



TOWN *of* NEWMARKET, NEW HAMPSHIRE

**TOWN MEETING WARRANT**

To the inhabitants of the Town of Newmarket, County of Rockingham, in the State of New Hampshire, qualified to vote in Town affairs:

**FIRST SESSION**

You are hereby notified to meet for the First (Deliberative) Session of the annual budgetary town meeting, to be held at the Newmarket High School, Newmarket, NH on the eighth day of February 2014 being a Saturday, at one o'clock in the afternoon (1:00 P.M.) The First (Deliberative) Session will consist of explanation, discussion, and debate of each of the following warrant articles, and will afford those voters who are present the opportunity to propose, debate and adopt amendments to each warrant article, except those articles whose wording is prescribed by state law.

**SECOND SESSION**

You are also notified to meet for the Second Session of the annual town meeting, to elect town officers by official ballot and to vote by official ballot on the warrant articles as they may have been amended at the First Session, to be held at the Newmarket Town Hall, Newmarket NH, on the eleventh day of March 2014, being Tuesday, at seven o'clock in the forenoon (the polls are to be open at 7:00 A.M. and may not close prior to 8:00 P.M.) to act upon the following:

**Article 1.      Election of Officers**

To choose the following officers for the coming year:

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

**Article 2.      \$1,055,000 Bond for Installation of Water Main on Rt. 108**

To see if the Town will vote to raise and appropriate the sum of \$1,055,000 (gross budget) 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, and to authorize the issuance of not more than \$1,055,000 of bonds and notes in accordance with the provisions of the Municipal Finance Act (NH RSA 33:1 et seq., as amended) and to authorize the Town Council to issue and negotiate such bonds or notes and to determine the rates of interest thereon. Further, to authorize the Town Council to apply for, negotiate, contract for, seek and do all things necessary to obtain such Federal and State grants-in-aid, contribution, assistance and to participate in the State Revolving Loan Fund (SRF) RSA 486:14 established for the purpose as may be available, and to adopt any resolution relating thereto of such bonds or notes as shall be in the best interest of the Town of Newmarket. (2/3 Vote Required) *If passed, there will be no impact on the tax rate. There will be an impact on the Water Rates.* **Recommended by the Town Council 5-2. Recommended by the Municipal Budget Committee 11-0.**

**Article 3. Charter Amendment #1**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amendment to Section 1.2 Form of Government, by deleting language shown as crossed through, and adding language shown as underlined.

**Section 1.2. Form of Government.**

Newmarket has a Town Council form of government with a Town Administrator under RSA 49-D:3. The administration of the fiscal, prudential, municipal, and other affairs of the Town, with the governance thereof, shall be vested in a Town Council, shall be directed by a Town Administrator, and shall consist of the various departments of the Town as established ~~by this Charter and~~ from time to time by the Town Council. Except as expressly authorized by this Charter, no Councilor shall participate in the conduct of the administrative affairs of the Town.

*Summary explanation: clarifies form of government and provides that departments are established by Town Council. This language has been approved by the New Hampshire Attorney General's office.*

**Article 4. Charter Amendment #2**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amendment to Section 2.5, B, Conduct of Elections, by deleting language shown as crossed through, and adding language shown as underlined.

**Section 2.5. Conduct of Elections.**

B. At all Town elections the polls shall be open ~~from 7:00 a.m. to 8:00 p.m.~~ during hours designated by the Town Council in consultation with the Supervisors of the Checklist and the Town Moderator.

*Summary explanation: the amendment provides for greater flexibility for the Town Council to set the hours that the polls will be open during elections. This language has been approved by the New Hampshire Attorney General's office.*

**Article 5. Charter Amendment #3**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 2.6 Preparation of Ballots, by deleting language shown as crossed through, and adding language shown as underlined.

**Section 2.6. Preparation of Ballots.**

The Town Clerk shall prepare ~~separate~~ ballots to be used at all local referenda and at elections at which Town officers are chosen. The ballots shall contain in appropriate sections the names of all candidates, listed in accordance with State law, without party designation. Below the list of names of the candidates of each office there shall be as many blank spaces as there are offices to be filled at the election. No titles, military, professional or otherwise, shall accompany the name of any candidate on the ballot.

*Summary explanation: This clarifies that election ballots shall be prepared in accordance with State law. This language has been approved by the New Hampshire Attorney General's office.*

**Article 6. Charter Amendment #4**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 3.8 Ordinances generally concerning the Town Council's use of Resolutions to conduct Town Council business.

*Summary explanation: This clarifies how the Town Council's uses Resolutions to conduct its business, and how Resolutions are different from Ordinances. Presently, the Town Charter does not describe how Resolutions are used to conduct Town Council business. This amendment will explain this process. The language amending this section has been approved by the New Hampshire Attorney General's office.*

**Article 7. Charter Amendment #5**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 3.17, Authority to Establish Village Districts.

**Section 3.17. Authority to Establish Village Districts.** The Town Council may establish one or more village districts in accordance with RSA ch. 52.

*Summary Explanation: This is a new charter section that sets forth the authority of the Town Council to establish village districts per RSA Chapter 52. This language has been approved by the New Hampshire Attorney General's office.*

**Article 8. Charter Amendment #6**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Article 4 Administration of Government generally concerning the qualifications of the Town Administrator (section 4.2), the Annual Review of the Town Administrator

(section 4.3), Reprimand or Removal From Office (of the Town Administrator, section 4.3), Powers and Duties of the Town Administrator (section 4.6), Appointment of Department Heads (by the Town Administrator, section 4.8), Suspension or Removal of Department Heads (by the Town Administrator, section 4.10), Non-Interference with Town Administration (by Town Councilors, section 4.11), and Department and Administrative Code; Reorganization Plans (section 4.12).

*Summary Explanation: These proposed amendments address the position of Town Administrator, the relationship between the position of Town Administrator and authority of the Town Council as it relates to the Town Administrator. It clarifies the description of the Town Administrator's authority and responsibility in the Town Charter. This amendment ensures compliance with the laws of the State of New Hampshire under this form of Charter government. The State Attorney General's Office has approved these language alterations.*

**Article 9. Charter Amendment #7**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 4.15 Fiscal Affairs; Treasurer; Investment Advisor, Audit.

**Section 4.15. Fiscal Affairs; Treasurer; Investment Advisor; Audit.**

A. There shall be a Treasurer who shall be ~~elected on an at large basis at the Town election for a term of three (3) years~~ appointed by the Town Administrator, subject to the approval of the Council. The Town Administrator shall appoint the Treasurer solely on the basis of qualifications, education, and experience to perform the duties of the office. The Treasurer shall have the powers and duties prescribed by this Charter and State law; provided, however, that in making investments of Town funds he shall follow any written investment policy as adopted or modified by the Town Council.

*Summary Explanation: This provides for the appointment of the Town Treasurer solely on the basis of qualifications, education and experience to perform the duties of the office. It changes the treasurer's position from an elected, 3 year term that has no qualifications for the office to a position appointed by the Town Administrator, subject to approval by the Town Council. This amendment language has been approved by the New Hampshire Attorney General's office.*

**Article 10. Charter Amendment #8**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 4.16 to add the following new Master Plan section.

**Section 4.16. Town Master Plan**

The Master Plan shall be revised no less frequently than once every 10 years.

*Summary Explanation: This proposed new charter language would require the Town to revise its Master Plan no less than once every 10 years. New Hampshire law presently recommends, but does not require,*

*that municipal master plans be revised every 5-10 years. This amendment language has been approved by the New Hampshire Attorney General's office.*

**Article 11. Charter Amendment #9**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 5.5, Monthly Budget Reports by Adding the language underlined below.

**Section 5.5. Monthly Budget Reports and 5 Year Forecasting.**

At the beginning of each month during the fiscal year, and more often if required by the Council, the Administrator or his designee shall submit to the Council data showing the relation between the estimated and actual income and expenses to date, together with outstanding indebtedness and estimated future expenses. By October 1 of each year, the Town Administrator or his designee shall submit to the Town Council a five-year financial forecast consisting of at least expenses, revenues, and resulting tax impact, taking into consideration the capital expenditure forecasting provided by the Capital Improvement Plan.

*Summary Explanation: The proposed new language requires the Town Administrator by October 1<sup>st</sup> of each year to submit the Town Council a 5 year financial forecast consisting of anticipated revenues, expenses and tax impacts, and including information provided by the Town's Capital Improvement Plan. This amendment language has been approved by the New Hampshire Attorney General's office.*

**Article 12. Charter Amendment #10**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 5.7 Capital Improvement Plan to clarify that the plan shall be submitted to the Budget Committee as well as the Town Council and that it shall include school facilities at amongst the capital facilities that the Capital Improvement Committee (CIP) shall take into consideration.

*Summary Explanation. Presently, the budget committee is not identified as a required recipient of the Capital Improvement Plan (CIP) prepared by the CIP committee. Further, school facilities are not presently identifies as amongst the facilities that the CIP committee must include in its plan analysis. This amendment addresses these changes. The language used in this amendment has been approved by the New Hampshire Attorney General's office.*

**Article 13. Charter Amendment #11**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 6.2 Personnel Plan to clarify that if an amendment to the Personnel Plan submitted for consideration to the Town Council by the Town Administrator is not considered and acted upon by the Council within 90 days of submission, the amendment is considered to have been rejected by the Council.

*Summary Explanation: Presently, while the Charter requires the Council to act upon a personnel plan amendment within 90 days of receipt, the plan does not address what happens if it is not acted upon in this time period. This language clarifies that inaction within 90 days means the proposed personnel plan amendment is rejected. The language used in this amendment has been approved by the New Hampshire Attorney General's office.*

**Article 14. Charter Amendment #12**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 6.3 Compensation by deleting language shown as crossed through.

**Section 6.3. Compensation.**

A. The compensation of any elected officials, board and commission members, and other officers appointed solely by the Council shall be established and modified by express resolution of the Council.

B. The rate of compensation of Council members may only be changed by a Charter amendment approved by the voters and shall not take effect until the first day of the next fiscal year. No vote on this matter may be taken within ninety (90) days of the Town election.

~~The compensation of all department heads and Town employees not fixed by other provisions of this Charter or collective bargaining shall be fixed in the Personnel Plan by a schedule of pay which shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position provided in said Plan~~

*Summary Explanation. Section 6.3, C, has been deleted because the compensation of department heads is a responsibility of the Town Administrator per Section 4.8, and may also be covered by provisions of the Town Personnel Plan. Town employee compensation is set forth in the Personnel Plan. The language used in this amendment has been approved by the New Hampshire Attorney General's office.*

**Article 15. Charter Amendment #13**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 6.4 Certification of Payroll by deleting language shown as crossed through and adding language shown as underlined.

**Section 6.4. Certification of Payroll.**

No compensation shall be paid without certification by the Administrator, or such others as the Administrator may direct, that the recipients are employed by the Town and that their rates of compensation ~~comply with approved pay schedules~~ have been approved by the Town

*Summary Explanation: This clarifies that the Town Administrator shall certify that the rates of employee compensation have been approved by the Town Administrator. This language has been approved by the New Hampshire Attorney General's office.*

**Article 16. Charter Amendment #14**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend Section 8.6 Recall of Councilors by deleting language shown as crossed through.

~~Section 8.6. Recall of Councilors.~~

~~Any individual Town Councilor who has completed at least six (6) months of his term of office and has more than six (6) months of his term remaining may be recalled therefrom by the voters as follows:~~

~~A. — Two hundred fifty (250) or more voters may file a request for a recall petition with the Town Clerk. This request shall include the name of the Councilor and the grounds for which the recall is sought together with the signature and a legible name and address of each voter.~~

~~B. — The Town Clerk shall verify the names of the voters and promptly issue blank petitions for recall. Each petition shall be addressed to the Council, be dated, include the grounds for recall as stated in the request, the name of the voter to whom it is issued, the signature of the Town Clerk, and the Town Seal. The recall petitions bearing the signatures and legible names and addresses of at least seven hundred fifty (750) voters shall be returned to the Town Clerk within twenty (20) days. The Town Clerk shall promptly certify the number of voters who signed the petitions.~~

~~C. — If the petitions are certified to be sufficient by the Town Clerk, he shall submit them to the Council together with his certification. The Council shall forthwith give written notice of the petition and certification to the Councilor whose recall is sought. If this Councilor does not resign within five (5) days after delivery of this notice, the Council shall order a recall election to be held no less than thirty (30) days nor more than sixty (60) days after the date the Town Clerk certified the petitions. If, however, any other Town election is scheduled within ninety (90) days of the date of the certification, the Council shall hold the recall election on the same date as the other Town election. The filing of candidates and the conduct of the election shall be in accordance with the provisions of this Charter and the election laws of the State of New Hampshire.~~

~~D. — The proposition on the ballot shall be "For the recall of" or "Against the recall of (name of Councilor)."~~

~~E. — If the incumbent is not recalled, he shall continue in office for the remainder of his unexpired term and may not again during that term be subject to recall. If he is recalled, he shall be deemed removed from office on the day after the recall election and the vacancy filled as provided by this Charter.~~

F. ~~A separate recall petition, requiring two hundred fifty (250) signatures to initiate and seven hundred fifty (750) signatures to be certified, shall be required for each Councilor who is the subject of a recall; and, each said Councilor's recall shall be voted on as a separate question at the recall election.~~

*Summary Explanation. The New Hampshire Attorney General's office has advised the Town and its legal counsel that, based on a court decision, it is the Attorney General's opinion that in New Hampshire, the legislature has not conferred the authority on municipalities to recall elected officials, and therefore Section 8.6 Recall of Councilors is unlawful and unenforceable. The Attorney General's office recommends that the language in Section 8.6 be removed from the Charter.*

**Article 17. Charter Amendment #15**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2104.

Amend section 10.12 Reorganization Plans by deleting the language that is crossed through and adding the language that is underlined.

**Section 10.12. Reorganization Plans.**

~~See Section 4.12. Except for those agencies established by this Charter or as otherwise prohibited by State law, the Council may reorganize, consolidate, or abolish any existing Town agency in whole or in part; establish new Town agencies and prescribe the functions of any Town agencies; provided that such action shall not eliminate the statutory duties of Town officials.~~

*Summary Explanation: The authority and procedure for reorganizing town government and town departments is set forth in Section 4.12. This section should be deleted as reorganization is fully addressed in the amendment to Section 4.12. The New Hampshire Attorney General's office has approved this language.*

**Article 18. Charter Amendment #16**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend section 10.13 Proposed Reorganization Plans by the Administrator by deleting the language that is crossed through and adding the language this is underlined.

**Section 10.13. Proposed Reorganization Plans by the Administrator.**

~~See Section 4.12. The Administrator shall prepare and submit to the council for its approval proposed reorganization plans which may, subject to applicable law and this Charter, reorganize, consolidate, or abolish any Town agency in whole or in part, or establish new Town agencies as he deems necessary or expedient. Such reorganization plans shall be accompanied by explanatory messages when submitted.~~

*Summary Explanation: The authority and procedure for reorganizing town government and town departments is set forth in Section 4.12. This section should be deleted as reorganization is fully*

addressed by the amendment to Section 4.12. The New Hampshire Attorney General's office has approved this language.

**Article 19. Charter Amendment #17**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend section 11.1. D, Capital Improvement Program Committee by deleting the language that is crossed through and adding the language that is underlined.

**~~D. Capital Improvement Committee.~~**

~~The Capital Improvement Program Committee shall include at least one member of the planning board and may include but not limited to other members of the planning board, the budget committee, or the town or city governing body.~~

D. CAPITAL IMPROVEMENT PROGRAM COMMITTEE. There shall be a Capital Improvement Program committee consisting of up to six members. The Town Council shall appoint one council member and one alternate, the Budget Committee shall appoint one budget committee member and one alternate, the School Board shall be invited to appoint one member and one alternate, and the Planning Board will appoint one planning board member and one alternate, all to serve for one year terms. Two at large members shall be appointed by the Town Council for a term not to exceed three years ~~committee~~. The CIP Committee shall appoint all ex-officio members it feels are necessary to perform their duties subject to Town Council approval. The Capital Improvement Program Committee shall have all the powers granted to them under RSA 674:5 through 674:8.

*Summary Explanation: This language clarifies the membership of the Capital Improvements Program Committee. The New Hampshire Attorney General's office has approved this language.*

**Article 20. Charter Amendment #18**

Shall the municipality approve the charter amendment reprinted (summarized) below? Effective date July 1, 2014.

Amend section 11. 1. H, Other Administrative Committees by deleting the language that is crossed through and adding the language that is underlined.

H.G. At least annually, the Town Council shall invite ~~meet with~~ the School Board to a meeting to discuss projects currently under discussion and anticipated activity for the coming year. (*Amendment February 18, 1992., Art. 11, Sec. 11.1.A.*) (*Amendment May 9, 1995, Art. 11, Sec. 11.1.A and B*) (*Amendment May 13, 1997, Art. 11, Sec 11.1.C, D & E*)

*Summary Explanation: Clarifies that the manner in which the Town Council shall undertake to meet with the School Board annually to discuss matters. This language has been approved by the New Hampshire Attorney General's office.*

**Article 21. FY2014-2015 Operating Budget**

To see if the Town will raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$9,060,199? Should this article be defeated, the default budget shall be \$9,105,093 which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the Town Council may hold one special meeting, to take up the issue of a revised operating budget only. *If passed, it is estimated that passage of this article will amount to \$6.00 of the tax rate, which is a seven-cent decrease over the previous year. If the article is defeated, the default budget will amount to \$6.06, which is one-cent decrease over the previous year.*  
**Recommended by the Municipal Budget Committee 11-0.**

**Article 22. Creation of a Compensated Absence Expendable Trust**

To see if the town will vote to establish a Compensated Absence Expendable Trust Fund per RSA 31:19-a, for paying sick and vacation benefits for terminated or retired employees and to raise and appropriate \$29,500 to put in the fund, with this amount to come from fund balance; further to name the Town Council as agents to expend the fund. Majority vote required. *If passed, there will be no impact on the tax rate.* **Recommended by the Town Council 6-1. Recommended by the Municipal Budget Committee 11-0.**

**Article 23. Creation of a Storm Water Management Capital Reserve Fund**

To see if the town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of Storm Water Management and to raise and appropriate the sum of forty-one thousand one hundred and thirteen dollars (\$41,113) to be placed in this fund and further to name the Town Council as agents to expend the fund. Majority vote required. *If passed, there will be an impact of \$0.06 on the tax rate.* **Recommended by the Town Council 5-2. Recommended by the Municipal Budget Committee 11-0.**

**Article 24. Creation of a 300<sup>th</sup> Anniversary Celebration Expendable Trust**

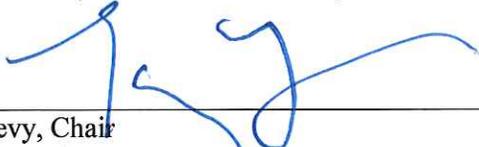
To see if the town will vote to establish a 300th Anniversary Expendable Trust Fund per RSA 31:19-a, for the celebration costs of the Town's 300th Anniversary and to raise and appropriate the sum of two thousand (\$2,000) to be placed in this fund, with this amount to come from fund balance; and, further to name the Town Council as agents to expend the fund. Majority vote required. *If passed, there will be no impact on the tax rate.* **Recommended by the Town Council 5-2. Recommended by the Municipal Budget Committee 11-0.**

**Article 25. By Petition: Donate \$5,623 to Rockingham Nutrition and Meals on Wheels Program**

To see if the Town will vote to raise and appropriate the sum of \$5,623 for the purpose of a contribution to the Rockingham Nutrition and Meals on Wheels Program to provide meal service to elder, homebound and disabled Newmarket residents. *If passed, there will be a one-cent impact on the tax rate.*  
**Recommended by the Town Council 7-0. Recommended by the Municipal Budget Committee 11-0.**

Given under our hands and seals this 22 day of January, in the year of our Lord, Two Thousand and Fourteen.

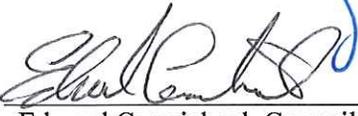
Town Council, Town of Newmarket, NH

  
\_\_\_\_\_

Gary Levy, Chair

  
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John Bentley, Vice Chair

  
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Edward Carmichael, Councilor

  
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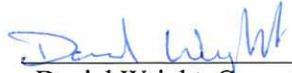
Phillip Nazzaro, Councilor

  
\_\_\_\_\_

Larry Pickering, Councilor

  
\_\_\_\_\_

Dale Pike, Councilor

  
\_\_\_\_\_

Daniel Wright, Councilor

A true copy attest:

Town Council, Town of Newmarket, NH

  
\_\_\_\_\_  
Gary Levy, Chair

  
\_\_\_\_\_  
Edward Carmichael, Councilor

  
\_\_\_\_\_  
Larry Pickering, Councilor

  
\_\_\_\_\_  
Daniel Wright, Councilor

  
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John Bentley, Vice Chair

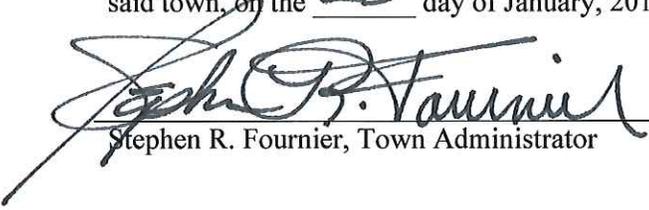
  
\_\_\_\_\_  
Phillip Nazzaro, Councilor

  
\_\_\_\_\_  
Dale Pike, Councilor

**CERTIFICATE OF POSTING**

January 23, 2014

I do hereby certify that on the 23 day of January, 2014, an attested copy of the within warrant was posted at the place of meeting within named Newmarket High School and posted a like copy at the Newmarket Town Hall, Newmarket Post Office, and Newmarket Public Library being a public place in said town, on the 23 day of January, 2014.

  
\_\_\_\_\_  
Stephen R. Fournier, Town Administrator