

## Town Council Approved Minutes May 1, 2013 BM

TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL BUSINESS MEETING  
MAY 1, 2013 7:00 P.M.  
COUNCIL CHAMBERS

PRESENT: Council Chairman Gary Levy, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Larry Pickering, Councilor Ed Carmichael

Town Administrator Steve Fournier

EXCUSED: Councilor Phil Nazzaro, Councilor Dale Pike

### PLEDGE OF ALLEGIANCE:

Council Chairman Levy opened the meeting at 7:03 p.m., followed by the Pledge of Allegiance. He asked that they observe a moment of silence in memory of Jennie Griswold who had served on the first Newmarket Council. He announced a change in the agenda, as Linked Together Kids would present first.

### LINKED TOGETHER KIDS – Update on Accomplishments and Permission to Open Lemonade Stand in Pocket Park

Each of the children took part in the presentation. Linked Together Kids held a Family Literacy Night in February made possible through a donation from State Street Discount. Stories were read and families participated in related activities and also held a book swap. They put on 2 plays at Thanksgiving time, and at Christmas sent thank you cards to town volunteers and made snowman ornaments. They had worked with Chris Williams on a piece on wastewater management for Channel 13. They held their First Annual Coat Drive and placed collection boxes in the schools. They collected 74 coats along with mittens, hats, boots, snow pants and scarves. They painted stars with the names of town veterans and hung them on an honor tree in Pocket Park. At their request, the Council had proclaimed a Make Your Mark Week to honor young people for volunteering. They will be hosting an Arbor Day celebration at the end of May and were asking students to enter stories and pictures of trees for a contest. Last summer the group ran a lemonade stand in Pocket Park every Wednesday and earned \$286.10 which they used to buy plants for the Park. They also maintained the plants. They asked for permission to have the lemonade stand again this summer from 11:00 to 2:00 every Wednesday during this summer.

Council Vice Chairman Bentley thanked the children for coming and for their participation in the Pledge of Allegiance. He said he had enjoyed the cards they had sent him for the last three years. He moved to allow Linked Together Kids to run a lemonade stand this summer in Pocket Park. Councilor Pickering seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 5 – 0. Council Chairman Levy thanked the children for coming and noted that they had done a wonderful job on the application for funding. The children received a round of applause.

PUBLIC FORUM: Council Chairman Levy opened the Public Forum at 7:13 p.m. As no one came forward, he closed the Public Forum at 7:13.

PUBLIC HEARING, for agenda items: Council Chairman Levy opened the Public Hearing at 7:14 p.m. As no one came forward, he closed the Public Hearing at 7:14.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES: April 17, 2013 Workshop

Council Vice Chairman Bentley moved to accept the minutes of the April 17, 2013 Workshop and Councilor Carmichael

seconded.

Discussion: Council Chairman Levy asked for a clarification on page 6 of the packet that \$1M per year in gas tax revenue would not add up to \$1B in a ten year period. Apparently the Senator misspoke, so the clarification is made in these minutes. On page 8, regarding the Sky Bridge, he also asked that the word approximate be added to the amount of \$65,000 that was obliged by the developer and town. Councilor Pickering said that the name Michael Land should be changed to Michael Lang on page 11. On page 13, he said the phrase "joining a regional dispatch service" should be expanded to include adding other communities to the existing dispatch service. He said he assumed that when corrections are brought up the Recording Secretary verifies the correction on the tape. Council Chairman Levy said that going back to the tape was not usually necessary as amendments were usually done by the Council's recollection, and if no one objected, they would go ahead with the changes. Town Administrator Fournier said these were Council minutes and should be a summary of what happened at the meeting by Council recollection. Council Chairman Levy asked for a clarification of the context of his comments on contracting snow removal. He said he agreed with Councilor Pickering that they should look into contracting snow removal, but towns that he had contacted in the past didn't do all in-house or all outside contracting, but rather a combination of both.

Town Administrator Fournier called the vote. Motion carried 4 – 0 – 1, with Council Vice Chairman Bentley abstaining as he had not been at the meeting.

#### REPORT OF THE TOWN ADMINISTRATOR:

Town Administrator Fournier had reached out to Charter Commission candidates to find out if they had any questions on the Commission or on the town's form of government. The Newmarket Business Association will hold a Candidate's Night on May 7, 2013 at 7:00 p.m. in the town auditorium. Also, this will be broadcast live. Councilors were asked to schedule the times they could be available to work at the polls for the May 14th Charter Commission election, and were reminded that a majority should be in attendance for counting and certifying the vote. Councilor Nazzaro will not be helping at the polls as he is a candidate for the Commission. He said that if any Councilors receive questions from the public about the Commission and need assistance in answering, they should forward the questions to him.

The Building Officer had reported that Newmarket's services office business insurance code has improved from a 5 to a 4, based on a range of 10 – 1. Every five years or so the ISO evaluates a town's building codes for effectiveness. The rating is used to determine hazard insurance premiums for residential and commercial properties in the town. The Building Officer is working on other ways to improve the rating. The amount of potential savings to those in the community would depend on the value of the individual property. Councilor Pickering said he had never seen a document fully explaining the ISO ratings, and asked what a town would have to do to receive ratings, especially class 1. Town Administrator Fournier will have the Building Inspector provide the Council with the rating criteria.

The Municipal Association will be conducting a training session for local officials from 9:00 to 3:00 on Friday, May, 3rd in Dover. This will cover the Right-to-Know Act, town governance, public employee law, liability law, etc. Council members were asked to let the Town Administrator know if they can attend. He and Councilor Pike have registered. IT Director Doug Poulin is seeking proposals to update the town's web-site and make it more user- friendly and efficient. The proposals should be in and a recommendation should be ready by the end of Wednesday, July 3rd to the second Wednesday, July 10th, and from the third Wednesday, July 17th to the fourth Wednesday, July 24th. Town Administrator Fournier said the crosswalks in the down town were being painted with large blocks for greater visibility. Town Administrator Fournier said he would be meeting with a representative from the town of Epping on May 2nd at 8:30 a.m. to perambulate a portion of the town line, as required every few years by state law. There had been an issue in the past with someone arbitrarily moving a town and county granite marker in the area off Grant Road. Councilor Pickering will also attend. Council Vice Chairman Bentley said he had attended a meeting with representatives from Epping and Lee, and brought the information back to the Council. He expressed his hope that the Council would stand firm in their position.

Council Vice Chairman Bentley said he had been approached with questions on the function of the Charter Commission and what it would be able to do, for example change the form of government in Newmarket. Town Administrator Fournier said he had been asked the same types of questions. Town Administrator Fournier said he would not be allowed to advise the Commission, but he could attend the meetings if invited and give information about forms of government allowed in New Hampshire if requested. To Council Vice Chairman Bentley's question, he said he and the Town Clerk were working on a list of items in the charter that are out of compliance with state law and he will provide that information to the Commission if so requested. Councilor Carmichael said he was concerned with the amount of time that the Town

Administrator might have to spend with the Charter Commission because there were so many other important issues and projects at the time. Town Administrator Fournier said he did not know how much time he would spend, but felt he would be called upon. He thought they would use some outside resources and hoped they would do some of their own research. He said this was one of his concerns, and with the goals, this was another project that had been added to the list. To Councilor Carmichael's about progress with the water and wastewater projects, he said Water Superintendent would be presenting an update at the Workshop.

