

Town Council Approved Minutes April 18, 2012 WS

TOWN OF NEWMARKET,
NEW HAMPSHIRE
TOWN COUNCIL WORKSHOP

APRIL 18, 2012
7:00 P.M.
TOWN COUNCIL CHAMBERS

PRESENT:

Council Chairman Phil Nazzaro

Council Vice Chairman John Bentley

Councilor Mike LaBranche

Councilor Al Zink

Councilor Ed Carmichael

Councilor Dan Wright

Councilor Gary Levy

Town Administrator Ed Wojnowski

Council Chairman Nazzaro called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. He then spoke about the shootings of April 12th in which Greenland Police Chief Michael Maloney lost his life, and Newmarket Officer Scott Kukesh, Rochester Officer Jeremiah Murphy, Dover Officer Gregory Turner and UNH Officer Eric Kulberg were wounded. Such senseless violence serves as a reminder that even though we live in a small town, those that put on a uniform stand in harm's way. He further stated that we all owe those in service to the community a debt of gratitude. He said that former Newmarket Detective/Sergeant Tara Laurent had been sworn in as the new Chief of Police for Greenland, and that they know, based on her performance in

Newmarket that she will serve and lead honorably and well in Greenland. He then called for a moment of silence.

PUBLIC HEARING: Amending Ordinance 2011-2012-01, Licensure of Sidewalk Café

The Public Hearing was opened at 7:03. Council Chairman Nazzaro asked for public comment. Since there was none, the Public Hearing was closed at 7:04.

Council Vice Chairman Bentley moved to adopt amendments to Ordinance 2011-2012-01. Councilor LaBranche seconded.

Council Discussion: Councilor Levy asked Town Administrator Wojnowski to explain the changes. He stated that merchants would be allowed to have cafe tables out all year, provided that they were pulled in at night. The \$50 license would be due in April, and there would be a \$100 fine imposed if the merchants left their tables out all night. This could also impact the continuation of the license.

Town Administrator Wojnowski polled the Council. Motion passed unanimously, 7 – 0.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES: April 4, 2012 Business Meeting

Councilor LaBranche moved to accept the minutes. Council Vice Chairman Bentley seconded. There was no discussion. Town Administrator Wojnowski polled the Council. Motion passed unanimously, 7 – 0.

1. JIM HAYES, SUPERINTENDENT OF SCHOOLS, Discussion to Release Open Space Funding for

School Land Purchase

Dr. Hayes came before the Council, as trustees of the Open Space Bond Fund, to request a public hearing be set to release \$380,000 from the Fund to the School system's land purchase, as voted by Town Meeting. He said the money had to change hands before the July 12th settlement. Council Vice Chairman Bentley asked, as he had at the original meeting, what would happen to the funds if the town did not vote to repair or build a school. He stated that he had heard from townspeople who wanted an answer to the question. (The Council had voted 6 – 1 to place the issue on the ballot.)

Dr. Hayes said that the school would own the Carpenter property. Councilor LaBranche stated that his understanding was that there were limitations placed on the uses of property purchased with open space funds. Dr. Hayes agreed with his interpretation. Councilor LaBranche then asked if the school repair or rebuilding did not occur, would there be a restriction against using the land for apartments. Dr. Hayes said that he was not sure if that would be possible or not. Councilor LaBranche asked if there should be listed options for the use of the land, say perhaps restricting it to fields, as the townspeople had originally intended the funds for open space, if it were not used for the school.

Town Administrator Wojnowski suggested that these questions be asked of legal counsel. Councilor LaBranche stated that he was in favor of transferring the money, but had the concerns that he had mentioned. Councilor Levy noted that when the vote was taken to release the funds, no addendums or restrictions were placed on the transfer, and the Council had to release the funds. Council Chairman Nazzaro asked Town Administrator Wojnowski if the Council had to vote to release the funds. He replied that the town had originally voted to designate the land for fields or open space or public facilities. Councilor Levy felt that the land could not be re-restricted. Councilor Carmichael asked that, if the school were not build, would the School Committee be the body to decide if it would be used for other purposes or sold. Dr. Hayes said it would be the voters.

Councilor Zink thought the Council needed to seek a legal opinion, and that it should be memorialized for any future decisions. Council Chairman Nazzaro agreed, stating that he could see somewhere down the line, if the school did not pass, land purchased with open space funds could be sold for condominiums, etc. He said since there had to be a Public Hearing and a vote to release the funds, that language be prepared to support open space for the property. Council Vice Chairman Bentley asked for a clarification of what would happen to the funds if the school were not built, as the Council had been the banker for 1/3 of the land. He expressed his and the concerns of townspeople that should the school not pass, would the town have another parcel on which it could not collect taxes. Dr. Hayes said that as the school is the buyer, no matter the source of the funding, the property would become an asset of the school district. Town Administrator Wojnowski will contact legal counsel, and have the language prepared for a May Council meeting, so that a Public Hearing can be scheduled.

2. RESIDENTS MOODY POINT REGARDING FORCE SEWER MAIN

Jim Fitzpatrick came before the Council as a representative of the Moody Point Community Association. He gave a brief outline of the history of the area. In the late 1980's as Moody Point was being built in an environmentally sensitive area, it was determined that waste from the area be force pumped into the town's main sewer line. He stated that in researching and finding the location of the force main, they discovered that it ran under and along side

Cushing Road. Although there have been no problems, the Association while accepting financial responsibility for any repairs, was seeking clarification as to who would repair any of the system running beneath the town's right of way. Sean Greig, Wastewater Superintendent, had suggested that his department conduct repairs and then bill the Association. Mr. Fitzpatrick asked that the Association be billed for labor and materials. He also asked that there be a written agreement between the town and the Association for long-term acceptance of their waste water, as was insisted upon originally by the Planning Board.

Councilor LaBranche asked if it was necessary to have an agreement in place that the town accept the waste water from Moody Point. Town Administrator Wojnowski said for the future it should be formalized, and that the Association is billed for this. Mr. Fitzpatrick stated that the Association had a private collection system, which was different from a residence connected directly to the sewer line. He was asking for approval that the town repair only those parts in the right of way. He noted that by having standing approval, repairs could be done more quickly with a minimum of damage and mess. Any problems not in the town's right of way would remain the responsibility of the Association. Council Chairman Nazzaro agreed with the requests, stating that since the Association was a rate payer they should only be charged for time and materials. Town Administrator Wojnowski will ask Town Counsel to draft an agreement between the town and the Association. Councilor LaBranche asked if the town should pay for the draft of the agreement. Mr. Fitzpatrick stated that there were other pressurized systems in town, and he doubted that they had formalized agreements either. Mr. Fitzpatrick said that the Association would draft the agreement and bring it back to Town Administrator for Council discussion.

3. DISCUSSION OF FOX HOLLOW – Improvements to Sight Distance

Councilor Levy said that since the town had cut some trees, he had been told the intersection had more visibility. The documentation from the attorney was for the Council to send this to the Planning Board with the intent of scheduling a Public Hearing under RSA236-13 based on an engineering report. The developer, Long Cove, and the Fox Hollow Association would be issued an order to take the necessary steps to rectify the sight distance at the intersection of Fox Hollow and

Grant Road. Councilor Levy asked if the town would be financially responsible for the Planning Board recommendations. Town Administrator Wojnowski stated that he would have to refer this to the attorney, but the recommendation was that Long Cove take care of this. Councilor LaBranche said that although the sight distance was better, a study by Venice Associates had said there were some miscalculations in the original scope of the work, and that the intersection had not been configured as it should have been.

