

# Town Council Minutes Dec 19, 2012 WS

TOWN OF NEWARKET, NEW HAMPSHIRE  
TOWN COUNCIL WORKSHOP  
DECEMBER 19, 2012 7:00 p.m.

PRESENT:

EXCUSED:

Council Chairman Phil Nazzaro

Councilor Al Zink (sick)

Council Vice Chairman John Bentley

Councilor Mike LaBranche

Councilor Ed Carmichael

Councilor Dan Wright

Councilor Gary Levy

Town Administrator Steve Fournier

1. Council Chairman Nazzaro called the meeting to order at 7:10 p.m., followed by the Pledge of Allegiance. Councilor LaBranche moved to seal the minutes of the non-public session just held. Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

## 2. PUBLIC FORUM: NON-AGENDA ITEMS ONLY

Council Chairman Nazzaro opened the Public Forum at 7:13 p.m. Town Planner Diane Hardy brought the award that the town and the Newmarket Mills, LLC. had received from the NH Housing and Finance Authority for best urban redevelopment project. The NH Housing and Finance Authority teamed up with Plan New Hampshire to recognize high quality mixed use development in areas of high density, promoting efficiency and sustainability in land use and growth. Newmarket Mills, LLC. planned for its bells to toll at 9:30 a.m. Friday, December 21st, in honor memory of those who lost their lives in Newtown, CT. As there was no further public comment, Council Chairman Nazzaro closed the Public Forum at 7:16 p.m.

## 3. TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

A. November 3, 2012 Budget Review: As the Council had not received complete minutes, this was held until a later meeting.

B. December 5, 2012 Business Meeting: Council Vice Chairman Bentley moved to accept the December 5th Business Meeting minutes. Councilor Levy seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried 5 – 0, with Councilor LaBranche abstaining as he was not present at the meeting.

C. December 5, 2012 Non-Public Minutes: Council Vice Chairman Bentley moved to accept the December 5th Non-Public minutes. Councilor Levy seconded. There was no discussion. Town Administrator Fournier polled the Council.

Motion carried 5 – 0, with Councilor LaBranche abstaining as he was not present at the meeting.

#### 4. DEPARTMENT REPORTS

Council Chairman Nazzaro said that as the focus of the meeting was on warrant articles he had agreed to have questions only by exception. He asked that the department reports be prepared in a standard format for clarity. Town Administrator Fournier said he had samples of formats to share with the Chair.

#### 5. TOWN COUNCIL TO CONSIDER REPORTS FROM COUNCIL REP COMMITTEES

A. Planning Board: Councilor Carmichael asked to pass as he was ill.

B. Highway Safety: Council Chairman Nazzaro said there had been no meeting.

C. Conservation Committee: Councilor Wright said they had received a letter from DES concerning shortcomings in the application for redevelopment of 13 Water Street. These were administrative omissions. They had received another letter from DES concerning Shearwater Investment Corporation, tax map R3, lot 56. The Committee had stated that as far as they were concerned there were no wetlands on the property. The Committee also had offered assistance in educating the public as to the importance of the new wastewater treatment plant.

D. CIP/Efficiency Committee: Councilor LaBranche said neither had met.

E. Budget Committee: Councilor Levy said the Committee had completed its review of the town budget and had reviewed the elementary school budget. The Committee was meeting on the high school budget concurrently with the Council meeting. He stated he was frustrated that he could not be at that meeting. Council Chairman Nazzaro said they should work closely with other committees to make sure there were no overlaps.

F. Advisory Heritage Commission: Councilor Zink was absent.

G. Energy Committee: Council Vice Chairman Bentley said there had not been a meeting, and the Council would be voting at the next meeting to disband the Committee.

#### 6. DISCUSSION/PRESENTATIONS: REVIEW OF WARRANT ARTICLES

Town Administrator Fournier asked if the Council felt it appropriate to vote either to recommend or not put forth warrant articles at this meeting as time was getting short. The Budget Committee would like to review the articles by January 7th, and there was only one more Council meeting before then. The Council would have to suspend the rules to vote, but Council Chairman Nazzaro said the real problem would be if people had questions that they could not answer. He felt that if articles came up that they felt they could pass through, he would have no objection to a vote. The last day for a Public Hearing is January 15th, which means that the articles have to be posted by January 8th. It was agreed that the warrant articles would be read in full to inform the public.

A. Issuance of \$14.1M Bond for the Purpose of Upgrading the Wastewater Treatment Facility

Council Chairman Nazzaro read the Warrant Article in full. The article requires a 3/5 majority to pass and has no impact on the tax rate. Town Administrator Fournier stated that the town had been aware for some time that it needed to upgrade its wastewater treatment facility. The current plant cannot meet the standards of the EPA permit of 3mg/L nitrogen discharge. An Administrative Order of Consent will be signed that would allow the town to first meet a limit of

8mg/L. They are required to hold a public hearing on the bond by January 15th which needs to be posted 7 days prior. The Council cannot vote on this until after the public hearing.

Water and Wastewater Superintendent Greig said that part of the current facility dates from 1969, and the last major upgrade had been completed in 1985. He said they receive a NEPS permit every five years, and even if nitrogen were not part of the permit, a major upgrade would still be needed. Because of the nitrogen limits the upgrade has to be more extensive. The current facility discharges 30mg/L and the new permit allows the town to reduce that first to 8 before reducing it to 3. He said the cost of \$14.1M was in 2015 dollars. With a positive vote on March, the town would complete the design in February of 2014, and begin construction in May of that year. Construction would take 2 years, and the first bond payment would be due in FY2015/16. Currently, the town has funding through the SRF (state revolving loan) program, with a \$250,000 grant at 2.72% for 20 years depending on a positive bond vote. This would be the final year that the town would qualify for a Rural Development loan, and they would be requesting a \$5M loan. He felt they could also get a 20% grant on the funds. Rural Development grants also require a positive bond vote. If they received those funds, they would be taking the difference from SRF.

Council Vice Chairman Bentley said that if the bond were not approved, rate payers would be paying more, especially if the town no longer qualified for Rural Development funds. Mr. Greig said the rate payers would be the ones paying for the bond. State law requires a 3/5 majority on bond votes. Councilor Levy asked if the bond did not pass was there potential that the town would be fined. Mr. Greig said that if it did not pass and they did not follow the AOC schedule, there would be fines. Town Administrator Fournier will look into whether the fines would be imposed on the rate payers or the townspeople as a whole.

Councilor Wright said he had toured the facility with Town Administrator Fournier and Councilor Carmichael, and he could see how outdated the system was. He hoped that a separate, informative hand-out could be given along with the warrant article. Town Administrator Fournier said he would check to see if this was permissible, but he intended to make a presentation on Channel 13 on all the warrant articles, as well as posting information on the recommended articles on the web-site. In addition, Mr. Greig was hoping for a question and answer night for the public and flyers which would present information on building the wastewater treatment facility. Council Chairman Nazzaro felt it would be helpful to host question and answer sessions on each of the articles. Town Administrator Fournier cautioned that they had to be careful in spending taxpayer money for flyers that only presented one side of an issue.

Council Vice Chairman Bentley said they needed to use every forum possible to educate the public on the vote. He said that some people had voted "no" in the past, regardless of the article. He said that the EPA had imposed significant fines on towns. Since the largest sewer user was the high school, fines would affect taxpayers, and he felt they had to sell this article at every possible opportunity. Mr. Greig said he had based his costs on 2015 funds by looking at the 3% increase trend in wastewater facility construction costs. Council Chairman Nazzaro said the article said there was no tax impact, but he wondered if they could include rate payer impact. Town Administrator Fournier said the law stated they could only include tax impact, and he was concerned that DRA could disallow a town vote if the article were not worded according to the law. Councilor Levy asked if the report that Mr. Greig had presented at a previous meeting could be posted on the web-site. The report presented 3 scenarios for the town and compared costs and rates between Newmarket and surrounding towns. There will be a Public Hearing and vote at the next Council Business Meeting.

**B. Bond for the Development of the Macintosh Well to Include the Electric Service, Wellhead Development, Piping Land Purchase and Treatment Plant.**

Council Chairman Nazzaro read the article in full, and said the first paragraph should read, "raise and appropriate the sum". The bond article has no impact on the tax rate, an impact on the water rate, and requires a 3/5 majority to pass. Mr. Greig had DES personnel available to answer questions on the possible moratorium and schedule for development of the well. The pilot study had been completed, and the town currently does not have an adequate supply of water to meet its daily needs. He said the warrant article was to bring the town into compliance with the state water division's rules and regulations on water supply. He said the budgeted cost was \$3,370,250. If the bond article passes in March, they would be eligible for the water SRF program, with a 20 year bond at 2.72% and a 15% grant. He said they had a location for the well and had done the preliminary engineering. They had done a pilot study to look at 3 alternatives from which they would chose treatment options. From there, they would move on to design and construction. He said this would be a 300 per gallon a minute well, which was a higher output than in existing wells. The Bennett Well produces 220 gallons per minute, and the Sewell Well produces 270 gallons per minute. Town Administrator Fournier pointed out that there had been an error in the bond schedule included in the packet. He passed out corrected schedules.

Councilor Levy asked that Mr. Greig go through the findings of the pilot study for the Council. Mr. Greig said that after they discussed the warrant article, he felt the presentation of the pilot study would answer many of the questions. Since it was felt there would be information in the presentation which would help explain treatment of the well, and since it was estimated to be 10 minutes in length, representatives from Weston and Sampson were asked to present their report. The report began with some background information. Newmarket had been looking for a water supply to replace the inactive Packer's Falls Well. The Macintosh Well had been tested and found to have the capacity to pump 300 gallons per minutes, which was more than the two existing wells. The 56 day pilot test was concluded in April of 2010, and the well treatment alternative plan was completed in September of 2010. A corrective action plan from NHDES was received in June of 2012. This plan included a schedule of action for the town: immediately perform a pilot study of the well; town vote for a new water supply in March 2013; design well and treatment plan by February, 2014; begin construction of facility by May, 2014; complete construction by May, 2015. Non-compliance with the schedule without prior approval could meet with corrective action by NHDES.

The objectives of the pilot study were to pump the well in a manner consistent with actual use and to prepare alternative treatment options. The water from the well could pump directly into the existing water system, be mixed with existing water system or be treated by electrodialysis reversal, EDR. Each method was analyzed in order to allow the town to make informed water supply decisions. If the water went directly into the distribution system, chlorine and a sequestering agent for manganese, etc. would be added. Alternatively, there could be a 60/40 blend of water from the Macintosh Well with the Bennett Well. The third alternative would be to treat the well water by EDR to physically remove constituents from the water supply. Since the well had been dormant for 2 years, they began with a 5 day pump test to assess water quality. Next, they conducted a 3 week treatment test, operating the well as it could be expected to be used as a water supply. They also blended the water with the existing supply to be consistent with the study of alternatives.

The study focused on the treatment of 5 water quality constituents: manganese, arsenic, chloride, sodium and total dissolved solids. In the charts prepared for each of the constituents, red represented raw water, green represented distribution quality, black represented EDR treated water and blue, a blended product. For manganese there is a secondary standard of .05 mg/L, and the direct water from the well averaged about .08 mg/L. The distribution water was at about .01 to .02, which was similar to the EDR treated water. The blended water was found to be somewhere between the two. For arsenic, the standard level enforceable through DES is .010 mg/L or 10 parts per billion. After the initial pumping of the well it consistently produced 8 parts per billion. The distribution water was at 1 part per billion, blended water was at about 5 parts. In the test, they had tried different protocols to see how they affected the results. The standard for chloride is 250 parts per million, which is approximately the level shown in the raw water. The distribution and EDR treated water were similar at 50 parts, and the blended water was somewhere in between. The World Advisory limit for sodium is 200 mg/L. The raw water from the well was the highest level shown in the study at 180mg/L. The distribution and EDR treated water were in the 30 to 40 range, and the blended water was somewhere in between. The study included the taste threshold of 60 parts per million. Total dissolved solids have a secondary standard of 500 parts. The raw water showed about 600 parts, the EDR and distribution water were at about 150, while the blended water was at about 400 to 450.

Probable cost estimates for each option were estimated to be \$1.3M for direct pumping with the addition of chlorine and a sequestering agent, \$2.4M for blending and \$3.3M for an EDR facility. The advantages and disadvantages of each option were next presented. Direct pumping into the distribution system would be the least costly and easiest system to maintain and operate. However, there would be a significant deterioration of water quality, a noticeable taste impact to customers, black staining from manganese and scaling from chloride, health concerns for those unable to ingest sodium, and concerns that DES might not approve the system if it received complaints from users. Blending the water into the existing system could be done at a moderate cost, and would reduce most constituents below the secondary standards, while allowing provisions for a future Tucker Well. However, this option would not produce a stand-alone well, and would require system modification and controls, while showing a deterioration of water quality for users. Building an EDR facility would physically remove constituents from the water supply, provide water quality similar to existing wells, and provide for treatment of a future Tucker Well. In addition this would create a stand-alone well for greater operational flexibility, and the well could be turned off, if necessary, to re-charge the aquifer. The disadvantage of this option would be a higher capital cost and higher operation and maintenance expenses.

State Revolving Loan/Grant Funding is available with a positive bond vote. The town could receive a 15% grant and a 20 year loan at 2.72%, with the first bond payment due in FY2016. There is no guarantee of future grant funding. This affects the water users and has no bearing on the tax rate. Councilor LaBranche asked Mr. Greig how accepting the EDR option would affect the water rates. Mr. Greig said they had started to put money aside for their top 5 projects, and they did not anticipate an increase in water rates. In the future, he felt there could be a minimal increase due to operational costs. He then asked how the development of the well would affect Newmarket's water supply, and if it would provide another source of water rather than another storage facility. Mr. Greig said this would be another source, but they still needed another storage tank to help manage the water. Councilor Levy asked if they had another storage facility

would they still need another well for supply. Mr. Greig said they would, especially if one of the two existing wells were lost.

Councilor Levy asked if the water would be drinkable if it was untreated. Mr. Greig said it would be drinkable, and would meet the standards as it would be filtered. However, Emery and Garrett did not advise pumping directly, and recommended at least blending the water. However, if the town wanted a stand-alone well, the water would have to be treated. DES had recommended that the water not be directly pumped into the system. Blending the water was acceptable, but if another well was lost, the town would have to pump directly into the system. For that reason, the blending option was not recommended. Councilor Wright asked about EDR systems currently operating. A representative from Weston and Sampson said there were numerous systems in operation, but this would be the first one in New England. The water from the Macintosh Well was not typical of New England water, and the sodium and chloride levels were more typical of Florida or the Caribbean. Councilor Wright asked at what level of arsenic users would have to be informed. The standard is 10 parts per billion, and when levels exceed that on a rolling average, DES would not allow the water to be put into the system and the source would have to be shut down.

Councilor Levy asked if there was a less expensive way to treat the water. Mr. Greig answered that after reviewing 5 different processes, the best and least expensive method was EDR for what it did to remove all constituents of concern. Council Chairman Nazzaro said with the problems of storage versus flow, it seemed that this would help with flow of water, but still there would be a lack of storage capacity. Mr. Greig said the increase of supply would help keep the existing water tank full. He then asked, with no constituents showing above standards in the blended water, why they should spend extra money to be better than the standards. Mr. Greig said that if they did not want a stand-alone well, that would be fine, but if the other two wells went off line, they would not be able to use the water. He added that they could better manage the water system with a stand-alone well. Council Chairman Nazzaro said he would like to see a stand-alone well, but that there were competing demands for funds at this time.

Brandon Kernin, from the hydrology and conservation division of NHDES, spoke about the expected change in manganese and arsenic standards. He said part of his division's work was to approve new projects and track health data on water quality. Emerging data had indicated that infants especially should not have any additional manganese in their drinking water. The standard for arsenic of 10 parts per billion was now considered to not be as protective of public health as it once was thought to be, protecting to the level of 3 cancer incidents per 1,000 people. With blending, some areas of town would receive the water before blending. Arsenic flowing into the wastewater treatment plant is regulated, and if not treated at the source, could become an issue when the town applies for a new permit. He suggested that they contact Seabrook, Dover and Merrimack about their water users' dissatisfaction with manganese and chloride levels and their plans to reduce the levels. He agreed that standards are generally standards, but with water quality, it was better to exceed the standards because of customer demands. He suggested looking at the incremental costs to see how much they were saving from one option to another.

Councilor Wright asked Mr. Kernin to explain what would happen if the town did not approve the bond article for the well and the meaning of a building moratorium. He explained that DES had sent its first letter to Newmarket in 2005, based on the town nearly running out of water during a previous drought. The surface plant had to be taken off-line, as the aquifer was essentially depleted, and is still not being used. Newmarket relies on an aquifer that is only supplied by rainwater. The town has a water supply below the capacity to meet its needs, and below state standards, which require that the town meet its supply with its largest supply off-line. He explained that in this case, a moratorium would reduce further stresses to the system. He said the town had agreed with the NHDES assessment as far back as 2005-2006. Council Chairman Nazzaro said that he wanted people to know that when manganese was being discussed in relation to its affect on children, that currently Newmarket's water tested well below the standards. Mr. Kernin agreed that Newmarket's water quality was very good, and what they were discussing was developing a source for the future.

Councilor LaBranche referred to the presentation's figures on probable costs for buildings for each of the processes: \$270,000 for a building to pump directly, \$920,000 for a building for blending and \$1.575M for an EDR treatment facility. The representative from Weston and Sampson said the \$270,000 would be for a pre-cast building that would house one pump and equipment that would add chemicals to the water. The \$920,000 would be for a larger building that would house 2 pumps and a mixing tank and some control systems. The EDR system building would be the largest and also house a treatment facility for a cost of \$1.575M. Councilor Wright asked if the levels of constituents were expected to drop over time with further pumping. Mr. Greig said he expected them to remain consistent based on the data that had been compiled. The representative added that one of the protocols of the pilot study was to operate the well in the manner that it would actually be used to get accurate data. The constituents had leveled off, and increasing pumping would not be useful, as Newmarket's average water use was ½ million gallons per day. He said there was not enough demand for water to justify pumping the well 24/7, and if that were done, the excess would flow into the wetlands.

Councilor Levy asked if they made the Macintosh their primary well, would the increase in pumping reduce the levels of constituents to the safe levels of the other wells in town. Mr. Greig said, looking at the 56 day test, he did not think so. He said some had dropped and leveled off, and some were below the threshold standard, but still were not at the levels that they wanted to see. Council Chairman Nazzaro asked if the Macintosh Well was running, and the water was being treated by an EDR system, would there be enough to supply the entire town's water demands. Mr. Greig said there would be enough with the Bennett and Sewell Wells. He said it could serve the town alone in an emergency situation, but not by itself on a day-to-day basis. He said currently they do not flush water mains because they do not have enough water. The justification for the 60 (Macintosh) 40 (Sewell) mix was that the Sewell Well has a larger capacity than the Bennett Well. Council Chairman Nazzaro asked why the cost for developing the well was the same as it had been two years ago, while the cost for building a wastewater facility had increased. Mr. Greig said some of the work for the well had already been completed. This warrant article will be on the next agenda for a Public Hearing and a Council vote.

C. Approval of Collective Bargaining Agreement with New England Police Benevolent Association Local 215: This warrant article was not discussed as negotiations are continuing.

#### D. Rescinding the Parking Special Revenue Fund

Council Chairman Nazzaro read the article in full. There is no tax impact from the article. Town Administrator Fournier said the fund is made up of fees for leases and other such things. He said the awkward wording was within state law and duplicated the original article the town voted to adopt in 2001 with the addition of the phrase "to rescind". Currently there is \$122,000 in the fund, and \$11,000 is added annually. The fund has never been used and there are no plans to use it, although originally, he understood, that the funds were intended to build a parking deck or garage. The money would go into fund balance, and be part of a surplus. Council Vice Chairman Bentley said they had heard the concerns from the library about lack of parking and he knew that businesses needed long-term solutions to parking problems. He said he was for lowering taxes, but cautioned that parking was a problem and they should investigate possible solutions before rescinding the fund. He said the town had sold a parking lot near the Community Church. Councilor LaBranche said they would find that money was going into this fund when the town owned the Municipal lot on Elm Street and the space by the library. He doubted that anything was currently going into the fund, and felt that the revenues had been maxed out.

Council Chairman Nazzaro agreed with Council Vice Chairman Bentley that there was a parking problem in town, and felt they should look at what revenues to the fund had been over time before encouraging economic development. Councilor Levy said that since they had no definite plans for using the money in the near future, and since \$122,000 would not begin to address the parking problem, he felt the money should be returned to fund balance. Larry Pickering gave some historical perspective on the Fund. It had been created when the town owned the lot and had done work on Nichols Ave. and Elm Street. When sidewalks were added to Nichols Ave, there was no room for residents to park. The residents still pay to park in the lot. He said the fund was originally established to maintain the lot and provide for future parking options. He said whether or not residents were paying for parking had never been monitored, and he thought it would be prudent to look at what rate the town was charging.

Councilor LaBranche said he did not think the town still owned any of the spots in the municipal lot. He felt the only ones left were on Railroad St. Town Administrator Fournier said they were looking into the spots the town currently owned. Mr. Chinburg had allowed the town 20 spots by the library. Councilor Levy said other towns were facing similar parking issues, and pointed out that there were some spots available behind Town Hall. He reiterated that the \$122,000 would not begin to address Newmarket's parking problems. Town Administrator Fournier said they were looking at other ways to address the parking. Council Chairman Nazzaro suggested that part of the money could be used for a study of parking, and Councilor LaBranche said that an organization named Walker might have done such a study. Town Administrator Fournier will get further information on the Fund before the vote at the next meeting.

#### E. Correcting a Deficit in the Fire Station/Public Works Facility Building Project Fund

Council Chairman Nazzaro read the article in full. None of the funds would come from taxation, and a majority vote is required. He questioned the use of the phrase "raise and appropriate" in the article since none of the money would have to be raised. Town Administrator Fournier said this was language required by the state. Councilor Levy said he felt there should be an explanation in the warrant article that said the funds already existed and there would be no additional cost to the taxpayers and passage would be a benefit to the town. Town Administrator Fournier said they could add that this was to address a deficit that was created. He said this would not free up cash, but would free up an annual transaction which was essentially a wash. He said they were raising the money, but also raising the revenue to offset it. Councilor

Levy said this would eliminate the deficit. Interim Finance Director Angell said they could change the language so that it more clearly identified the sense of the article. Councilor Levy suggested that the title of the article could be changed from correcting to eliminating a deficit, and include a statement about the town never bonding the construction. Town Administrator Fournier said they would work to get as much information as possible in the article, but cautioned that this had to be done carefully to eliminate the possibility of DRA disapproving the article and then a positive vote. Council Chairman Nazzaro pointed out that, in light of consistency, the other articles said “no impact on the tax rate”, while this one said “no funds to come from taxation”.

#### F. Change in Purpose of the Fire Capital Reserve Fund

Council Chairman Nazzaro read the article in full. There is no impact on the tax rate and a 2/3 majority is required for passage. The intent of the article was to allow the fund to be used for equipment as well as vehicles. Councilor LaBranche asked since they now had a revolving fund for the ambulance, if ambulance should be included in the article. Town Administrator Fournier said they could take that out.

#### G. Change in Purpose of the Health Insurance Capital Reserve Fund

Council Chairman Nazzaro read the article in full. There would be no impact on the tax rate. The sense of the article would be to stabilize insurance rates as other communities are starting to do as final rates are set after Town Meeting has voted. Annually, the town could take the difference between the guaranteed maximum rate and the final rate to establish a fund to offset future rate spikes and their affect on the operating budget.

#### H. Creation of Town Revaluation Capital Reserve Fund

Council Chairman Nazzaro read the article in full. Passage would be 5¢ of the tax rate. This language is required by DRA as warrant articles are considered one time expenses, and do not increase the tax base for the following year. It is a replacement figure in the tax rate, and taxpayers will not be spending an additional 5¢ per thousand. DRA was having the town take this out of the operating budget and create a Capital Reserve Fund. The fund would allow the town to spread the required 5 year revaluation costs over time. This is for a statistical revaluation which has to be done by a person certified by the state, rather than the general assessing conducted by MRI. If the article does not pass, then the following year \$80,000 would have to come from the operating budget.

#### I. Creation of a Charter Commission

Council Chairman Nazzaro questioned why the phrase “to see if” was not included at the beginning of the article. Town Administrator Fournier said the law was very specific as to the wording of warrant articles, and some had been updated and some had not. Council Chairman Nazzaro said there had been talk about town that this was a power move on the part of the Council to gain control of the school. He wanted it known that a Charter Commission was recommended to correct and update deficiencies in the present charter and eliminate any conflicts within itself and with current state laws. Even though the state recommends that municipal charters be updated every few years, Newmarket’s charter has no such provision. Even if the current charter might not be in compliance with state laws, the Town Council can only recommend changes to the voters. If there is an error in the charter, state law supersedes, and there is a provision to follow state law, but not change the wording or any other portions without a town vote.

The only ways that a charter can be changed is through a Charter Commission, a petition to the voters from the Town Council, or a citizen’s petition. Town Administrator Fournier will add that the article will pass by a simple majority. There will be an impact to the tax rate: a special election to determine the Commission members would cost about \$1,000 and there would also be attorney fees to review the Commissions recommendations.

### 7. CLOSING COMMENTS BY TOWN COUNCILORS

Council Chairman Nazzaro had met with the School Board Chairman and both Moderators on December 17th. They were looking at February 2nd for the Deliberative Session, the first half of Town Meeting. The second half would be held February 15th. He said this would allow them to have both the town and school budget discussed on the same day.

Because of legal issues, the two cannot co-mingle during the same time frame, so the town deliberative session would open at 9:00 a.m., and the school at 1:00 p.m. Town Council and School Board members will sit in front of the community for both sessions, but the moderators will change for each session. The Budget Committee will sit off to the side. Councilor LaBranche said he thought the intention of the townspeople was to be able to view both budgets at the same time to make better decisions. He thought each session would bring different crowds, to which Council Chairman Nazzaro agreed. He wondered if they would be able to recess between articles and have each body present articles in turn. Town Administrator Fournier said that procedurally, one meeting could be opened and then go into recess until the other was finished. Council Chairman Nazzaro expressed the view of many Council members that DRA was preventing them from being more unified as a community. Town Administrator Fournier pointed out that this was true for many communities. He said that DRA wanted to ensure that each body had its own specific, posted time for a deliberative session, but he would look into recessing between warrant articles. It was pointed out that Newmarket was closer than it had been to its goal for the community to be able to compare competing demands for its money. Town Administrator Fournier suggested that they contact their State Reps to introduce legislation that would allow both meetings to be open at the same time, and warrant articles from both bodies be discussed throughout the day.

#### 8. ADJOURNMENT – NEXT MEETING JANUARY 2, 2013: BUSINESS MEETING

Councilor LaBranche moved to adjourn. Council Vice Chairman Bentley seconded. Motion carried unanimously, 6 – 0, and the meeting adjourned at 9:02 p.m.

Respectfully submitted,

Ellen Adlington,

Recording Secretary