Council Chairman Levy said someone had brought up painting the crosswalks in the downtown a bright blue for visibility, and asked if someone could look into it. Town Administrator Fournier said that crosswalks were painted different colors sometimes for aesthetics, but the white paint that contained glass powder was preferred as it reflected light. Council Chairman Levy asked, in light of all the legal issues the Charter Commission would face, if it would have legal counsel. They would have access to the Town Attorney. He said he had heard there might be some help from an intern and from the Town Administrator, and he had no problem with his being at the meeting and answering questions. However, he hoped there might be a format in place for them to get answers for the many questions they would have, and if necessary to hire a consultant. Town Administrator Fournier said he could help with some answers, but not as an attorney. Council Chairman Levy said he had concerns that some people would say certain things were done because they were directed to do them. Town Administrator Fournier said he wanted to stop any such talk immediately. He had met with some people, and the first thing he told them was that he was not there to advocate any position or any particular form of government. He could only relate the forms of government allowed in New Hampshire the pros and cons of each. He could not answer legal questions; those should be directed to the Town Attorney or to an attorney of the Commission's choosing. In addition, any amendment or change to the charter must be signed off by the Secretary of State, the State Attorney General and DRI. He said it was against his professional ethics to endorse a particular form of government with the exception of keeping a manager or administrator, which he was allowed to do. He could only give the pros and cons of each, and he wanted to quell any talk in the community that might say differently. Council Chairman Levy said he was not suggesting that it was Town Administrator's intent to direct the Commission, but noted that, from his experience on the Council, people's perceptions can take a life of their own. He asked if other towns had an administrator working with their charter commissions or if they used consultants. Town Administrator Fournier said that about 75% use someone from the town administration, but not to participate in discussions about keeping a town administrator, and he would not participate in those discussions, even if he was in attendance. He said he knew perceptions were out there, but he could say he presents recommendations and does not try to influence decisions either way. Council Chairman Levy said that Town Administrator Fournier had answered a question about items in the charter being out of compliance by saying he could only present the list if asked but could not force the Commission to make changes. He felt strongly that those issues should be addressed, and Town Administrator Fournier agreed. Councilor Wright asked if the Commission would use the Town Attorney or seek their own, and whether there was money in the budget. Town Administrator Fournier said that was their decision; by law, there was a \$100 line item in the budget for the Commission but the Municipal Association offered free legal help. He said if the Commission had legal questions, odds were that they would provide legal counsel.

#### OLD BUSINESS:

Ordinances and Resolutions in the 2nd Reading – Items the Council may act upon:

Resolution #2012/2013 – 51 Withdrawal of \$26,730 for Engineering Services to Replace Waterline at North Main Street:

Council Vice Chairman Bentley moved to approve Resolution #2012/2013-51 Withdrawal of \$26,730 for Engineering Services to Replace Waterline at North Main Street. Councilor Carmichael seconded.

Discussion: Water Superintendent Greig gave an overview of the project. The Council had approved replacing the 6" with 8" pipe from Bay Road to Simon's Lane to meet current and future needs. This resolution was to approve the source for project funding. Council Vice Chairman Bentley asked if this was being done as there was not enough water to fight fires. Mr. Greig said this would help to provide enough water flow to fight fires in the area, and also would help with new businesses coming in. Councilor Carmichael asked how long the project would take. Mr. Greig said he had received a set of plans, which he had reviewed and sent back for a revision. He felt it would take about a month to complete the design. Councilor Pickering asked if there was a dry hydrant at the Lamprey River Bridge, as it would be a good source for fire fighting. Mr. Greig said there was not, but this would be a Fire Department concern as he dealt with the water systems.

Town Administrator Fournier polled the Council. Motion carried unanimously, 5 – 0.

## Resolution #2012/2013-52 Update Building Permit Fee Schedule

Council Vice Chairman Bentley moved to adopt Resolution #2012/2013-52 Update Building Permit Fee Schedule. Councilor Pickering seconded.

Discussion: Code Enforcement Officer Mike Hoffman said he had been updating policies and procedures since beginning his position, and found discrepancies in the permit fee schedule. He gave the example of the \$90 fee for installing one or a buildingful of electrical receptacles. He said the fees were not consistent with the scope of the work. He said that some were doing work without a permit to avoid the fee. He had surveyed area communities to see what the norms were for fees, and this resolution would make Newmarket more consistent with the area. Council Chairman Levy said he had been getting good feedback from the community about Mr. Hoffman.

Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

## Resolution #2012/2013-55 Town Administrator to Enter into an Agreement for Audit Services FY2013-2015 with Three One-Year Options

Council Vice Chairman Bentley moved to adopt Resolution #2012/2013-55 Town Administrator to Enter into an Agreement for Audit Services for FY2013-2015 with Three One-Year Options. Councilor Carmichael seconded.

Discussion: The agreement is with Samson and Plodnik. For clarification, the agreement would be for 3 years, with the option to extend on a year by year basis for 3 years after the initial period. The Council is obligated for the next 3 years, but if there is any gross misconduct or other issue, Town Administrator Fournier would recommend they break the contract. He will insure that any contract they have will include that clause.

Town Administrator Fournier polled the Council. Motion carried unanimously, 5 – 0.

## Review of Town Council Goals:

The Town Council goals were in the packet and Town Administrator Fournier had distributed an updated version of the goals with methods to achieve them. There were 3 main goals: for FY15, establish a tax rate lower or level to FY14; begin and manage MacIntosh Well and wastewater treatment facility projects; continue economic development efforts. He also had included an "other" category for items that did not fit within the goals: 3 involved the Charter Commission, 3 involved hiring, a Town Attorney, an auditing firm, and a Finance Director; the last was to begin planning for town revaluation in FY2015.

Council Vice Chairman Bentley, who had been unable to attend the last meeting, said he had sent his goals to Council Chairman Levy, who in turn had sent them to the Town Administrator, but he might have received them after the goals and categories were aggregated. He said he had some additional goals beyond those in the packet and handout. His first goal was to complete the update of the Employee Handbook, as he knew it had been started, but not finished. He wanted it complete so it could be approved and the employees could sign off on it before they got into a difficult situation. He said among other things, it included a phrase that if a position was eliminated, and the employee took another position, there would be no reduction in pay. He said this did not happen in the "real world", and there was no sense in downsizing if money could not be saved. Town Administrator Fournier said he had never heard of this in the municipal world either.

Council Vice Chairman Bentley's second goal, which he had mentioned in previous years, was to have a list of unused properties the town owns, and determine if the land can be leased or sold. He felt they could come up with creative ways to handle the land, perhaps through an exchange of services in having a farmer mow the grass instead of the town, or developing a parking lot by the railroad tracks where the lot was too small to now build another house. In reference to the Charter Commission, he understood that the Council as a body could not provide direction, but he asked if members could speak as residents, which they can. He said there were certain things in the current Charter that might not be out of compliance, but were just wrong, such as the Dan Dickens law which prevents anyone from running for Council if he

has earned even a little bit of money from the town within the year. He felt it was difficult enough to find people to run, and this law worked against them.

Councilor Carmichael, referring to the method of examining contracting out snow removal services under the FY2015 tax goal, asked if there would be a time-line. Town Administrator Fournier said he would need timelines from the Council, or a priority list. Councilor Carmichael said they would need this especially before budget time. Council Vice Chairman Bentley said he agreed that priorities and dates should be established, but not necessarily at this meeting. He thought they should have a chance to consider his priorities and think about the whole package before deciding. He said when he was first on the Council, they had received quotes for contracting snow plowing and he agreed they needed to be updated. He did not feel comparing Epping's plowing to Newmarket's was completely valid, as Epping had 3 major roads that were plowed by the state.

Council Chairman Levy said he would try to begin setting some general timelines from the chart. Under the FY15 tax goal, he read the item, "examine departmental operations (i.e. Planning, Finance, Recreation) and make sure they are still providing the services that the town needs." For clarification, he thought the Council or, at least he, was asking if they should examine whether they needed a full-time Planner or Finance Director and if and how the Recreation Department could be more self-sustaining. He said he did not think the phrase "make sure they are still providing the services the town needs" actually covered the intent. Town Administrator Fournier said he was attempting to not have eliminating or reducing a position as the goal. Council Chairman Levy said the town now had a part-time Finance Director, and as to the Recreation Department, he said they were not looking to reduce a position, but for ideas that would make the department self-sustaining or at least more so. He said this was at least his interpretation.

Councilor Pickering said that many of the goals/action items had come from him and from many other people over many years, but he did not care who had made the suggestions or when. He felt they were not suggesting that the items were what they wanted to do, but that they should be looked into to see whether they were possibilities that could be done if they made sense financially and service-wise. He felt that should be the focus. Town Administrator Fournier said he would use the word "examine" and first review the current positions, and determine if the workload was consistent with the positions, and if the position could incorporate other duties that were not currently covered elsewhere. He said he completely agreed and understood Councilor Pickering's point.

Council Chairman Levy said to get started with a timeline, he would like to have an answer to contracting out snow removal by August so that they would have an idea of the pros and cons by budget season. Also by August, he would like to see ideas for creating an enterprise fund or another type of fund for the Recreation Department so that there would be more clarity in its budgeting. Town Administrator Fournier said this would be a revolving fund, with the intent that its programs would pay for themselves and any excess funds could be put toward other programs that don't make as much money. Traditionally, the salaries for the Director, Assistant and full-time staff remain in the operating budget. He said the summer staff would be paid from the fund along with any part-time or temporary persons hired for a specific program. This would be a policy decision of the Council. Council Chairman Levy asked for a tangible example of what was happening now versus how a revolving fund would change the budgeting. He understood that now the Department, having a plan for programs it will offer, has to budget and ask for the dollar amount they will need for staffing. If they do not do the business they expect and have to hire fewer people, then the money is returned to fund balance. He asked how a revolving fund would change the process.

Town Administrator Fournier said the department would estimate expenses, but also estimate revenue. Currently, if the Department says it needs money that money has to be raised through taxation, but with a revolving fund, that money is raised through revenue for the programs. This allows for more flexibility in the operating budget. The Department would keep its excess revenues in the revolving fund, rather than returning it to the town's fund balance, and use the funds to offset programs that do not pay for themselves. This would eliminate the need to first raise money through taxation and then return it if it is not needed. He added that now, if a program does not generate enough revenue, the deficit has to be made up through tax dollars. With a revolving fund, the department would have to make up any program deficit by raising its fees, cutting the program or using money from its own fund balance. Council Chairman Levy said that now, when the Department realizes a program is not going to pay for itself, through thoughtful spending, it does not go forward with the program, but returns the money to the general fund. Council Chairman Levy said he thought the idea was to make the Recreation Department more self-sustaining. Town Administrator Fournier said that with a revolving fund, the department would not be able to spend money that it did not generate through revenue, and understanding the revenue side was most important. Council Vice Chairman Bentley asked if other towns used revolving funds for Recreation, and what else could be handled this way. Town Administrator Fournier said that most area towns had a revolving fund for their Recreation Departments, and that cable television and one other department, which he thought was ambulance, could be handled this way.

Council Chairman Levy asked if they could get the pros and cons of a revolving fund for the Recreation Department would be with some examples. Town Administrator Fournier said that would be an August presentation. Council Chairman Levy said he hoped they could decide on a consultant for the Economic Development Committee at the next meeting in May, and act on a Town Attorney in June, and the Employee Handbook in July. Town Administrator Fournier said the personnel policy would have to be adopted as an Ordinance. The Finance Director has reviewed the current policy; it will next to sent to the town's property and liability insurance carrier for a procedural review and recommendations, and then to an attorney for a legal review and recommendations. Once completed, the policy will go to the Council. He said it is a lengthy document, but it is being worked on. Much of the policy had been worked on previously in-house, but he highly recommended having an attorney review and Council Vice Chairman Bentley said that was what the Council had recommended.

Council Chairman Levy said, in reference to the RFP's for the water and wastewater projects, he would like to see the committee set up by June, and the RFP's sent out in June or July. Town Administrator Fournier said this time frame could be met easily, and that Water/Wastewater Superintendent Greig would be making a presentation at the May workshop. He said that the committee would be comprised of a couple of Councilors, himself, Mr. Greig, and he would be recommending other Superintendents who had recently gone through the process. Council Chairman Levy said the estimate from the consultant for the Economic Development Committee had come in at \$9,500, which was an extremely competitive price. He had estimated it would take him about 60 days to complete his report, so they could expect his to be finished by mid-August. Also, Bruce Mayberry was working on the M2 zoning change at the time. Councilor Pickering asked if there was money in the FY2014 budget for an economic development consultant. Town Administrator Fournier said they could encumber \$2,000 from funds that had not been used in this year's budget and \$2,000 had been set aside in next year's budget. He felt the rest could be found elsewhere. Councilor Pickering said his feeling had always been that, with certain exceptions, if an expense doesn't go through the budget cycle, it is somewhat unfair to be borrowing from someone else's department money, but apparently this was surplus money. He said although he would prefer it went through the budget cycle, this seemed to make enough sense to do it. Council Chairman Levy said that when the consultant was being discussed during budgeting, a larger amount had been suggested, but the town didn't know where it would stand financially and there was pressure to come in with a flat budget. Now that they knew better where they stood, they knew they had enough money for the consultant, if that was how they chose to spend it.

Council Chairman Levy recapped his suggested dates: May - Economic Development Consultant, June/July - Water/Wastewater Committee, June - Town Attorney, July - Handbook, August - Snow Plowing and Revolving Fund for Recreation Department. Town Administrator Fournier added that town bids for health, property, liability and workman's comp would go out in October for the next budget cycle. Since there were different expiration dates for some, he was trying to consolidate so that in the future it would be possible to take advantage of discounts offered for having multiple policies with one company. One was up in June, 2014 and one in December, 2013. He said that traditionally a manager contacts the big insurance companies annually to get proposals. He said he had tried to do that upon arriving in Newmarket, but had found they were bound by a multi-year contract that they could not break. He asked a competitor when they had last been contacted and been told it was in the 90's, and he said he wanted to insure that they looked into this every budget cycle, or at least at the expiration of each contract to determine that they were getting the best possible prices. Councilor Pickering asked if they could back out of or break the multi-year contract, and Town Administrator Fournier said the quick answer was "no." He added his focus was to put them in the same June time frame for larger discounts, and he was working on ways to change the December date to June.

Councilor Pickering asked if it would be possible to pool insurances with other communities. Town Administrator Fournier said they do this for liability insurance as they take advantage of the Pooled Liability Trust which includes all municipalities in the state. Since health insurance rates are better for groups over 100, they have looked at combining with other districts. However, both have to have similar plans. Councilor Pickering said this might be a topic for regionalization discussions with other communities who could all benefit. To Councilor Carmichael's question, Town Administrator Fournier said all the 52 town employees, including the police, are under the same policy, but not all have the same contribution rate. The new health care that will soon come into effect will be for 50 employees and that will have an impact on the town. He said that currently, since Newmarket had fewer than 100 employees, they were pooled with other communities of fewer than 100 to determine their rates.

Council Chairman Levy asked if they could have a list of all the property the town owns outright by the 2nd meeting in June. Town Administrator Fournier said he had given the Council a 3 page list two weeks before, but it included properties the town was using, such as for the Town Hall, public works, etc. Council Chairman Levy asked if they could have a list of all the large-tracts of land that have nothing on them or that are not being used so they could begin to discuss what can be done with them. Town Administrator Fournier said he would provide a list, and also prepare a proposal for selling surplus property. Council Chairman Levy asked that the list include some background on the properties, and said it would be helpful to identify the properties, and not necessarily to consider selling them. The list will

be prepared by the second meeting in June.

Council Chairman Levy referred to Council Vice Chairman Bentley's concerns with a clause in the personnel policy that provided for a person's pay remaining the same if he was demoted or his position was eliminated, and he took one that was at a lower pay rate. He asked if and when the Council could weigh in on the policy and make changes. Town Administrator Fournier said he expected to have a personnel policy back from the attorney by July and present it to the Council for its review, discussion and recommendations, and he felt a new policy could be implemented by September. He felt Council Chairman Levy asked if they could have the areas within the policy that are out of compliance with state law in July along with the attorney's suggestions for changes the Council should consider implementing. Town Administrator Fournier said this would be done, and he would also add some recommendations to make sure the policies reflected current operations.

Council Chairman Levy said that Councilors Nazzaro and Pike would probably want to provide their input on the list and time frames, but he felt Town Administrator Fournier could produce a schedule of due dates for projects at this point. Town Administrator Fournier said he would label some items as on-going because they really have no end date and are goals in general. Council Chairman Levy said an example would be with the Economic Development Committee determining the types of businesses it wanted to attract before deciding which tracts of land were suitable for their development.

Councilor Carmichael asked for a status report on Department Head valuations, and Town Administrator Fournier said they would be complete by July 1st. Any discussion of evaluations would be done in non-public session, but he said he would refer to the Charter to determine which ones the Council could see. The Council would see any which recommended pay increases; evaluations will be prepared for a July non-public session. Council Chairman Levy said many of these items were coming up in the near future, and to Councilor Nazzaro's point about the agenda being guided by the goals, he felt that every agenda would have at least one item relating to the goals. He asked Town Administrator Fournier to make them aware if he felt he could not complete an item on the suggested schedule. He asked Town Administrator Fournier when he was doing an analysis of, say the Recreation budget or snow plowing, how he envisioned doing the cost benefit. Town Administrator Fournier said that for recreation, operating with a revolving fund, he would look into the profit of various programs, if there is another way to run the program and if there are other places providing the same program to eliminate duplication. He said he had begun research on out-sourcing snow removal by asking other communities what their current experiences are, and he had found out that the issue is getting contractors on board to plow, as many were fixing their trucks in the winter months to extend their work time during the remainder of the year. He also was asking about experiences with combining town crews with contractors. Then he would look at the costs that other communities are paying and compare that to Newmarket's costs. These comparisons would have to be done for more than one year to get a fair assessment. He said that contractors, in order to help equalize their pay between dry and snowy winters, were asking for a minimum payment per year.

#### NEW BUSINESS/CORRESPONDENCE:

##### Town Council to Consider Nominations, Appointments and Elections

Council Vice Chairman Bentley moved to appoint Fred Pearson to the Conservation Commission, term to expire in March, 2016. Councilor Pickering seconded. Council Vice Chairman Bentley thanked Mr. Pearson for re-applying for another term. Town Administrator Fournier polled the Council. Motion passed unanimously, 5 – 0.

##### Ordinances/Resolutions in the 1st Reading – (items help over for vote at the next Business Meeting)

Resolution #2012/2013 – 56 Town Administrator to Enter into an Amendment with State of NH Exempting Social Security and Medicare Coverage from Election Workers: Town Administrator Fournier read the resolution in full. It will be discussed at the next meeting.

##### Correspondence to the Town Council

Patricia O'Hara-D'Addario of 38 Spring Street spoke on her application to renew her vendor's license for Patsy's, a hot dog stand on Main Street. She said there would be no changes. To Council Vice Chairman's question, she said she would be

going into her 3rd season. He said she had complied with everything she had been asked to do and he would support the permit. Town Administrator Fournier said there had been a few issues brought up by the Building Inspector in the review process, but he had spoken to the owner and she will address them, and he will be conducting inspections throughout the summer to insure compliance. Council Chairman Levy said he wanted to make sure the town was indemnified, and Mr. Hoffman said she was aware she had to produce a binder. Ms. O'Hara-D'Addario said her policy expired in August, but when it was renewed, the binder was renewed with it. She said the insurance company was supposed to fax a copy of the binder, but she had a copy with her. She will handle this and any other issues with the Code Officer. Town Administrator Fournier said the Council had to approve the permit, but that the Code Officer had the right to pull the permit if conditions were not met. Ms. O'Hara-D'Addario said she had gone to the Fire Department, and been told it does not approve or disapprove fire extinguishers. She said she had a small one, which the department thought would be fine.

Council Vice Chairman Bentley moved to approve the application of Patricia O'Hara-D'Addario for a vendor's license for Patsy's. Councilor Pickering seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 5 – 0.

#### CLOSING COMMENTS BY TOWN COUNCILORS

Councilor Carmichael said the Advisory Heritage Commission had met to elect officers: Chairman, John Brackett, Vice Chairman Robert Gazda, and Co-Secretaries Janice Rosa and Ed Carmichael. He said there were still vacancies on the Commission which normally meets quarterly.

Council Vice Chairman Bentley asked Town Administrator Fournier if he had responded to a letter Council members received. Town Administrator Fournier had spoken with Mr. Clark. Council Vice Chairman Bentley asked what the protocol would be for the non-public interviews with the 3 candidates for Town Attorney to be held the following Wednesday. In the interest of efficiency, he wondered if they should submit questions in advance to avoid duplication and decide how many questions each would ask. Town Administrator Fournier suggested that they forward questions to him so that they are a part of the official record. He will send out an email requesting questions. Council Chairman Levy and Council Vice Chairman Bentley had already called the references.

Council Vice Chairman Bentley said they had been given the parking agreement and there was some confusion, especially with number 6. He said he had not been able to see the meeting when this was brought up, but had been getting questions. This concerned the 20 municipal parking spaces given the town by Newmarket Mills, LLC near the library on Elm Street. Town Administrator Fournier said the town does not own the land, but does own the deed to the spaces and this cannot be changed and the spaces cannot be moved unless the town agrees to the change. Council Vice Chairman Bentley said that Newmarket Mills was including some of the spaces in his application to develop the former gas station. Town Administrator Fournier said this was a Planning Board issue, but businesses were allowed to use public parking in their formula if they received a waiver from the Board. The spaces were not deeded to the library, but for public parking. Council Vice Chairman Bentley said they already knew they had a parking shortage down town, and asked if an individual would be allowed to apply for the waiver. Town Administrator Fournier said this would not be allowed, as the sense of public parking was that it was not permanent parking. He emphasized that this was within the purview of the Planning Board, and the Council only had authority over the 20 spots. The Planning Board has the authority to grant a waiver if the town provided municipal parking.

Council Vice Chairman Bentley said he was receiving calls from constituents about how they felt this would affect them, and that there was a sense that spots were being dedicated. Town Administrator Fournier said the spots were not being earmarked for a particular proposal and they were not saying only one business could use the spaces. He added that if the town wanted to regulate the spaces, it could put up time-limit signs. Councilor Carmichael asked if they could lease the spaces. Town Administrator Fournier said he would have to look into that, but his sense was that they could offer a permanent lease. If, as someone suggested, they put up signs reserving some spaces for library patrons, they would find it difficult to enforce. He added that he did not know what the Council could do about plans that had already been approved. He said that if someone wanted to build a business on Elm Street, they could use the spaces as part of their formula because public parking was on a first-come-first-served basis. He said that Portsmouth businesses use the public garage as part of their formula.

Council Chairman Levy asked if Town Administrator Fournier could get some clarification for the Town Planner as the Council members had all received some calls. It was said that if Mr. Chinburg needed the spaces for his business, all others would be towed. Town Administrator Fournier said cars could not be towed from the 20 spaces by anyone other than the town. Newmarket Mills, LLC has its own private parking spaces on the lot that it can enforce if need be, but they

have no authority over the 20 municipal spots. There seemed to be some confusion in interpreting the distinction between the 2 types of spots on one lot. He said he could agree that he at first received a different impression when watching the meeting and had to go back and read the agreement. He said that the town does own the 20 spots, and he had spoken with the Town Planner to make sure he understood the situation clearly and correctly.

The Golf Tournament to raise funds for the Veteran's Memorial will be held on May 18th at the Rockingham Golf Course.

Councilor Pickering asked if Mr. Malasky had been able to check the catch basin on the corner of Ash Swamp Road and Route 108. He had, and found it belonged to the state. They will come out to see how it can be fixed.

Council Vice Chairman Bentley moved to seal the minutes of the previous non-public session. Councilor Carmichael seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 5 – 0.

The next meeting is Wednesday, May 15th, a workshop.

Council Vice Chairman Bentley moved to adjourn. Councilor Pickering seconded. Motion carried unanimously, and the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Ellen Adlington,

Recording Secretary