Council Vice Chairman Bentley, referring to past feedback, stated that the intersection had been improved, but only for larger vehicles, and not in all directions. He asked if the Association would be responsible for the improvements if the developer could not be found. Councilors LaBranche and Bentley both felt this should go to the Planning Board. Town Administrator Wojnowski said that one solution was to shave the hill. Council Chairman Nazzaro agreed that the town should not have to pay for the improvements, but that the intersection needs to be fixed for everyone's protection. He also said that this should go to the Planning Board. Councilor Levy suggested that it could be more cost effective to place speed bumps in the area, rather than shaving the hill. Councilor Wright said the DPW estimate was \$60,000 for the work. Only the Council can vote to expend funds. Councilor Zink said that the Council should take the advice of the attorney and send this to the Planning Board.

Councilor LaBranche moved to send the legal and engineering information the Council received on Fox Hollow to the Planning Board, and ask them to follow through the processes as laid out in legal opinion. Council Vice Chairman Bentley seconded the motion.

Discussion: Councilor Levy asked if the Planning Board was to decide how the problem was to be fixed and who would pay for it. Council Chairman Nazzaro said the Planning Board can make recommendations, but only the Council can vote to expend funds. He explained that this would be the next step in the process, and the Planning Board in effect would be doing the leg work, and bring their recommendations back to the Council. In response to a question from Councilor Levy, Council Chairman Nazzaro stated that the engineering study had said the intersection was neither safe nor up to code. Councilor Levy said that the study had been conducted before the trees were removed.

Town Administrator Wojnowski read that under RSA236, the Planning Board is authorized to take action to issue an order to describe a hazard, recommend an action to correct the configuration, and set a reasonable time for the action to be completed. The owner or other responsible party shall be civilly responsible to the state or municipality for taking these actions. The Planning Board had sent the issue to the Council as it felt there was not enough in the Bond to cover the repairs.

Town Administrator Wojnowski polled the Council. Motion passed unanimously, 7 – 0.

4. SEAN GREIG, STANTEC, REGARDING CLOSE OUT OF NEW VILLAGE PROJECT

Sean Greig reported on the New Village Project so that the Council and townspeople would have a clear understanding of what happened. Numerous complaints during the implementation of the project had led to a change in Superintendents. He stated that his change had made the project move along faster. The final cost of the project was \$1,912,440, resulting in a cost over run of \$29,242 above the 1,883,189 originally budgeted. He had conferred with Brian Hilliard of the NH Department of Environmental Service who agreed this was good as the final cost, which largely resulted from finding and fixing unexpected problems, was under the average of the original bids.

In October, 2011 the project was substantially completed within budget. However, there were still some outstanding items, such as rock and ledge removal. The project had exceeded 125% of the bid quantity, and according to the terms of the contract, Stantec could renegotiate a new price. In the original contract, Stantec had low-balled the figure at \$1.00 per square yard. The first claims from the contractor came in January of 2011 for \$189,010. As of May, there were still parts of the project to be completed, and the project was completed on June 1st. Stantec's usual procedure was to sit down with the Town Administrator, the Water Supervisor and the contractor, in this case DeFelice. In October, DeFelice had walked out of negotiations, stating that the company's attorney would be in touch. At that time Town Administrator Wojnowski, Mr. Greig and Mr. Hilliard decided to conduct the negotiations themselves. They rejected DeFelice's original request for \$189,010, but accepted the second offer of \$68,195. They also spoke to Stantec Engineering as the company had spent \$17,238 for paving, resulting in a cost over run of \$29,242.

Mr. Greig detailed the specifics leading to the cost over run.

1. As they found the sewer service lines in an area were too close to the water lines, both had to be rerouted for an additional cost of \$19,000.

2. The rock and ledge costs were renegotiated. Mr. Greig looked at 3 similar jobs that were being worked on at the same time, averaged the costs, and paid that amount, which was \$16,000. They had tried to take preventative action by doing borings on the streets, but they were not accurate.

3. The drainage portion of the project shows an overage of \$57,474. However, \$35,000 of that was from adding a sidewalk to channel water. The actual overage was \$22,000.

4. In placing TV cameras down each drain pipe it was discovered that more pipes than anticipated were rusted and had to be replaced.

5. On

Elder Street, 3 houses were missed and they had roof drains that emptied into the old system. This resulted in basements flooding. Drainage had to be connected to the top of the street. That cost was \$8,000.

6. On

Beech Street, they found a large tank/vault that drainage went through and then went directly to the sewer. The cost to remove the vault was \$3,000.

7. The spreading of calcium for dust control had been underestimated, and cost an additional \$4,000.
8. The cost for uniformed flaggers and traffic officers was over by \$800. Mr. Greig said that Stantec had not tracked this, and that he believed they would be way under budget for this item, until the project neared completion.
9. The cost of pavement showed an overage of \$39,000. This was due to additional ledge being removed and actions to improve drainage.
10. The amount of wearing course pavement needed had been underestimated. Stantec wanted \$10 per square to do this, at which point the town said it would pull the item from the contract, and have the town's DPW Department do the work at a much better price. This resulted in Stantec matching the DPW price, so they did the work.
11. Curbing showed an overage as additional sidewalk had to be built.
12. Road stabilization was over by \$14,800. Some areas required installation of geo tech fabric and road stabilization materials before paving. This was done so that the paving would last for a good many years.
13. Some water services and mains had to be rerouted resulting in a few additional costs.

Mr. Greig expressed his satisfaction with the project, and stated that less water was going into the waste water system. In light of their errors, Stantec gave the town \$17,238 in paving. The town didn't pay them \$3,000 on the contract. The audit of the project was conducted by the EPA with the town. Paperwork still needs to be completed, but the town is not paying Stantec any more money. Mr. Greig said that he thought it would be appropriate that the cost over runs be paid 50% from water and 50% from sewer. The water side could come from the water budget, as the water meter payment was \$13,000 less than anticipated, and the sewer side from its CIP fund.

Council Vice Chairman Bentley congratulated Mr. Greig on his attention to the project as well as his presentation. Councilor Zink stated that he felt Mr. Greig had done a great job in holding the project to 1 ½ % above budget. He asked if a contingency had been built into the project. Mr. Greig said that a 10% contingency had been built in, and the final cost was 1 ½% above that. Council Chairman Nazzaro asked why a time and materials contract was used rather than a fixed price contract. Mr. Greig stated that some lines are lump sum, while some are time and materials, as it is difficult to know what will be discovered in completing this type of work. He said also that Stantec presented a very aggressive bid.

Town Administrator Wojnowski will prepare a Resolution for the Council to withdraw money from the Waste Water CIP to pay for half the cost over run. The Council will vote on closing the project at that time.

5. REVIEW OF AMENDMENTS TO ORDINANCE #2012/2011-2 REGULATING THE LICENSURE

OF A STAND LOCATED ON PUBLIC PROPERTY WITHIN THE DOWNTOWN

Council Vice Chairman Bentley referring to sections 4 and 5, asked if the ordinance should be more specific as to starting and ending dates. The time frame would be from the date of application to one year thereafter. The amendments would open the possibility of year-round operation and larger space, as well as amend article c-m, section 7 to allow extra tables. The Council agreed to move this to a Public Hearing.

6. MATT ANGELL, STATE OF THE TOWN FINANCIAL PRESENTATION

Acting Finance Director Matt Angell presented a report based upon the March Revenue Report.

He stated that the system makes it difficult to reconcile some of the balances, as reports that should have the same unreserved fund balance amount show distinctly different amounts. He proceeded with examples. The balance sheet's liability amount has one line item showing \$1.00, while the total liability shows over 4.1 million. The system is not calculating the balance correctly, and he said that the problem occurred in the set-up, and that not all accounts are included in calculating these totals.

On the General Fund balance sheet, the total liabilities do not add up to the 4.7 million reported. The total fund balance shows as zero, which is also incorrect. The year to date summary shows a summary of 1.3 million as of the date run. The income statement shows the fund balance as 1.9 million. He included information from

Meredith, NH which uses the same system. Their income statement and balance sheet show the same unreserved fund balance figures. He had called other towns using the same accounting system, and found that

Newmarket was the only town having these problems. He said the set-up issues date back to 2002 and only affect the General Ledger. The trial balance is accurate. Every asset and liability account is reconciled to an outside document. The fund balance follows this. Debits equal credits, and he has been able to reconcile the income statement to the balance sheet.

He has notified the software vendor of the problem, and is in the process of reviewing and correcting any set-up issues found. As one problem is corrected, another one is uncovered. The 2009 Town Council had recommended in Resolution 2009/2009-7 that the unreserved fund balance should be 2 months of expenses or 16%. Taking this recommendation to the 2013 General Fund starting budget, the town should have \$985,115 in the fund at year end. Anything above that amount should be returned to the taxpayers to reduce their tax rate. The unreserved fund balance was \$1,132,901 as of March 31st, and a conservative estimate of revenues is \$331,260. Conservative estimated expenditures to the end of the fiscal year are \$1,070,988, leaving a year-end estimated \$393,370 in the unreserved fund.

On April 9, Mr. Angell had spoken to the Budget Committee, and said that the year end balance would be \$553,879. However, that figure was based on an erroneous report. He stated that his estimate of the unreserved fund balance would increase if there were a compromise before fiscal year's end to the

Main Street reconstruction transfer. The General Fund became the default source for \$535,425 of the water portion of the

Main Street project because of the prior "no" vote on the transfer. He also stated that doors to compromise close as time progresses. Should no compromise be reached on the \$535,425, by June 30, 2012, a reservation of the General Fund's unreserved balance will be recorded for the full amount. The remaining unreserved funds would see a deficit of \$142,052. These recordings are in line with those required on the MS5 report. As of August 30th, the captured value of the Downtown TIF could not be used to reduce the tax rate.

Mr. Angell stated that the best case scenario for taxpayers would be to approve the 2008 Council resolution to transfer \$535,425. The estimated unreserved fund balance would be \$928,798, if \$483,584 were transferred, leaving enough in the Downtown TIF to cover the cost of the Sky Bridge Project, assuming revenue and expenditure estimates are accurate. As a result and depending on actual year end results, there should be \$928,798 in unreserved funds. Any surplus above \$985,115 can be used to reduce the tax rate for 2014.

Alternatively, a portion of the Down town TIF could be closed to the General Fund, while the remaining Fund Balance could be transferred to the Main Street Reconstruction Project. The remaining funding source of the Main Street Reconstruction Project would come from the Water Fund. This, which Mr. Angell termed "splitting the baby", would result in 3 things:

1. Closing the Down Town TIF and using its captured value to reduce the tax rate in

fiscal 2013

2. The General Fund's unreserved fund balance would bear the brunt, and it could take 6-

7 years for the fund balance to recover, assuming the operations can be held within the budget.

3. Also, little or no water surplus would be used.

Mr. Angell cautioned that numbers in the presentation could change as a result of changes in revenues and expenditures. There could also be changes due to corrections to the set-up system.

Council discussion:

Council Vice Chairman Bentley asked if it was legal to close out the TIF, excepting funds for the

Sky

Bridge, to the General Fund. Mr. Angell said it was. Council Vice Chairman Bentley re-stated Mr. Angell's previous statements, that the funds had to come from somewhere, either by raising taxes or finding further cuts in the budget. Mr. Angell said that if they found another \$500,000 in cuts, the amount would still have to be raised through the tax rate. Council Chairman Nazzaro summed this up as requiring \$1,000,000 in cuts to realize a \$500,000 gain.

Councilor Wright asked how much was in the Black Bear TIF. Mr. Angell stated he was not prepared to discuss that fund during this presentation, and that he had not looked at that fund as part of the set-up issue. Councilor Levy asked if the \$535,425 had been reported to DRA in previous years, and if so, had it put the town in the deficit that Mr. Angell said it would put the town in this year. Mr. Angell explained that it had been included in the Water Fund, and would be part of a fund balance number reported on the MS5. Councilor Levy then asked if the figure showed the town at a deficit over the past seven years. Mr. Angell stated that it had not shown as a deficit in the General Fund. There was a 4 million deficit shown in the Main Street Reconstruction Project, and that most was in there, as money came into one fund, but was spent out of another. Councilor Levy asked if last year the \$535,425 had shown up as a deficit and/or shown up against the town's surplus at the end of the year, as Mr. Angell said it would this year. Mr. Angell said that the General Fund showed a projected \$395,000 surplus for the end of the year, and the \$535,425 was sitting in the Water Fund. Councilor Levy asked that if the TIF were not closed would it go against whatever surplus the town might have and cause a tax rate increase. Mr. Angell stated that as of now there was no funding source for the \$535,425 that was spent on the Main Street Reconstruction, and the funding source becomes the General Fund by default. Councilor Levy asked if that had happened the previous year. Mr. Angell explained that prior to the Council's "no" vote, the funding source was the Water Fund, regardless whether the previous Council's had the authority to do so or not. He further stated that the money sits in 2 funds, and it cannot come from the Water Fund to benefit the General Fund.

Council Chairman Nazzaro stated that the system needed to be fixed, as the town was operating out of line. He said that before any decision was made the instruments providing data had to be fixed. Mr. Angell estimated the time frame for fixing the system to be one to two weeks. Council Chairman Nazzaro referring to the deadline of June 30th, asked that if nothing were done by that time, would the town show a deficit. Mr. Angell said that it would, but not necessarily affect the tax rate. Council Chairman Nazzaro said the report to DRA would show the town in a deficit, and somehow affect the tax rate. Mr. Angell said that as year end approached, the figures would become clearer, as fewer would be estimates.

Councilor Zink asked for clarification as to what options had been suggested to the Council. He stated that Mr. Angell's recommendation was to follow through on the intent of the original Council decision, and this Council had turned down the option to take the funds from the Water Fund. He said, and Mr. Angell agreed, that the funds would come from the taxpayers either through the TIF or through the tax rate. He asked Council Chairman Nazzaro if the question was whether this Council agreed with the original Council intent to take the funds from the Water Fund. He replied that at least at the previous meeting it seemed that the Council did not agree with the intent, and the only discussion at the present should be to decide how to pay for this, and as stewards of the taxpayers' money to ensure that the town did not show a deficit when the MS5 was completed. Councilor Zink said that even though the mechanisms enacted by previous Councils were incorrect, he wanted to know if the reason for the non-unanimous vote was that the present Council disagreed with the intent of those previous Councils. Council Chairman Nazzaro stated that this Council does not unanimously agree.

Council Vice Chairman Bentley pointed out that 3 previous Councils had voted unanimously to do this, and it was time to put the issue to rest, as there was little time left to act. He felt that once the operation system errors were corrected, that the Council should follow Mr. Angell's recommendations. Council Chairman Nazzaro asked that the Council focus on solutions. Councilor Wright stated that it was difficult to make a decision without the final facts. Mr. Angell stated that he had given his best guess for final figures for the General Fund, as revenues and expenses could still change. Council Levy stated that the other 3 Councils didn't have the ability to transfer the funds directly, which is the reason the transfer did not take place. Mr. Angell said that if the previous Councils had used the proper language, this Council would not be working on this issue.

Council Chairman Nazzaro, stressing that the Council had to make a decision prior to June 30th, stated that if the Council waited for year end figures, it would be too late to make a decision. He felt that the Council could rely on Mr. Angell's best estimates, and that once the operation system flaws were corrected, Mr. Angell return and present his recommendations again. Mr. Angell stated that if the Council were to decide on the "split the baby" solution, the amounts would be the decision of the Council. Councilor Levy then suggested that \$470,000 could be transferred from the Downtown TIF to the General Fund, along with the balance of the Black Bear TIF, the total of which would be approximately \$870,000. This sum could then be used to pay the \$535,425 outstanding in water improvements. Mr. Angell said that to pay this from the General Fund would take a town meeting action, and that he was unsure about the Black Bear TIF final balance and whether or not it could be closed.

Council Chairman Nazzaro cautioned that the Black Bear TIF not be delved into with great detail at this time. Councilor Levy stated that he had read the statute, 162K, and that it said the portion of captured assessed value that is not used for the retirement of bonds or notes, or for the purpose of the operation of the TIF district, shall be deemed excess captured value and shall be returned to the tax list. He stated that there had never been a bond taken out on this TIF. The 2011 Town Report on page 127 showed that \$395,000 had been reclassified from the Black Bear TIF to the General Fund. Mr. Angell asked to see the report, which was made available to him. Upon reading the page suggested, he noted that this was not a reclassification, even though listed as such. This was a new accounting pronouncement that required a change in financial statements. Money had not actually been transferred to the General Fund. This change was one of reporting required so that financial statements adjust to a new accounting pronouncement. The auditors had made the adjustment, but have no authority to transfer funds and had not done so. The money had not been moved, but merely been reported with other funds.

Councilor Levy said that, under the statute, once bond payments have been satisfied, excess moneys be returned to the General Fund. In this case there was no bond. He had spoken to 2 attorneys and the former Commissioner, who substantiated his opinion that by RSA law this could be done. Mr. Angell said that he was waiting for a DRA decision as they were the authority in this case. He stated that a letter had been sent, and that they had a full understanding of what was going on. He was not sure if the plan to rectify the situation had been sent. Councilor Levy said that without that information he doubted that the DRA would respond. Council Chairman Nazzaro stated that the Black Bear TIF was not on the agenda right now. He said that it could be discussed as a possible solution once all figures had been corrected from fixing the system operation. Once the Council received real numbers, the Council could discuss this with more knowledge. He stated that prior to making any motions, the system needed to be fixed. Councilor Zink asked Mr. Angell if the Council could help him in any way with his corrections. He replied that time alone with the accounting staff was what was needed. Council Chairman Nazzaro thanked Mr. Angell for his presentation.

7. DISCUSSION/RESOLUTION OF DOWNTOWN TIF FUNDING

This item will not be discussed until system operation corrections are made.

8. TOWN COUNCIL TO CONSIDER APPOINTMENTS TO COMMITTEES/COMMISSIONS

Councilor LaBranche moved to appoint Gerry O'Connell to the Zoning Board of Adjustments, term to expire in March, 2015. Councilor Zink seconded.

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

9. REVIEW OF MINUTES FROM STANDING COMMITTEES AND COUNCIL REPRESENTATIVES

a. Councilor
Carmichael

Planning Board

The Planning Board looked at conceptual site plans.

b. Council Chairman Nazzaro

Black Bear/Highway Public Safety

There was no Highway Public Safety meeting, and Council Chairman Nazzaro was out of town for the Black Bear meeting.

c. Councilor Wright

Conservation Commission

d. Councilor LaBranche

CIP

There was no CIP meeting

e. Councilor Levy

Budget Committee

The committee had an organizational meeting on April 9th. Brian Hart was elected Chairman and Ellen Snyder as Vice Chairman. Acting Finance Director Matt Angell provided the Committee with a town finance report dated April 4th. He discussed this with the Committee.

f. Councilor Zink

Advisory Heritage Commission

The committee did not meet.

g. Council Vice Chairman Bentley

Energy Committee

The committee did not meet, but Council Vice Chair Bentley stated that the committee had two openings to fill.

Councilor LaBranche announced that the Efficiencies Committee had met the previous evening. He suggested that another Council member be added to the Committee. Nominations will be taken at the May 2nd meeting.

10. OLD BUSINESS/NEW BUSINESS

Council Vice Chairman Bentley stated that he had received suggestions for the placement of the memorial bench which

the Gilbert family wished to purchase. One suggestion, the River Walk, would involve his reaching out to Mr. Chinberg. The other options were on town property:

Arbor
Park at the town bus stop, or Pocket Park. He will contact the Gilbert family as to their preference, and return to the Council.

Council Chairman Nazzaro asked that strategies for implementing priorities set at the April 11th meeting be put on the May 2nd agenda.

Townsperson Burt Allen asked to speak to the Council about some revenue opportunities that might be of interest. This was allowed although the Council usually entertains comments only at its business meetings. He first mentioned the transfer station, and said there were 2 companies looking for a spot to rent. They were willing to pay up to \$70,000. He thought that if it were opened 5 days a week to the town, the other 2 days could be rented to increase revenue. He stated that there had been a huge infrastructure project in the downtown, but that the traffic flow in the area needed to be addressed. He said that the state had recommended that trucks over 80,000 pounds be diverted. He thought that the down town should carry one-way northbound traffic on 108, and that southbound traffic be rerouted along Elm and Beech Streets and down

Railroad Ave. He felt that this would be good for business, as it would increase parking, and produce less wear and tear on the town's infrastructure. He said he know of a duck tour company willing to locate in

Newmarket if the traffic flow were changed. He also suggested the installation of parking meters to help with cash flow.

Both Council Chairman Nazzaro and Council Vice Chairman Bentley thanked him for his input. Council Vice Chairman Bentley asked him to send any definite information about companies to the Town Administrator. Mr. Allen said that if the Council showed a willingness to work with companies, more opportunities would open up. He said that the town owned the vacant land, known as the Beaudette property. Pan Am had developed a runway there that goes down to the dock. There already is natural gas there and an entrance so that a bridge does not have to be built. This could open up a section of the Industrial Park. He said that the town has the right under eminent domain to take a 100 foot strip along the railroad track, and that there would even be the possibility of the town building a railroad stop there.

TOWN ADMINISTRATOR'S REPORT

Town Administrator Wojnowski reported that trees next to the public works garage were to be cut down the following week.

He also reported that Recreation Director Jim Hilton had booked the Community Center for some events, and that he had received payment from a church group for use of the softball fields.

Council Vice Chairman Bentley moved to seal the minutes of the earlier non-public session concerning personnel under RSA 91-2:3, II(e). Councilor LaBranche seconded.

Town Administrator Wojnowski polled the Council. Motion passed unanimously, 7 – 0.

11. APPROVAL OF NON-PUBLIC MINUTES

a. Minutes of March 19

Council Vice Chairman Bentley moved to accept the non-public minutes of March 19th. Councilor LaBranche seconded. Since Councilor Levy requested that some information be added, the motion was withdrawn, and will be discussed in a non-public session to be held at the conclusion of the meeting.

b. Minutes of April 4

Since Councilor LaBranche suggested there be a correction, the minutes will be discussed in non-public session at the conclusion of the meeting.

Council Vice Chairman Bentley moved to enter non-public session under RSA 91-2:3, II (e) to discuss hiring of a public employee. Councilor Zink seconded. Motion carried unanimously. The Council entered non-public session at 9:05 p.m.

12. ADJOURNMENT

The actual adjournment of the Workshop took place at the conclusion of the non-public session at

9:36 p.m. Councilor LaBranche moved to adjourn the meeting Council Vice Chairman Bentley seconded. Motion carried unanimously.

Next Meeting will be April 25th at
6:30. The Council will meet with representatives from Capolla/Rockburn and MRI.

Next scheduled Business Meeting will be May 2nd at
7:00 p.m. in Council Chambers.

Respectfully submitted,

Ellen Adlington,

Recording Secretary