costs, specifically that three (3) trees on his property might need to be cut down, but added safety was the most important thing.

Harlan Chaffey of 2 Packers Falls Road stated that he was a longtime resident and cycling commuter and was very much in favor of Alternative 1. He asked about the original plan which had been to continue the bike lanes to New Road and then bring them back to Ash Swamp Road. Mr. Breyer replied that the main reason for the change was due to the bridge south of Ash Swamp Road. Mr. Chaffey felt the bridge was wide enough for 4-foot lanes, but that the guardrail presented a problem, adding that this was a pinch point on the bike route. He also asked that Ash Swamp Road to New Road be reincorporated in the project in some fashion.

Drew Kiefaber of 50 Elm Street said that he was a driver, a bicycle rider and a runner/walker. He stated that a shoulder widening project on Route 108 would make it safer for him in all three venues.

Claudia Grout of Creighton Street said she was a longtime resident and was very much in favor of the widening, adding that improving the safety of Route 108 would be a great addition to the Town of Newmarket. She thanked the engineers for their work on the project.

Eric Nichols, a resident of Newfields, came forward. Chairman Nazzaro asked if any Councilors had issues with someone outside the community speaking, and they did not. Mr. Nichols said that he and his wife both used the road as drivers and cyclists, and he wished to express his support for Alternative 1. He pointed out that with Alternative 2, northbound cyclists would have to cross Route 108 twice: once to get on the bike path and again to get off, and that this might raise additional safety concerns. He also pointed out that the Town would then be responsible for the maintenance of the path, whereas with the shoulder widening the State would provide the maintenance.

Sara Simpson of 9 Maplecrest stated that she also wanted to add her voice to Alternative 1, saying she was also a bicyclist and a driver. She felt that widening would make the roads safer and more enjoyable for everyone.

Scott Bowdoin, a resident of Durham, stated that he was a commuter on the route from Durham to Exeter, and expressed his thanks to the Town for pursuing the project. He said he worked with the Rockingham Planning Commission in Exeter which was a key link in the Great Bay bicycle loop. He felt previous speakers had given good reasons for Alternative 1 based on safety, and reinforced the comments made concerning the bridge and the approach to it. He felt the approaches could be handled by resetting the curb back 1-2 feet on either side. He said that if there were a trade-off, he felt that extending the width for the bridge approaches was more important than making changes past the golf course.

Russ Simon of Cushing Road asked if there had been any changes in projections for increased usage as a result of the project. Mr. MacDonald felt any projections would only be guesstimates, and that they did not have a mechanism in place to project the amount of additional bicycle traffic.

Cliff Chase of 52 Elm Street stated that he supported Alternative 1 and was very much in favor of it for all the safety reasons previously discussed, especially regarding the bridge. He said he believed that in 2008 the Town had approved funding for this warrant article and felt the project was overdue.

Chairman Nazzaro asked if there was an email address to which people watching could address their concerns. Town Planner Hardy replied that they could put something on the webpage to direct them to the Planning Department. She said she had also been contacted by several people who could not attend the meeting. She said that Nan Goldstein was a real advocate for the project but had concerns regarding increased noise levels. Doreen Howard of 147 Exeter Road said that the State had already taken property in front of her house and that she was not keen on losing any more land, and was not in favor of the project. She stated that Amy from the Recreation Department had mentioned they had 20 mountain bikes at the Recreation Center with no safe place for the people to ride them.

Discussion:

Councilor Pike said he wanted to support the views of those who commented on the approaches to the bridges at the south end beyond the project, feeling that it made a lot of sense. Councilor Pickering said that he had walked across that bridge on Route 108 and survived, and felt it was very dangerous and the curbs needed to be bumped back. He also mentioned a seeming disregard of motorists for the speed limits posted. Vice Chair Levy said he viewed the widening of Route 108 as mainly a safety issue and felt that it was dangerous now. He also asked if further road widening was being considered for the New Road area. Chairman Nazzaro felt that between the two alternatives, for both safety and maintenance reasons, Alternative 1 was more attractive.

Town Administrator Fournier stated that after this Public Hearing there would be a second meeting at a future date not on a Council meeting night. After that the final design would be made, presented to the Council for approval, and then bidding documents and the construction process would go forward. Vice

Chair Levy felt that all emails pertaining to the issue should be forwarded to Underwood Engineers or the Town Administrator, allowing the people more ability to articulate tangible concerns. Town Administrator Fournier said that he would put up a copy of the power point presentation for the project on the website. Vice Chair Levy asked if procedurally, people who made recommendations would see a follow-up from Underwood Engineers. Town Administrator Fournier replied that he would post any new sets of plans with the changes, and that if the recommendations were not being taken in an explanation would be provided.

Chairman Nazzaro said that he encouraged individuals on Exeter Road whose land might be impacted by the project to send in their support or concerns. He closed the Public Hearing on the *Route 108 Shoulder Widening and Bikeway Project* at 7:38 pm.

Public Hearing II - Ordinance #2014/2015 Update the Town of Newmarket Building Construction Regulations

Chairman Nazzaro opened *Public Hearing II - Ordinance #2014/2015 Update the Town of Newmarket Building Construction Regulations* at 7:39 pm.

Building Safety Inspector Mike Hoffman stated that an ordinance had been approved in 2000 adopting a Building Code. He said that since then a State Building Code had been developed. He said that the Town had a number of different resolutions coming up adjusting building permit fees, and that the old ordinance needed to be removed from the Code Book. Town Administrator Fournier said that it had been correct at the time to adopt the ordinance, but that they had subsequently tried to amend the ordinance by adopting a resolution, which could not be done. He stated that this ordinance would repeal the prior ordinance, and that it would then become a policy which the Council could update more regularly. He emphasized that the Town should not be updating ordinances every time there is a policy change, and that it should be presented as a resolution.

Chairman Nazzaro stated that the Council would debate the issue later and asked if anyone from the public wished to speak to this.

As no one from the public came forward, Chairman Nazzaro closed *Public Hearing II - Ordinance #2014/2015 Update the Town of Newmarket Building Construction Regulations* at 7:40 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of May 6, 2015

Councilor Thompson made a motion to accept the minutes of the regular meeting of May 6, 2015, and Councilor Pickering seconded.

Discussion/Changes: Chairman Nazzaro pointed out that the fee for the Armed Forces Memorial Day Golf Tournament should be \$125, not \$25. Councilor Thompson had several questions and suggested changes on page 6 under Committee Reports in reference to Mr. Connery, on page 8 under Raffles in

reference to a statement attributed to Town Administrator Fournier, and on page 10 under the discussion of replacement of the Recreation Center doors in regard to choosing Portland Glass over Kamco, which was corrected to read: "She said she realized that parts for the doors were already available from Portland Glass, but wondered if this justified the increase in costs." She also corrected HNH on page 10 to H&H. Councilor Pike stated that he should also be included as having attended the Martha McNeil dedication ceremony, but as the statement was not made at the meeting, the correction was not done. Councilor Pickering corrected Environmental Development Committee to "Economic Development Committee". Councilor Thompson also made a correction on page 14 in reference to the Carpenter property which was changed to read: "Police and Fire Department".

Town Administrator Fournier explained to the Council that clerical changes could be forwarded to Executive Secretary Kathy Castle ahead of time and did not need to be addressed at the meeting. He then polled the Council and the amended minutes of the May 6, 2015 Town Council meeting were approved by a vote of 3-0, with 3 abstentions.

Acceptance of the Minutes of the Non-Public Meeting of April 15, 2015

Vice Chair Levy made a motion to approve the Non-Public Meeting of April 15, 2015, which was seconded by Councilor Thompson.

Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of April 15, 2015 were approved by a vote of 6-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Fournier first addressed the **Linked together Kids Requesting Use of the Pocket Park for Their Lemonade Stand**. He read the letter from the children which said they were unable to attend the meeting due to other commitments, and that they had used the Pocket Park every Wednesday last year to host their Lemonade Stand. They stated that last year they had raised \$143.20 to make improvements to the park, and that they now wanted to purchase a watering system. They requested from the Council that they be allowed to have their Lemonade State at Pocket Park on Wednesday again this summer. They said that money raised would go into their fund for the watering system for Pocket Park.

Councilor Thompson made a motion to authorize the Linked Together Service Program to sell lemonade on Wednesdays at the Pocket Park, and Councilor Burns seconded. Chairman Nazzaro said he was sorry that the children were unable to make the meeting. Town Administrator Fournier polled the Council and the motion passed unanimously, 6-0.

