

Town Council Approved Minutes March 20, 2013 Workshop

TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL WORKSHOP
MARCH 20, 2013 7:00 PM
TOWN COUNCIL CHAMBERS

PRESENT:

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

On speaker phone: Councilor Dale Pike

Town Administrator Steve Fournier

Council Chairman Levy opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance. He stated that, if there was no objection, Councilor Pike would be participating by speaker phone. There was no objection, and Councilor Pike stated there was no one in the room with him.

PUBLIC FORUM: As there was no one present for the Public Forum, Council Chairman Levy closed the Public Forum at 7:03.

PUBLIC HEARING: There were no items for a Public Hearing.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES – March 6, 2013 Business Meeting

Councilor Nazzaro moved to accept the minutes of March 6, 2013. Council Vice Chairman Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed 4 -0 -3, with Councilors Carmichael, Pickering and Pike abstaining as they had not attended the meeting.

REVIEW OF DEPARTMENT REPORTS

Town Administrator Fournier gave an outline of his report. He welcomed Councilors Pickering and Pike, and said he would be scheduling a short orientation session and tour of town facilities and departments in the near future. He said that he and Water/Wastewater Superintendent would be very busy preparing for the new facility. They, along with the Town Contracted Engineer will meet with the US Dept. of Agriculture to finalize details for the Rural Development Grant. He had met with 2 of the firms that had responded to the RFP for a change in auditors every 6 years as required by section 4.15 of the Town Charter. He said there would be a recommendation soon, probably by the first meeting in April. He had met with DOT to move the Bridge Project and Bike Path Project forward. He will be submitting a letter concerning the latter. He had asked the Town Planner to call a meeting of the Bridge Committee.

Council Questions and Discussion:

Councilor Carmichael asked for an update on the hiring of a Financial Officer. Town Administrator Fournier said an ad would go out shortly, and he was determining whether this would be a full-time or part-time position. He was looking at the time frame, and thought that with a new auditing firm being selected, there should be some overlap between the Interim Finance Director and the new person. Councilor Pickering asked how many auditing firms were available for auditing. Town Administrator Fournier said that 5 had responded to the RFP, and they had been narrowed down by their

experience with municipalities. They had done some reference checks before bringing in the 2 firms. He said he wanted a firm with fresh eyes and one that would be tough on the town, looking for issues. Councilor Pickering felt that would be important, and said he felt past mistakes should have been found by auditors which would have prevented some adverse fiscal situations.

Councilor Nazzaro said that looking through the department reports, and considering that they were roughly 75% through the fiscal year, it appeared that many were under budget. He thanked the Department Heads and their staff for their work in making this happen. He asked when they could expect resolutions for redistributing funds. Town Administrator Fournier said there had been some resolutions 2 months ago, but he wanted to wait until the snow stopped, and probably would prepare resolutions as a package closer to the end of the fiscal year. Councilor Nazzaro asked for an update on the IT collaboration between the town and the school. Town Administrator Fournier said the attempt had not worked very well, partly because of staffing levels, and he now has Doug Poulin working only for the town. The town projects had suffered, and he said if they try this again, it will not be during the school year. He will be getting Mr. Poulin's input on the project, and have a final report soon. Councilor Nazzaro said it would be helpful if they knew why this had not been successful, and how the issues could be addressed in the future.

Council Chairman Levy, referring to page 13 of the packet, agreed that they would be busy meeting the time lines for the wastewater treatment facility, and asked when the RFP for engineering firms would be put out. Town Administrator Fournier said there was a signed agreement dated approximately 18 months prior with Underwood Engineering for the project, and he had to determine if there was an end date in the contract, if it was an overlapping contract or if it was just for the initial consultation. Council Chairman Levy doubted that it was an all encompassing contract as it had been agreed to before the town knew what it was going to build under EPA mandates. He then asked if the town had a contractual agreement to put in 10% of the amount for the Sky Bridge to get the grant funding or if that was a separate deal. Town Administrator Fournier said that was a separate deal, and the funds could come from another source, if one could be found.

Council Chairman Levy asked about page 14 of the packet which reported that police activity was up. He asked the reason for this. Town Administrator Fournier will get more details. He then referred to page 15, covering the police budget, which stated that the department had expended 59% of its budget. He asked if there might be a small surplus due to excellent management. Town Administrator Fournier said he would speak with Chief Cyr. Council Chairman Levy said to Councilor Nazzaro's point that he felt this was the time to start looking at areas for savings. Town Administrator Fournier said he would check with all the departments. Council Chairman Levy asked that the reports include last year's expenditures for the same period next to those of this year so that they were better able to make comparisons.

He asked the Council if there were any objections to his continuing with his questions and there were none. He referred to page 16 of the packet which reported that Fire and Rescue was at 63% of budget, but he thought they were actually a little under budget. He said that the figures on page 33 for finance and human resources were upside down, and the percentage should reflect money spent, rather than money remaining. Town Administrator Fournier agreed. Council Chairman Levy then asked if the 79% of the water budget spent thus far should be of concern, and what the year-end projections were. Town Administrator Fournier felt the department would be okay, as they customarily moved funds from the Capital Reserves to cover some expenditures. Later in the discussion he said that for the same period last year, the department had spent 78% of its budget. He will ask the Department Heads to include last year's figures for the same period in the summary page of this year's expenditures. Councilor Nazzaro said that with $\frac{3}{4}$ of the fiscal year behind them, he felt they should have year-end projections soon in order for them to make accurate informed decisions. Council Chairman Levy agreed, saying this was the time to start looking for savings or areas that could be used to offset over expenditures, such as salt.

Councilor Pickering, referring to page 16, asked what the yearly inspection of fire apparatus entailed, and if it was conducted by the state. Town Administrator Fournier said the state would inspect hoses, etc. Councilor Pickering commented on the helpfulness of the graphs in the reports. Council Chairman Levy said that this was because Councilor Nazzaro had repeatedly asked for consistency in department reports, and Town Administrator Fournier had insisted that Department Heads prepare reports in similar formats.

DISCUSSIONS/PRESENTATIONS – Town Council Orientation

Town Administrator Fournier presented a power point demonstration on the basics of municipal government as it related to the Council. He said he originally was going to go over the information with the 2 new Councilors, but felt it was important to review the information annually with the full Council. The report was divided into 3 sections: the role of the

Town Council, the relation between the Council, Town Administrator and staff, and the Council meetings and the Right to Know Act. He encouraged the Council members to ask questions during the presentation.

The Town Council is the legislative and governing body of the town under the Council/ Administrator form of government by state law. This is unlike the Select Board form of government, as some authority is given to the Town Administrator as the Chief Administrative Officer. The Council, according to the Charter has all the authority of a City Council with the exception of adopting a budget. State law confers the Town Council with all the powers and duties of City Councils, etc., and is empowered to act on all matters are normally addressed at an annual town meeting or special meeting, that are not required to be placed on an official town ballot. Procedural requirements proscribed by law for City Councils also apply to Town Councils. Newmarket has a budgetary town meeting, and any such items, along with the creation of a Charter Commission must go to a town deliberative session and town meeting vote.

The role of the Town Council is in policy making, and the Town Administrator is responsible for administering the day-to-day operations of the town. This, along with provisions for non-interference with the Administrator's duties, is laid out by state statute. Town Administrator Fournier gave an example of interference as a Councilor going to a staff member and asking him to paint a fence. Rather, the request should go through the Town Administrator and the Department Head. An individual Councilor may not go to the Town Administrator and ask him to do something. The Council acts as a whole, not as individuals, and as a body may direct the Town Administrator to carry out its policies, laws and requests. The Council adopts all laws, ordinances and resolutions, and has authority over the budget while the Budget Committee and town meeting have authority over the bottom line of the budget. The Town Administrator has financial responsibility and must approve all manifests for payments. Town Administrator Fournier said he will be asking a new purchasing policy including limitations on his authority and that of Department Heads.

As a policy making team, the Council should always act in the best interests of the community, act unselfishly and not to benefit as individuals from any actions or to obtain inside information. Town Administrator Fournier said this was a controversial, and a violation, such as releasing non-public information, could be subject a Councilor to removal from office. Councilors in relation to their fellow Councilors should act as a team to set policy for the government and set short and long term goals. As good team players, members should be good listeners and refrain from making snap judgments. Discussions should be carried out in a manner of disagreeing without being disagreeable and all actions should be carried out in the best interests of the residents. Actions taken at legal meetings are binding, but you can't bind the town to actions outside of such meetings. A Councilor should only make decisions when all the facts have been presented and all discussion on questions is complete. If a Councilor does not feel that enough information has been presented, he should not vote, but may ask that the issue be tabled until more information is made available. A Councilor must respect the confidential information given in non-public sessions until such time as the whole Council votes to release it. In short, Councilors should show respect for fellow members, even when disagreeing.

The Chairman of Town Council has no more authority than other members. His function is to preside at meetings, helping the Council reach decisions, interpreting and clarifying while moving the discussion forward and bringing it to a conclusion. He acts as a liaison between the Town Administrator and Council, ensuring that all are equally informed, and Town Administrator Fournier said that his personal policy was to provide all members with any information requested by one member. The Chairman may help resolve any issues between the Town Administrator and Council. He also functions as the ceremonial head of the town at functions.

The Council's relationship with the staff should follow established protocol and chain of command. The Council should refrain from micro-managing, allowing the Town Administrator and Department Heads to manage staff. The Council should not contact staff directly with requests or with problems, but go through the Town Administrator. Councilors should avoid giving mixed messages to the staff. As an example, if a Councilor asks a staff member directly to do something, the request might interfere with the directions he has been given by his department head. Town Administrator Fournier said that had happened in other communities he worked in, but not in Newmarket. He said the dealings of the Council with the staff and himself had been respectful and professional, and any Council member who had contacted staff had informed him immediately.

The Council should establish clearly defined policies that will direct and support the administration. Town Administrator Fournier said they were doing well with resolutions, but sometimes in implementing policies the direction is not clear. In that case he has to return to the Council for clarification. The Council should recognize that the staff may have a difficult time adjusting diverse Councils and that the Town Administrator's job is to try to adjust to the wishes of the Council as a unit and he has to work with Department Heads with policy changes. He asked that the Council seek responses from him prior to if possible rather than at a public meeting, so that he can be prepared with accurate information.

The role of Council members is to not deal with staff directly except for purposes of inquiry or praise. All complaints should go through the Town Administrator, as ideally should all local government matters. Members should call the Town Administrator for responses to questions, complaints or concerns. Councilors may learn what other municipalities perhaps by asking the Town Administrator for a report on their operations. Town Administrator Fournier said he was a member of 2 municipal professional organizations, and as a matter of ethics, Town Administrators must tell each other if they are contacted by an elected representative from another town and the subject of the inquiry/discussion. He said it was best that Councilors related their intent to contact to him before calling. Councilors should only deal with the Town Attorney through the Town Administrator or the Council Chair if the question concerns the Town Administrator. Members should avoid giving the Town Administrator and Staff mixed signals from individual members by acting as a body. Councilor Nazzaro said that if they were doing their job correctly, this would take care of itself as they would be acting as a body.

Councilor Pickering asked what was meant by "inquiry" of staff. Town Administrator Fournier gave the example of asking the police why cruisers were in a certain area, but not asking what the department did or why there were so many. He said inquiry would be in the manner of a broad, friendly question. He said he tries to keep the Council informed, especially so that no surprises appear in the newspaper. Councilor Pickering said this had been a gray area in the past.

Council Chairman Levy asked who is in charge when Town Administrator Fournier is away. He answered that he will appoint someone, and in the next few weeks when he goes on vacation, he has asked Chief Cyr to fill in. He said he will give the Council notice prior to leaving any time. The next slide showed the current organizational chart which Town Administrator Fournier said he would like to streamline as he currently has 9 Department Heads reporting to him. The Town Clerk/Tax Collector is a separate entity, as the Town Clerk is an elected position. The staff reports to her although they fall under the town's personnel policy and receive town benefits. He said the communication between his office and hers is on-going and open. The Library, trust funds and cemeteries are all governed by trustees. The library has its own staff, for which the trustees set benefits. The Cemetery Trustees have buildings and grounds do their work, so they are managed by the town.

The next slide dealt with the structure of Town Council meetings: Council meets the 1st Wednesday of each month for a business meeting in which it can vote on ordinances and resolutions and the 3rd Wednesday of each month for a workshop session which allows for more in depth discussion and review of 1 or 2 topics. The agenda is set on Wednesday noon prior to a meeting, and all items have to be received before then, unless there is an emergency, to be included. The Council should not accept additional items at its meetings, as the staff and the Council do not have time to review additional information. Packets for each meeting are available on the Friday before. Council Chairman Levy asked when the Council receives the packet on Friday, and a member decides not enough information is included for an item, if it would be allowable for the Chair or Vice Chair to contact the Town Administrator. Town Administrator Fournier said that either he or his Administrative Assistant could be contacted. If the information is readily available, it could be sent to the Council. However, if not, the item could be removed from the agenda or tabled.

Council Chairman Levy said there had been presentations made at meetings for which no one had prior information. To Council Vice Chairman's question, Town Administrator Fournier said that the requirements for Department Heads also held for outside presenters, and he informs anyone wishing to make a presentation about the deadlines for submission of information. He first asks outside presenters about their subject matter to make sure it is appropriate for the Council.

Councilor Nazzaro said if a Councilor wanted to have an item added to the agenda, it would also have to be given to the Town Administrator by noon on the Wednesday preceding a meeting. Council Chairman Levy said he realized it would not be appropriate to bring up a new agenda item under New Business.

At business meetings, the agenda may include ordinances, which are laws to be adopted by the Council. Ordinances require a first reading, after which there can be discussion during a future workshop or a date set for a Public Hearing, required by law for proposed ordinances. After the Public Hearing, the ordinance has a second reading, after which the Council may vote that it be amended or enacted by a majority vote, or be held for a 3rd reading. Resolutions are policies or positions adopted by the Council. They do not require a Public Hearing. After the first reading, resolutions may be referred to a workshop session for discussion or directly to the next business meeting for a vote after a second reading. The Town Council can, by a 2/3 vote, suspend the rules to act on an item.

The final section of the presentation dealt with the Right to Know Law. All meetings are considered open to the public unless they meet certain criteria. Non-Public sessions, by state statute have to concern personnel issues: the dismissal, promotion or compensation of any public employee, unless the employee requests the deliberations occur in public session; the hiring of any person as a public employee, or any situation that would adversely impact the reputation of a

person other than a Council member. Non-public sessions are also allowed for the consideration of the acquisition, sale or lease of real or personal property, the discussion of filed litigation or for matters of security. Non-meetings are only allowed when the Council meets with legal counsel to consider matters relating to potential unfilled litigation, on the basis of attorney client privilege. There are no minutes recorded for those meetings. The Council first meets in open session and votes to enter a non-meeting; the attorney must be physically present. The state is still deciding whether the attorney can be considered present by using speaker phone.

Council Chairman Levy said he had been asked on what basis the Council would have a non-meeting rather than a non-public session. He referenced the discussions about the EPA, as the Council had been trying to reconstruct any votes that impacted attorney fees. Town Administrator Fournier said that one of the criteria was the discussion of legal strategy prior to a lawsuit being filed. Once a lawsuit has been filed, it comes under the RSA 91 criteria. Council Chairman Levy asked if Coalition litigation had been filed at that point, and Town Administrator Fournier said he was checking on that. He added that legal strategy was one point that was allowed. Posting of a meeting differed for non-public sessions versus non-meetings. He said that litigation was not with an agency, but with the courts, and that deliberations were not the same as litigation. Councilor Nazzaro stated that if they were speaking of litigation, it was different from proposing to enter litigation. Discussions about proposing to enter negotiations with the EPA were different from the actuality, and were appropriate for a non-meeting. Council Chairman Levy said that going forward it would be advantageous to have records and it would be helpful to know the options relating to a non-public session or non-meeting. Town Administrator Fournier said there was one situation that fit both the non-meeting and non-public criteria, as 2 different issues were discussed. Council Vice Chairman Bentley said this had come up before. He added that he had done some research and there was a time factor involved in posting a non-public rather than a non-meeting.

Town Administrator Fournier said it was possible to post an emergency meeting fewer than 24 hours before its occurrence. Non-meetings have to be posted as the Council first opens in public session and then votes to enter a non-meeting and at its conclusion returns to public session for adjournment. Councilor Nazzaro asked what would qualify as an emergency. He also said that security is a broad term and wondered if there was a definition in an RSA. Town Administrator Fournier said there was a definition, and it covered among other things, specific locations of security apparatus and plans and responses to threats. He gave examples of emergencies as the demise of the Town Administrator or natural disasters. He said there was not a black and white definition in the RSA and sometimes a municipality would not know that there had been an emergency until it was sued. Councilor Nazzaro said that if the RSA was not clear on this he felt the Council should try at some point to establish a better understanding of what would constitute an emergency and develop some criteria for Newmarket before it was sued. Council Chairman Levy said he thought the purpose of a non-public or non-meeting should be published in advance.

The Right to Know Law prohibits a majority of Councilors discussing issues outside of a meeting. It is acceptable for a Councilor to ask the Town Administrator to place discussion of an item on the agenda, but not to suggest that the Administrator or Department Head take specific action. It is not acceptable for a majority (4) Councilors to meet outside a public meeting to discuss a topic. This includes serial telephoning, texting and emailing. The only acceptable conditions in which this can happen are to schedule a meeting or to establish a time for non-meetings with legal counsel. Town Administrator Fournier said he would never send confidential information by email or text because it is hard to know where the information would go.

There are various misconceptions associated with the open meeting law: the public has the right to speak at a Town Council meeting and it is permissible to "poll" the Council. Town Administrator Fournier said the public does not have the right to speak at Council meetings, as the meetings were open for viewing only. The Council establishes Public Forums and Public Hearings during which the public may speak. The public also may speak at Town Meetings. Councilor Nazzaro asked for a definition of "poll" and said that many times he had polled the Council members to get a sense of their feelings on an issue. Town Administrator Fournier said that was fine in a public meeting, but Councilors could not call him and ask him to poll the Council on an issue. Councilor Wright asked if first sending an email to 3 Councilors and then sending the same email to the other 3 Councilors would circumvent the law. Town Administrator Fournier said he would be broaching that subject later in the presentation.

Under the Right to Know Law a governmental record is any information created, accepted or obtained by, or on behalf of, any public body, or a quorum thereof, of any public agency in furtherance of its official function. These records may be written or other information whether in paper, electronic or other physical form. The general criteria for a governmental record for the Council is defined as information that that is created, accepted or obtained by a majority of the Council by any manner. Any memos, emails etc. from the Town Administrator or anyone acting on behalf of a public agency or to another person acting on behalf of a public agency is a government record. The only exception would be if the information does not pertain to work. Government records must be filed and available upon request under the law. Town Administrator Fournier suggested that emails the Council creates or receives be sent to him so that he can save them on

his server.

Council Chairman Levy asked, as an example, if it was inappropriate for one Councilor to download a Durham Council meeting and forward it to the other Council members. Town Administrator said this would be a government record and should also be sent to him to file. Council Chairman Levy asked if this would be considered a meeting. Town Administrator Fournier said the sending of an email was not the issue, but forwarding was and hitting "reply all" was a violation of the law as it constituted having a conversation outside of a public meeting. Council Chairman Levy said his understanding was the law pertained to conducting business with a quorum outside of a public meeting, and wanted a clarification of emails that could be sent to other Councilors if they perhaps did not relate to business. He gave as an example, sending a message saying he likes Labrador retrievers and enclosing a picture. Town Administrator Fournier said the law pertains to messages that further the political function of the Council. While the message in the example would be fine, sending an article to a Councilor about the police department and not expecting, but receiving a reply, made the article a government record and should be filed.

Council Vice Chairman Bentley said there were emails to get input on names for the dedication of the Annual Report, and he could not see that this was wrong doing. Town Administrator Fournier said this was difficult as they wanted to keep the selection as a surprise for the official announcement, however the emails should be sent to him for filing. He said this did not necessarily constitute wrong doing, but a copy should be kept. He said anything sent from his office was considered a government record. Two Councilors may have a conversation, but if he sends an email to a Councilor, that is considered a government record. He added that all Councilors can be contacted to schedule a meeting time. Council Vice Chairman Bentley said they had all been in contact to schedule the times they would work at the polls. Town Administrator Fournier said he should have been copied on those and there was nothing in this that constituting wrong doing. Council Vice Chairman Bentley said the messages had been sent c.c. to him. Councilor Nazzaro cautioned about over-complicating the issue. He said they should focus on the intent of the law as it covered business conducted in an official capacity and was not meant to prevent conversations about the dedication or working at the polls. However, sending an article to all about Durham's zoning, pointing out articles that could also apply to Newmarket, would constitute having a conversation outside of a public meeting and could not be classified as a 91-A.

Council Chairman Levy said there was an article in the newspaper, which is a public document, and someone sent the article to a Councilor, who, finding it interesting, forwarded it to other Councilors. There was no discussion among the Councilors, but if there was, he could see this would be a violation, but he could not think that sending a public document would be. Town Administrator Fournier said the article should be sent c.c. to him also so it could be filed. He said this was clarified in the Attorney General's memo which he will distribute to the Council. Councilor Nazzaro said this could open up a situation if one Councilor hit "reply all", and he felt they should err on the side of caution.

Town Administrator Fournier said there was a gray area now concerning social media, and Town Councilors cannot respond to any comments they find about the town. If a majority of the Council replies to a comment, this could violate the Right to Know law. Also, he said the newspaper now has public comments on articles printed at the bottom of the article. If a majority of the Council replies to a comment, this could also violate the law. Councilor Nazzaro said that many officials and municipalities have Facebook/Twitter accounts to distribute information. He asked if he could express his personal views of water on social media. Town Administrator Fournier said the problem would arise if there was a response. He said the Right to Know Law applies only to municipalities, schools and counties, and not to the State Legislature, the Governor's office, the President's office or Congress. Any email sent from a constituent to all of the Councilors should be sent to the Town Administrator by the Council Chair.

Town Administrator Fournier said it is permissible to send personal emails, not relating to business to Councilors. At social occasions or at a chance meeting they should refrain from discussions of business matters. Should a majority of the Council carpool to an event or conference, a record should be kept of the conversation. Council Vice Chairman Bentley said there have been occasions when 3 or 4 Councilors have been together, say at the Heritage Festival, and he said some in the public have the misperception that they should not appear together outside a public meeting. He said they could talk about anything in these circumstances, just not business. Council Chairman Levy said he did not believe this presentation was being made because of misdeeds by the Council. Town Administrator Fournier agreed, saying this was for informational purposes, and he hoped other boards and commissions in town would have the same information presented. The final slide of the program was a flow chart with questions to ask about the Right to Know Law in relation to determining if a meeting is within the law.

NEW BUSINESS – Closing Comments by Councilors

Councilor Pickering said he had 9 questions, none of which had to be answered at the meeting.

1. Had they considered trying a part-time Finance Director or hiring someone who would share the job with another town?
2. Were they going to do mileage and hour reporting for town vehicles for an audit? He felt this would be important in determining the need for replacement. Town Administrator Fournier said he had asked the Department Heads to do this.
3. Could John Brackett from the Planning Board attend the tour of town facilities with him and Councilor Pike? He will give the Town Administrator Mr. Brackett's cell phone number.
4. Would the town be sending out insurance bids for town employees soon to try to get lower rates? Town Administrator Fournier said they were in the middle of a multi-year contract, and he would have to find out about any penalties associated with breaking the contract.
5. Would it be possible to handle car registrations through email to the town? Town Administrator Fournier will look into this.
6. Had they looked into repairing or purchasing a monitor for the speaker system in Council Chambers? Town Administrator Fournier said the monitor had been built for them, and the company had not returned his phone calls. He was trying to find someone who could repair it.
7. Was the panic safety switch in Chambers working and could it be tested? Town Administrator Fournier said it was working and was tested periodically.
8. He complimented the staff who had painted the offices in the Town Hall.
9. He and Councilor Nazzaro had ridden with Meals on Wheels and the experience was eye-opening and rewarding.

Councilor Carmichael said someone had asked at the previous meeting who was eligible to run for the Charter Commission. Town Administrator Fournier said any resident of Newmarket could run including Councilors. The filing period is March 27th through April 5th.

Council Vice Chairman Bentley said that he and Council Chairman Levy had finished their review of the bids for Town Attorney. They had narrowed the field to 4 applicants and wondered what the next step should be, and if they should start calling references. He wanted some direction from the Council. Council Chairman asked Town Administrator Fournier if he would like himself and Council Vice Chairman Bentley to vet them, and if he would want to schedule interviews with the whole Council. He asked if the Council should vote on this. Town Administrator Fournier said there was no need. Council Chairman Levy asked the Council if anyone objected to their proceeding with the reference checks. There was no objection. Once this has been completed, interviews can be scheduled. Town Administrator Fournier asked said he would like to see the proposals as he might have some input. Interviews will be conducted in non-public session.

Council Vice Chairman Bentley said that they were going to ask IT Director Doug Poulin to update the list of Council members. He said he had always used/supplied his work email address in the past, but Town Administrator Fournier had explained to him that there had been cases when work email was subpoenaed, and asked that all Councilors supply personal, rather the work email addresses.

Councilor Nazzaro asked the Chairman what the process would be for setting goals this year and when these would be discussed. Council Chairman Levy said he had just mentioned this to the Town Administrator, and his choice would be to have this discussed at the 2nd meeting in April, and perhaps schedule a second business meeting for action. He asked that Councilors start preparing their ideas and priority for goals. Councilor Nazzaro asked what the status was of the

questions they had submitted on the proposed zoning ordinance. Town Administrator Fournier said the questions had been given to Bruce Mayberry. He expected to have his report in late April or early May. Councilor Nazzaro echoed what Councilor Pickering had said about the Meals and Wheels experience. He said it was an opportunity to see some of the great work being done in the community.

Councilor Wright asked if there would be a Candidates Night for the Charter Commission. Since this should be run by a non-government group to avoid any perception of favoritism, Town Administrator Fournier will contact the Newmarket Business Association to see if they are interested.

Council Vice Chairman Bentley congratulated Water/Wastewater Superintendent Sean Greig on the great job he had done to educate the town on the wastewater facility and Macallen Dam. He said that these were both Council goals the previous year, and he appreciated Mr. Greig's diligence and the town's understanding of their importance.

Council Chairman Levy said he did not want to over-schedule the meeting when they discussed goals, and they would be discussing the purchasing policy at their next meeting. He said he believed the electric contract was for 3 years and the gross amount was approximately \$150,000. He said he would like to know what other offers were out there and said the Town Administrator was going to look into any costs associated with breaking the present contract. He said he wanted to know what rates the town was paying versus the best rates available. He said he assumed that the person who had signed the contract was the previous Town Administrator, and it bothered him and some others that this was done for such an amount. He felt they should meet with the contract holder and at least do a cost benefit analysis.

Council Chairman Levy thanked and commended Fire Chief Malasky and his staff for their generosity and professionalism in helping his mother when she had a car accident.

Councilor Carmichael asked if Town Administrator Fournier had been able to find information on attorney payments for the Coalition. He replied that he was still looking and had some information, but wanted to make sure he had everything before he made a report. He hoped to have all the information for the next business meeting or at least the next workshop.

ADJOURNMENT

Council Vice Chairman Bentley moved to adjourn. Councilor Carmichael seconded. Motion carried unanimously and the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary