

Town Council Approved Minutes March 18, 2013 Organizational Met

TOWN OF NEWMARKET, NEW HAMPSHIRE
ORGANIZATIONAL MEETING
MARCH 18, 2013 6:00 P.M.

PRESENT:

Council Chairman Phil Nazzaro, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Gary Levy, Councilor Mike LaBranche, Councilor Al Zink, Councilor Ed Carmichael

TERMS ENDING: Councilor Mike LaBranche, Councilor Al Zink

SWORN IN: Councilor Larry Pickering, Councilor Dale Pike

Town Administrator Steve Fournier

Council Chairman Phil Nazzaro opened the meeting at 6:00 p.m., followed by the Pledge of Allegiance.

DEDICATION OF THE ANNUAL REPORTS FOR THE TOWN OF NEWMARKET AND NEWMARKET SCHOOL DISTRICT

Council Chairman Nazzaro announced that the 2012 Annual Report had been dedicated to Don Small and Tidoe Beaulieu as a testament to their service to the community.

Council Vice Chairman Bentley read the dedication statement about Mr. Beaulieu, citing his service as an employee and volunteer in the community. Starting as a volunteer firefighter, he became the Fire Chief for many years. He was instrumental in establishing an emergency dispatch center, developing building fire and safety codes and working in forest fire prevention. He established the Fire Department's Senior Center Christmas party, an event that still continues.

The Annual Report was presented to his wife, Sue Beaulieu.

Council Chairman Nazzaro read the dedication statement about Mr. Small, citing his life as one of service to the community, state and nation. After being discharged from the Air Force, Mr. Small worked with the American Legion Post for 40 years, serving as an officer for much of that time. He was a supporter of children and youth programs, and was the driving force in establishing the Memorial Day Parade in Newmarket. The Annual Report was presented to his family.

OATH OF OFFICE

Town Clerk Becky Benvenuti administered the oath of office to Larry Pickering and Dale Pike, who then took their seats at the Council table.

APPOINTMENT OF CHAIR AND VICE CHAIR

Councilor Wright moved to nominate Councilor Levy as Chairman of Town Council. Council Vice Chairman Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed 6 – 1, with Councilors Wright, Levy, Pickering, Pike, Carmichael and Council Vice Chairman Bentley in favor and Council Chairman

Nazzaro opposed.

Council Chairman Levy took his seat.

Councilor Wright moved to nominate Council Vice Chairman Bentley to a second term as Vice Chairman. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

PRESENTATION OF PLAQUES

Council Chairman Levy presented plaques to outgoing Councilors LaBranche and Zinc, thanking them for their service to the community. Councilor Zinc said he felt although the Council had gone through some rocky moments, they were good for the Council. He felt they had developed into an excellent Council and it was his pleasure to have served. He thanked Councilor LaBranche for helping him and being his mentor when he first joined the Council.

RESOLUTION IN THE FIRST READING – Resolution 2012/2013-50 Scheduling a Special Election for the Charter Commission

Town Administrator Fournier had asked that the Council suspend the rules and vote on the Resolution at the meeting.

Councilor Nazzaro moved to suspend the rules. Councilor Carmichael seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7-0.

Council Chairman Levy read the Resolution in full.

Councilor Nazzaro moved to adopt Resolution 2012/2013-50 Scheduling a Special Election for the Charter Commission. Council Vice Chairman Bentley seconded.

Discussion: Councilor Nazzaro asked for a clarification of the wording that a first and second reading would be held at the same meeting, asking if the intent of the motion to suspend the rules was to hold a vote during a non-business meeting or to vote after only one reading. Town Administrator Fournier said he felt the intent was to hold a vote on the Resolution at the meeting, but would check into it. He added that two readings were not necessary prior to the vote.

The Charter Commission will conduct public hearings and the town will vote on its recommendations in March, 2014. Council Vice Chairman Bentley asked if the vote would be on the entire Charter or each item. Town Administrator Fournier said his understanding was that the vote would be on the overall charter unless there were only changes in some items, but he would check into it. Council Chairman Levy asked if there would be an opportunity for voters to tweak parts of the Charter if they had concerns with some of the recommendations. Town Administrator Fournier said that if the Charter failed overall because of concerns with an item, the Council could vote itself to recommend amendments to items within the Charter for the following year's election. The Commission gave the opportunity for an outside body to look at the overall Charter. During Public Hearings citizens may give their input to the Commission, which will then consider whether or not to include those ideas as part of its recommendations.

The filing period for those interested in serving on the Commission will be March 27th through April 5th. There was a discussion of the make-up of the Commission. Town Administrator Fournier had said at an earlier meeting that Council members were not eligible to run. Councilor Carmichael asked if the same rule applied to members of other town boards. Town Administrator Fournier said members of other boards could be candidates for the Commission. He was looking into whether Council members could be on the Charter Commission, would have the information for the March 20th meeting. Council Vice Chairman Bentley asked if the voting machine would be used for the special election. Town Clerk Benvenuti said this was optional, but to save the expense, she felt the votes would be hand counted. She expected the turnout would be less than the 20% that had voted in the town election. There was no further discussion.

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

REVIEW FOR DISCUSSIONS OF THE ESTABLISHMENT OF RULES FOR COUNCIL PROCEDURES – Resolution #2012/2013-17

Council Chairman Levy asked that he not read the rules in their entirety because of their length. He said the Council could either discuss the rules at this meeting or table discussion until the next meeting. He said there had not been any changes in the rules. Town Administrator Fournier said these were the rules that the Council had voted in October, and if there were any amendments proposed, they could be voted on at a future meeting. Council Chairman Levy asked if all the Councilors had the opportunity to read the rules. Council Chairman Bentley said he had not as he was out of town, but if there were no changes for the rules he had supported in October, he would agree to the Resolution. Council Chairman Levy said they could discuss and vote on the Resolution at this meeting.

Discussion: Council Chairman Levy suggested that Public Forums be expanded to include citizen input of 5 minutes each on agenda, not just non-agenda items so that people would not have to wait until the item came up. He felt this would speed up the meetings and give the Council more opportunities to hear from the public. Currently, citizens can speak on agenda items when they come up if there is no objection from the Council. Councilor Nazzaro pointed out that the rules allow for Public Forums but do not specify non-agenda items only. Town Administrator Fournier said the limitation to non-agenda items was past practice. Council Chairman Levy said he had brought this up to the Town Administrator to see if the rules needed to be changed to include agenda items in the Public Forum. Councilor Pike asked about the 5 minute limitation. Councilor Levy said that seemed like a reasonable limit to him, although he wondered if that should also be included in the rules for Public Forums. Councilor Nazzaro said he felt the 5 minute limit suggested during Public Forums was based on past practice. The 5 minutes limitation is included in Section 12, covering input during discussion outside Public Forums. Town Administrator Fournier said the Council could amend the rules to eliminate the phrase “outside Public Forums.” Councilor Nazzaro said he did not like the idea of limiting public input in Public Forums, but felt it should be at the Chairman’s discretion to ask for a conclusion if the comment seemed to be unnecessarily long and repetitive. However, during non-public discussions, he felt there should be a limit so the Council could give a citizen the opportunity to speak.

Council Chairman Levy said his intent was to still allow that, but to allow the public to speak at the beginning of a meeting also, rather than having to wait. He felt that the Council could benefit from public input prior to its discussion of an agenda item. He felt 5 minutes was a reasonable amount of time for someone to make a point or add further information. Council Vice Chairman Bentley said the Council had come a long way in the past year and commended Councilor Nazzaro and Town Administrator Fournier for their impact on the meetings. He said he was sympathetic to anyone who had to wait to make a comment. However, he was concerned that with certain controversial subjects, allowing public input on agenda items during Public Forums would lengthen the amount of time until the Council could address agenda items. He asked Town Administrator if he had experience with this type of format. Town Administrator Fournier said that he seemed to be suggesting that agenda items be moved, but in his experience this could actually prolong the meeting. He said that people who wait for an agenda item to come up might not be aware that others were there to make the same point, while if all comment is consolidated, there could be less repetition.

Council Chairman Levy said in his experience, having public comment before deliberations helped move a meeting along. He said it was difficult for some to wait for an hour or two to give input and he felt often that input would have been helpful to the Council. He said he would like to try this, and if it was decided that it did not work, they could change direction. Councilor Nazzaro said if there was nothing in the Resolution to preclude adding input on agenda items to the Public Forum, there should be no need to change the rules. He felt this could be done at the Chairman’s discretion and be revisited if it was felt to be non-effective. Council Chairman Levy asked if they had to change anything. He said this was his preference, but he did not want to do this without first discussing it with the Council. He said if the rules did not have to be changed, he wanted the public to know that they could attend a Council meeting and speak on agenda as well as non-agenda items. He said he would like to limit comments to 5 minutes unless there were extenuating circumstances. Council Vice Chairman Bentley said that the Chairman could also state at the beginning of the meeting that certain agenda items would be moved ahead in deference to groups such as Linked Together Kids. This had been done in the past. Councilor Pickering asked why the agenda could not be prepared so that those who should speak first would be on the agenda first, adding that no matter who went first, someone would have to wait. Town Administrator Fournier said that he looks at the ordering of the agenda, and has presentations at the beginning and more routine business at the end. There have been times when the agenda items have been moved to accommodate those attending to make presentations or receive awards. Council Chairman Levy said his main goal was to not stifle what the public

could speak to. He said since they were not going to change the rules he would like to try this new format and see if it worked. He asked Council members if they wanted to vote on the rules or review them at the next meeting. Town Administrator Fournier said there had been quite a few revisions to the rules in October. He said these rules could be voted on as the standing rules for the Town Council, so that they would not have to be voted on every year, but could be amended when necessary. He said that language could be included in the motion.

Councilor Pike moved to adopt Resolution #2012/2013-17 as standing rules for the Town Council. Councilor Nazzaro seconded. There was no further discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

TOWN COUNCIL TO APPOINT TOWN COUNCIL REPRESENTATIVES TO PLANNING BOARD AND BUDGET COMMITTEE

PLANNING BOARD AND ALTERNATE:

Councilor Carmichael moved to nominate Councilor Wright as Council Representative to the Planning Board. Council Vice Chairman Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

BUDGET COMMITTEE:

Councilor Carmichael moved to nominate Councilor Pickering as Council Representative to the Budget Committee. Councilor Wright seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

ADJOURNMENT

Council Vice Chairman Bentley moved to adjourn. Councilor Pike seconded. Motion carried unanimously, and the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Ellen Adlington,

Recording Secretary