Town Administrator Fournier next addressed an issue not included in his written report, to make sure Councilors were aware of it. He stated that the Exeter Area Chamber of Commerce, along with the Newmarket Business Association, was hosting an **Economic Forum** on Wednesday June 3rd at 7:30 am at the **Mill Space**. He said the that representatives of the Exeter Area Chamber of Commerce would be

asking speakers from Newmarket to explain what they had done to make the Mills project such a success in Newmarket.

Town Administrator Fournier next addressed the **April Expense and Revenue Report**, stating that the Town was doing well. He said that with 83% of the year complete, they were 81% expended. He added that this was 1% higher than at the same time last year. He said that most departments were on target to meet their expense goals, though the Public Works Department continued to run high. He explained that as Welfare continued below budget for the year, this would help offset overages in other departments, though there were several small cases coming up. He said that revenues were coming in higher and that they were already 1% above anticipated revenues. Town Administrator Fournier next stated that the **Right-to-Know Workshop** would be held again this year on June 1st at 6:30 pm in the Town Hall auditorium. He said that the Town Attorney would be reviewing the law and answering questions from Town and School officials. Town Administrator Fournier lastly provided a **COAST Bus Update**, stating that he had been working with the COAST Executive Director to address the issue of Route 7. He said that they were looking at new route schedules, which may be reduced, but that a proposal should be received shortly.

Discussion/Questions:

Councilor Thompson stated that she had a follow-up question for the Town Administrator regarding a request for documentation of the ownership of Ash Swamp Road, as she believed the Town was now responsible for it. Town Administrator Fournier clarified that it was not a sale and no document existed but that the Town did own the road. He said that records were old but that since the Town maintained the road they had ownership, adding that he did not have deeds for every road in town. Councilor Thompson then mentioned correspondence she was engaged in with the Town Administrator regarding a paving schedule for roads next to be paved in Newmarket with approximate dates. Town Administrator Fournier said there had been no new developments. Vice Chair Levy asked a question regarding the purchase of the new police vehicle, and Town Administrator Fournier explained that they were replacing an old Crown Victoria with a 4WD vehicle. Chairman Nazzaro said he was glad to see that the COAST conversation was still ongoing and that he was anxious to hear the outcome. He also pointed out to the Town Administrator that they had not yet discussed the Merit Pool. Town Administrator Fournier said he would be meeting tomorrow with Interim Finance Director Matt Angell to review the issue and would address the Council on the issue at the next meeting. Chairman Nazzaro asked if any changes would be retroactive to the beginning of the fiscal year, and Town Administrator Fournier said he would get b back to the Council.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Ordinance #2014/2015-05 Update the Town of Newmarket Building Construction Regulations

Building Safety Inspector Mike Hoffman again explained that it had been inappropriate for the Town to use resolutions in an attempt to repeal an ordinance, and that the issue had gotten lost in the shuffle

and recently discovered. He said that *Ordinance #2014/2015-05* would be repealing the old ordinance. He asked if there were any questions from the Council.

Discussion: Vice Chair Levy asked if the rules would only apply for new construction and if there would be anything retroactive. Mr. Hoffman stated that they would utilize State Building Code RSA-155A which included other codes such as the International Building Code, a Mechanical Code and an Electrical Code. Vice Chair Levy asked for clarification in the event someone wanted to make changes to a building and whether they would need to meet the criteria listed. Mr. Hoffman replied that they would only need to meet the criteria for the portion being renovated, and that the code was a progressive code for the most part and not retroactive. Chairman Nazzaro pointed out that Vice Chair Levy was asking questions on the ordinance that was being repealed. He then asked Mr. Hoffman if they were repealing the law because a State Law already existed which they were currently using. Mr. Hoffman stated that they now had complete re-enforceability of the State Law, where before it only applied to State-owned property. He explained that after multiple fatal fires the State had adopted a Statewide Building Code for all buildings, and at that time the Town had stopped using their own code.

Town Administrator Fournier polled the Council and the motion to approve *Ordinance #2014/2015-05* passed by a vote of 6-0.

Resolution #2014/2015-52 Authorize Town Administrator to Enter into Agreement with Northeast Earth Mechanics to Install a 16-inch Water Main from Route 108 to Great Hill Water Tower

Councilor Pike made a motion to approve *Resolution #2014/2015-52 Authorize Town Administrator to Enter into Agreement with Northeast Earth Mechanics to Install a 16-inch Water Main from Route 108 to Great Hill Water Tower*, which was seconded by Vice Chair Levy.

Water & Wastewater Director Sean Greig stated that this resolution was to replace the Water Main on Route 108 from the south side of Irving and across 108 up to the Water Tower, and to make necessary electrical improvements to the Town. Vice Chair Levy asked for an explanation of how the Town reduced the award from \$1, 047,760 to \$892,710. Water & Wastewater Director Greig explained that they had included two (2) options in the bid, one to open-trench the project and one to do a directional drill, so that they could determine project cost. He said that the bid had come back to show that the directional drill would be the cheapest option, and that they had then backed out the open-cut portion. He explained that the savings were in the difference between the two options. Vice Chair Levy then questioned why only \$888,000 of the project was eligible for refunding by the DWSRF program. Water & Wastewater Greig explained that \$42,000 was ineligible as they were planning to add a conduit up to the Water Tower for telecommunications which was not covered by the SRF. Chairman Nazzaro stated that the resolution was very unclear in the way it was written. He also questioned requesting a bid for doing the project two (2) ways which was more than they actually needed accomplished. He then asked what the cost would have been for the open trench option. Water & Wastewater Director Greig replied that he would need to check that, and Town Administrator Fournier recommended that the next time he provide a table clearly showing the different options. Vice Chair Levy said he thought they had chosen the lower bid because the funding had been available. Chairman Nazzaro requested using a chart in future clearly showing each option and providing both recommendations made.

Town Administrator Fournier polled the Council and *Resolution #2014/2015-52* passed by a vote of 6-0.

Resolution #2014/2015-53 Relating to the Town's Investment Policy

Councilor Thompson made a motion to approve *Resolution #2014/2015-53 Relating to the Town's Investment Policy*, which was seconded by Vice Chair Levy.

Interim Finance Director Matt Angell provided an overview of the resolution. He said that every year the Town is required to adopt an Investment Policy to help the Town Treasurer guide the investing of surplus Town funds. He specified that the policy only applied to funds under the control of the Town Treasurer, and that the Trustees of the Trust Funds and the Library Trustees approved their own policies, with the key being safety. He said that two (2) changes had been made, the first under Special Considerations to specify which collateralization should be referencing a section within the investment policy rather than being independent with special considerations. He said that the second related to Standards of Care regarding "prudent person" rules, ethics, and conflicts of interest. Under Delegation of Authority he noted that the treasurer can delegate certain authority to individuals which would also need approval by the Town Council. Under Authorized Investments he explained they could only be in cash or cash equivalent. Under Approved Institutions he explained that permission was needed from the Town Council to put funds in certain institutions, which he was formalizing this year. He said that under Collateralization the Town needed to collateralize all their investments which meant insuring their cash balances were above the FDIC limits of \$250,000. He said that currently they were collateralized at Citizen's Bank at 102% and at TD Bank to the amount rounded up to the nearest million above their current deposits. He said that under Foreign Investments they needed to make sure it was stated that they do not invest in any foreign securities whatsoever.

Discussion: Vice Chair Levy asked why the banks listed in the policy had been chosen and wondered if this precluded other banking institutions or credit unions. Town Administrator Fournier stated that per State Law they could not invest in credit unions, and Interim Finance Director Angell explained that the problem was that credit unions did not offer a collateralization product sufficient for the size of the Town's balances. Vice Chair Levy voiced concerned that they were being limited by not listing other FDIC approved banks. Interim Finance Director Angell said part of the reason for the limit was geographical, but that other banks could also be specified. Town Administrator Fournier explained that it was mostly a suggested list of banks, and that local governments could only invest in banks approved by the State of New Hampshire as a government bank. Chairman Nazzaro asked if they could amend the listing to state that Town monies could be invested in banks approved by the State of New Hampshire rather than listing specific institutions. Interim Finance Director Angell said it should state "Town monies in banks approved by the State Treasury". Councilor Pike suggested it would be much better if the document showed the changes that were made and included both the old language and the new language. Chairman Nazzaro also reinforced that issue.

Town Administrator Fournier polled the Council and *Resolution #2014/2015-53* passed by a vote of 6-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING - None

ORDINANCES AND RESOLUTIONS IN THE 4TH READING

Chairman Nazzaro stated that they had a number ordinances and resolutions in the 4th reading and that a full Council was not present.

Ordinance #2014/2015-04 Regulating Raffles

Chairman Nazzaro said that in regard to *Ordinance #2014/2015-04 Regulating Raffles*, Councilor Weinstein had made it quite clear in an email that she was against the ordinance.

Discussion:

Vice Chair Levy felt that the Council had already gone through this ordinance and that Town Administrator Fournier had repeatedly said this was State Law and the Town was compelled to abide by State Law. He asked Town Administrator Fournier if his answer was the same. Town Administrator Fournier stated that the authority to issue raffle permits was not specifically designated to the Chief of Police and himself, which meant people applying for raffles would need to come before the Council each time they needed a permit. He said that the ordinance would allow the process to be streamlined and only go through them for approval. Chairman Nazzaro asked why a resolution could not be used instead of an ordinance. Town Administrator Fournier explained that the Town needed a law in their Code Book. Chairman Nazzaro felt that as the law already existed as a State Law, that they could more simply have a resolution authorizing the Chief of Police and Town Administrator Fournier to issue the permits. Town Administrator Fournier explained that he had asked the Town Attorney if law was needed by the Town, and that he had indicated that they did need a law. He added that he had checked with other communities who were following the same procedure. He said he wanted to make sure they had it written down and wanted to make the process easier for applicants. Chairman Nazzaro pointed out that per RSA 287:7 a permit could be issued for a year.

Town Administrator Fournier then reviewed the issues that had come up that had started the ordinance process. He said that an individual had asked where to go to obtain a raffle permit, and another had asked for reassurance as to the legitimacy of an organization conducting a raffle. Vice Chair Levy felt the Town should have something in place for enforcing the State Law. Chairman Nazzaro said the issue was that the Town had just not been enforcing the State Law. Vice Chair Levy felt that Town Administrator Fournier was covering the Town and the legal entity that existed. Town Administrator Fournier reiterated that they needed to put a process in place for the Town codifying that Policy Chief Cyr and the Town Administrator were the ones who issued and approved the permits. Councilor Burns said that she was not against the philosophy of the ordinance but did not like the way the process was structured and felt it could be further streamlined. She asked whether the Town had to have an ordinance for every State Law, and Town Administrator Fournier replied that this gave the authority to the Town and made the issue clear. Councilor Burns expressed concerns regarding volunteer entities such as churches and schools, and said she did not want to them to be inhibited. Town Administrator Fournier said that he would reach out to organization having constant raffles, but that they also needed to have a list of legitimate organizations on file. Councilor Pike felt

that if it was a question of needing language of this type, with legal councilors saying that we did, he said he was prepared to go along with legal opinions.

Town Administrator Fournier then read the note from Councilor Weinstein stating that she did not support the ordinance and felt it would place an unnecessary burden on organizations that were helping the Town of Newmarket. She felt that the ordinance could be much simpler by having organizations fill out a form at the Police Department or the Town Hall, and that this would also provide a record of all raffles to address any issues that might arise. Chairman Nazzaro said he did not see why they were simply cutting and pasting the existing State Law, and pointed out that any changes in Concord would again leave them with an ordinance out of compliance. He said that he would much rather make it simpler and have it reference State Law, being very clear as to the Town process. Town Administrator Fournier pointed out that this was not personal, and that the Town also needed to adopt laws. Chairman Nazzaro felt the Town needed a process, not a law. Vice Chair Levy said he felt that State Law was changing and that the Town was simply reinforcing it as a local issue. Councilor Burns asked if filling out the forms would be enough and Town Administrator Fournier replied that they also needed to be approved. He then clarified that the ordinance was not making the process, but putting the law in place to allow the Chief of Police and himself to come up with a process. He added that the Council could amend the ordinance, but felt that it was up to the Council to make a decision now to approve or amend. Councilor Thompson asked if it would be helpful if the information listed under Section 18-113 regarding "permits required" were amended to say "it would be unlawful for any person conducting a raffle in the Town of Newmarket without first obtaining a permit" and specify where to apply. Town Administrator Fournier reiterated the ordinance was not meant to give procedure, and that State Law required specific information be printed on the raffle tickets.

Chairman Nazzaro asked whether the attorney could come in to explain legally why they needed the ordinance. Town Administrator Fournier suggested that in that case, they just defeat the ordinance by either voting it up or down. Vice Chair Levy referred to the point made by Councilor Thompson to just have a definition in place. Town Administrator Fournier suggested they only state that the Chief of Police or a designee must approve any permit prior to the sale of the ticket, and remove the Town Administrator. Councilor Pike said he was fine with that change, and Vice Chair Levy felt they should also reference consulting RSA 287A for compliance rules. Town Administrator Fournier reiterated that the purpose of the ordinance was for the Council to designate someone as the approver. Councilor Pickering expressed concern about placing all the burden on Chief Cyr and said he felt it should be a function of Town Hall. He added that the only way to get past this logjam was to move it to a vote. Councilor Pike also felt they were not making any progress. Vice Chair Levy asked if they were changing the ordinance to Chief of Police, and Town Administrator Fournier said they should make a motion to amend the ordinance to remove the Town Administrator

Vice Chair Levy made a motion to amend the ordinance to state under Approval of Permit that the Chief of Police must approve any permit and Chairman Nazzaro seconded. Councilor Pike referenced a comment made by Councilor Pickering regarding possibly burdening the Chief of Police, and now felt that it would be easier for the community to have flexibility in where to obtain permits. Vice Chair Levy withdrew his motion to amend the ordinance and Chairman Nazzaro withdrew his second.

Councilor Pike made a motion to approve *Ordinance #2014/2015-04 Regulating Raffles* which was seconded by Councilor Pickering. The ordinance passed the council by a vote of 4-2.

Resolution #2014/15-49 Town Council Rules for Proceedings

Chairman Nazzaro asked that *Resolution #2014/15-49 Town Council Rules for Proceedings* be held for a full Council.

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Zoning Board of Adjustments – Alternate: William Barr Term Expires March 2018

Councilor Thompson made a motion to approve the appointment of *William Barr Term Expires March 2018* as an Alternate to the Zoning Board of Adjustments, which was seconded by Vice Chair Levy.

Town Administrator Fournier polled the council and the motion to appoint *William Barr* passed the Council unanimously, 6-0

Veterans Trust Committee: Nancy Eaton Term Expires March 2018

Councilor Thompson made a motion to approve the appointment of *Nancy Eaton Term Expires March 2018* to the Veterans Trust Committee, which was seconded by Vice Chair Levy.

Nancy Eaton was present at the meeting and briefly addressed the Council. She said that she was a recent widow and had lived a military life, though she was not a veteran herself. She said that she was retiring in June and felt this was something she would like to do, saying she had the time and the interest. She said that she had lived in Newmarket for a total of 19 years and that her family had a lot of history in the Town, and she wanted to give back.

Councilor Pickering thanked Ms. Eaton for stepping forward and said it was nice to see new faces. Chairman Nazzaro said that meetings were held on the third Tuesday of every month and thanked her for coming.

Town Administrator Fournier polled the council and the motion to appoint *Nancy Eaton* passed the Council unanimously, 6-0

Capital Improvement Program – Member at Large: *Russell Simon Term Expires August 2017*

Town Council
May 20, 2015 - Regular Meeting

Councilor Thompson made a motion to approve the appointment of *Russell Simon Term Expires August 2017* as a Member-at-Large of the Capital Improvement Program, which was seconded by Councilor Pike.

Town Administrator Fournier polled the council and the motion to approve the appointment of *Russell Simon* passed the Council unanimously, 6-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2014/2015-54 Auditorium Equipment – Channel 13

Chairman Nazzaro read *Resolution #2014/2015-54 Auditorium Equipment – Channel 13*, in full.

Resolution #2014/2015-55 Purchase Air Conditioning Unit for Police Dispatch Center (TA Requests to Suspend the Rules)

Chairman Nazzaro read *Resolution #2014/2015-55 Purchase Air Conditioning Unit for Police Dispatch Center*, in full.

Vice Chair Levy made a motion to suspend the rules and Councilor Pike seconded.

Councilor Thompson asked why the rules needed to be suspended. Town Administrator Fournier explained that at least two (2) readings were required, but that by suspending the rules the Council could vote at this meeting. He added that suspending the rules required a 2/3 vote for passage. Vice Chair Levy stated that no backup information had been provided and that quotes were needed by the Council.

Town Administrator Fournier polled the Council and the motion to suspend the rules passed by a vote of 4-2.

Vice Chair Levy made a motion to approve *Resolution #2014/2015-55 Purchase Air Conditioning Unit for Police Dispatch Center*, and it was seconded by Councilor Pike.

Discussion: Vice Chair Levy asked Town Administrator Fournier why he could not just make the \$6,000 purchase. Town Administrator Fournier replied that he needed Council approval as they were using Capital Reserve funds. He said that the resolution basically gave permission to the Town to spend up to \$6,000 for the unit. Vice Chair Levy asked how many bids had gone out and Town Administrator Fournier said there had been three (3) but that he had not brought the information. Vice Chair Levy said that when asked to suspend the rules he needed to see the wording of the bids, and Councilor Thompson stated that she also required backup when suspending the rules though she did not have a problem helping a department out. Chairman Nazzaro said that he also did not like suspending the rules with zero backup and that it was not due diligence on their part.

Town Council
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Town Administrator Fournier polled the Council and *Resolution #2014/2015-55* passed the Council by a vote of 5-1.

Resolution #2014/2015-56 Purchase Motorola APX 6500LI VHF 100-Watt Digital Mobile Radio for Police Department

Chairman Nazzaro read *Resolution #2014/2015-56 Purchase Motorola APX 6500LI VHF 100-Watt Digital Mobile Radio for Police Department*, in full.

Resolution #2014/2015-57 Purchase Ford Police Cruiser for the Police Department to Include Costs Associated with Replacement of Emergency Lighting and Equipment Setup

Chairman Nazzaro read *Resolution #2014/2015-57 Purchase Ford Police Cruiser for the Police Department to Include Costs Associated with Replacement of Emergency Lighting and Equipment Setup*, in full.

Resolution #2014/2015-58 Purchase APC Symetra Power Module to Replace Similar Unit in the Police/Dispatch Center

Chairman Nazzaro read *Resolution #2014/2015-58 Purchase APC Symetra Power Module to Replace Similar Unit in the Police/Dispatch Center*, in full.

Resolution #2014/2015-59 Purchase of Two Nitornox Field Units for Fire/Rescue Department

Chairman Nazzaro read *Resolution #2014/2015-59 Purchase of Two Nitornox Field Units for Fire/Rescue Department*, in full.

Resolution #2014/2015-60 Agreement with Wright-Pierce Engineers for Construction Services for WWTP Project

Chairman Nazzaro read *Resolution #2014/2015-60 Agreement with Wright-Pierce Engineers for Construction Services for WWTP Project*, in full.

Resolution #2014/2015-61 Agreement with Apex Construction to Construct WWTF Upgrade Project

Chairman Nazzaro read *Resolution #2014/2015-61 Agreement with Apex Construction to Construct WWTF Upgrade Project*, in full.

Resolution #2014/2015-62 Transferring Funds from Downtown TIF Capital Reserve Fund

Chairman Nazzaro read *Resolution #2014/2015-62 Transferring Funds from Downtown TIF Capital Reserve Fund*, in full.

Resolution #2014/2015-63 Fiscal Year 2015 Year-End Budget Transfers

Chairman Nazzaro read *Resolution #2014/2015-63 Fiscal Year 2015 Year-End Budget Transfers*, in full.

COMMITTEE REPORTS

Councilor Burns said that the Conservation Commission had met on April 21st and that they would be sponsoring a Fishing Derby this year on Father's Day.

Councilor Pickering reported on the Budget Committee meeting of May 18th. He said that the School Budget Report for end of April 2015 had been presented and that there had been a 25% employee turnover in the last year in the School District. He said that the Cadillac Tax, which funds the Affordable Care Act, would be coming in 2018. He also reported that there had been no volunteers for the Capital Improvement Program (CIP) Committee and that Mr. Lang remained as the alternate.

Vice Chair Levy reported on the Planning Board meeting of May 12th, saying that he stood in for Councilor Pike. He said that Strafford Regional Planning had made recommendations for more affordable housing and that the recommendations should be supported with backup. He recommended that anyone concerned about the Master Plan should watch the tape of the meeting, and that another charrette would be set up once the Master Plan had been annotated. Town Administrator Fournier stated that the next charrette would be held on June 16th in the Town Hall at 6:30 pm.

Chairman Nazzaro said that the Veterans Memorial Trust golf tournament had gone well and thanked everyone who participated.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Pickering stated that the oldest resident in Newmarket had passed away at the age of 102 years.

Town Administrator Fournier said that he had started a list of the oldest citizens starting with the next individual and was discussing this with the Cemetery Trustees. He reminded everyone that the Memorial Day Parade was scheduled for May 30th.

Chairman Nazzaro announced that the next meeting of the Town Council would be held on June 3, 2015.

ADJOURNMENT

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Pike. The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary