



Town Council Regular Session

March 15, 2023 at 7:00 PM

Town Council Chambers

MINUTES

1. Pledge of Allegiance

Chair Weinstein convened the meeting at 7:00 PM. Councilor White led the Pledge of Allegiance.

2. Roll Call

Present: Council Chair Toni Weinstein, Council Vice-chair Katanna Conley, Councilor Megan Brabec, Councilor Scott Blackstone, Councilor Brian Ward, Councilor Joe LaMattina, Councilor Colin White.

Staff Present: Town Manager Stephen Fournier, Town Assessor Scott Marsh and Wendy Chase, Recording Secretary.

3. Public Forum

Bob Hassold, 6 Honeycomb Way, a Navy Veteran, requested the Council consider raising the Veteran's Tax Credit from \$500.00 to \$750.00.

Michael Provost, 16 Beech Street spoke on behalf of the Newmarket Community Development Corp. (NCDC) in support of the Town Council naming the town-owned tract of land adjacent to the Macallen Dam the Leo P. Filion Park. He praised Mr. Filion for all the work he did while serving on the NCDC.

4. Town Council to Consider Acceptance of Minutes

a. March 1, 2023 Non-public Meeting Minutes

Motion: Councilor White made a motion to Approve the March 1, 2023 Non-public Meeting Minutes

Second: Councilor Conley

Vote: **Unanimously Approved (7-0)**

b. March 1, 2023

Motion: Councilor LaMattina made a motion to Approve the March 1, 2023 meeting minutes

Second: Councilor Conley

Vote: **Unanimously Approved (7-0)**

5. Report of the Town Manager

a. Dedication of the 2022 Annual Town Report to Michael "Mike" Provost

Chair Weinstein presented Mike Provost with a hard covered copy of the annual 2022 town report and stated the following dedication:

"“Volunteers don’t get paid, not because they’re worthless, but because they’re priceless.” *Anonymous.*

It is our pleasure to dedicate the 2022 Annual Town Report to Michael “Mike” Provost. Mike is a lifelong resident of Newmarket and has spent countless hours over many decades volunteering for the betterment of our town. Mike is a significant part of the fabric of our community. He has been the proud, successful owner of several businesses in town, including Mike’s Place, Millview Function Center, Victoria Catering and the Rockingham Ballroom. Mike has been involved in numerous boards and committees, such as the Newmarket Sidewalk Fair, Newmarket 250 Bicentennial Committee, Olde Home Weekend, the first Newmarket Militia, Newmarket Heritage Festival to name a few. Mike has served and continues to serve on many town boards, committees, commissions and organizations dedicated to moving Newmarket forward. We thank you for your decades of selfless, dedicated service to our town."

Mike thanked the Council and said he has never regretted working for the town and he has made many great friendships and has worked with really great people.

b. Town Manager's March 15, 2023

- **FY23 Financials:** For the period ending February 28, 2023 65% of the budget has been expended. Revenues remain on target as well. Building permits are already \$65,573 higher than budgeted. Ambulance fees are \$234,215 higher than anticipated and motor vehicle registrations are lower than anticipated.
- **Downtown Parking:** The parking enforcement officer has been modifying his schedule weekly to provide enforcement during the morning, evening, and weekend hours and officers are supplementing the enforcement when available. The number of parking tickets initially increased. However, that number has come back down as more and more people become aware of the daily enforcement. Some vehicles move from one spot to the next to circumvent enforcement efforts. The current system does not allow for ticketing these vehicles as long as they have moved. In the future, metering or a change to the ordinance may address this issue. We have been working with the NCDRC on the issue of acquiring land for parking. We would have to appropriate money to purchase land and we have no money available at this time. The Parking Commission will reconvene in May to go over the process and figure out the next steps.
- Newmarket will be one of the host communities for the National Main Street Association. People all over the country will be coming to Boston, and Newmarket and Portsmouth will be part of the tour on March 26.
- **Central Street Parking:** There is an ordinance on the agenda for a first reading to allow two 15-minute parking spots on Central Street.
- **Election:** Councilor Blackstone was reelected at yesterday's election. There are two vacant council seats. The individual that received the most write-in votes declined one seat so that seat would remain vacant. The

Town Clerk is going through the next level of individuals and if no one accepts, the Clerk will declare the seat vacant. The Council would then accept resumes for the vacant seats and appoint candidates for a 1-year term.

Town Manager Fournier thanked Council Chair Weinstien and Councilor Brabec for their service as Town Councilors and said it was a pleasure working with them both. They will both be in attendance at the April 5th meeting.

Councilor Blackstone remarked that the sign at the Rec Center was removed a year ago. He said that there are discrepancies between the Rec Dept., DPW and the Police Department regarding the installation of an electronic sign. Town Manager Fournier said that he would speak to the Rec Director. He said the question between the departments was deciding on which side of the road the sign should be placed.

Chair Weinstien commented that the new Parking Enforcement Office is a pleasant addition to downtown. She also commented on how well done the video about stormwater management created by Lyndsay Butler, Bart McDonough and Tim Cremen was done. The video can be viewed on the town's website.

c. Department Reports - February 2023

Chair Weinstien commented on the police department's monthly report regarding reports of people sleeping in their cars and asked if this was an isolated incident. Town Manager Fournier said he would look into it.

6. Committee Reports

Councilor Brabec reported on the Arts, Culture & Tourism Commission March Meeting.

The Commission is continuing to make progress on the many projects they have ongoing. They are also starting to explore grant opportunities.

7. Old Business

8. Resolutions/Ordinances in the 2nd Reading

a. Resolution #2022/2023-39 - Naming of Leo P. Filion Park

Motion: **Councilor White** made a motion to Approve Resolution #2022/2023-39 - Naming of Leo P. Filion Park

Second: **Councilor Ward**

Discussion: Town Manager Fournier said that we have received requests to honor Mr. Filion for many years. When we redid the Macallen Dam there is a small parcel of land owned by the town adjacent to the dam that would make a great park and it made sense to name that park after Mr. Filion for his dedication to the town.

Chair Weinstein read the resolution into the record. She commented that sometimes the Council needs a little push and it was Mike Hoffman that offered that push.

Town Manager Fournier said that once the resolution is passed they will work on redeveloping the piece of land, including any monuments to honor Mr. Filion and the park as well. There will be a ceremony once completed.

Vote: **Unanimously Approved (7-0)**

9. Resolutions/Ordinances in the 3rd Reading

- a. Resolution #2022/2023-33 Re-adopting the Veteran's Optional Tax Credit

Motion: **Councilor Conley** made a motion to Approve Resolution #2022/2023-33 Re-adopting the Veteran's Optional Tax Credit

Second: **Councilor Ward**

Discussion: Town Manager Fournier explained that RSA 72:28 - Standard and Optional Veterans' Tax Credit was amended by the state last July to expand the eligibility requirements to include individuals not yet discharged from service in the armed forces to apply and receive the veterans credit. The standard veterans' tax credit is \$50.00. The optional veterans' tax credit is between \$51.00 and \$750.00. Newmarket currently offers the optional tax credit in the amount of \$500.00. If we don't readopt the optional veterans' tax credit the town automatically reverts to the standard tax credit of \$50.00. He further explained that the next resolution 2022/2023-34 is to include those individuals currently serving. If an individual receiving the credit is dishonorably discharged, they would no longer qualify for the credit.

Councilor White said the definition of a veteran is someone who served in the active military and discharged or released there from under conditions other than dishonorable. He commented that it doesn't make provisions for those still servicing because they are not a veteran. Town Assessor Scott Marsh explained that under RSA 21:50 - definition of a veteran - it has been changed to include those who have served four plus years and continue to serve.

Councilor Blackstone asked if this included those serving in the National Guard. Town Assessor Marsh said that he believes they qualify if they have the required time limit serving, but there is no case law or direction from the Dept. of Revenue Association to confirm that.

Councilor Ward wanted to know from a budgeting standpoint how many individuals qualify for the credit. Town Assessor Marsh said that the town currently has 242 eligible individuals receiving the veterans' tax credit.

The Council discussed increasing the credit from \$500.00 to \$750.00. Chair Weinstein suggested that if the Council wants to increase the credit, a separate resolution should be drafted because there is not enough information on the amount of the increase and the effects on the tax rate. Town Manager Fournier said increasing the credit by another \$250.00 would result in another \$60,000 loss in revenue that we would need to come up with when setting the tax rate.

Assessor Marsh stated that the *All Veterans' Tax Credit* will also have to be amended to \$750.00. He estimates that an additional 40 property owners would qualify for the credit if the resolution is adopted. Town Manager Fournier said that would increase the estimated \$60,000 to an estimated \$90,000 loss in revenue that we would need to come up with when setting the tax rate in October.

Motion: **Councilor Conley** made a motion to Amend Resolution #2022/2023-33 Re-adopting the Veteran's Optional Tax Credit by striking out \$500.00 and inserting \$750.00

Second: **Councilor Brabec**

Discussion: Councilor Conley said that she is indebted to those who serve and feels it is the right thing to do to increase the amount to \$750.00.
Chair Weinstein voiced concerns over increasing the credit without more information.

Vote on Amendment: **Approved (4-3-0)** (Voting against - Chair Weinstein, Councilor Brabec, Councilor Ward)

Vote on Resolution: **Unanimously Approved As Amended (7-0-0)**

b. Resolution #2022/2023 - 34 Adopting All Veterans Tax Credit

Motion: **Councilor Conley** made a motion to Approve Resolution #2022/2023 - 34 Adopting All Veterans Tax Credit

Second: **Councilor Brabec**

Discussion: Councilor White asked if the All Veterans' Tax Credit included individuals that have been dishonorably discharged. Town Manager Fournier explained that it does not. He said that the State of NH titles the RSA "All Veterans' Credit" and that the town has use the same wording as the state's. Town Assessor Marsh explained that in order to qualify for the credit, all criteria must be met. If a veteran receiving the credit is dishonorably discharged, they will no longer qualify for the credit.

Motion: **Councilor Conley** made a motion to Amend Resolution #2022/2023-34 Adopting All

Veterans Tax Credit to strike out \$500.00 and insert \$750.00

Second:

Councilor LaMattina

Vote on Amendment:

6-1-0 (voting against - Chair Weinstein)

Vote on Amended Resolution: Unanimously Approved as Amended (7-0-0)

10. Town Council to Consider Nominations, Appointments, and Elections

- a. Robert Daigle - Reappointment to the ZBA - Term Expiration April 2026

Motion:

Councilor LaMattina made a motion to Reappoint Robert Daigle to the Zoning Board of Adjustment with a term expiration of April 2026.

Second:

Councilor Conley

Discussion:

Vote:

Unanimously Approved (7-0-0)

- b. Pam Myers-Morgan - Reappointment to the Arts, Culture & Tourism Commission - Term Expiration April 2026

Motion:

Councilor Conley made a motion to Reappoint Pam Myers-Morgan to the Arts, Culture & Tourism Commission with a term expiration of April 2026

Second:

Councilor White

Discussion:

Vote:

Unanimously Approved (7-0-0)

- c. Warren Basch - Reappointment to the Parking Commission - Term Expiration April 2026

Motion:

Councilor White made a motion to Reappoint Warren Basch to the Parking Commission with a term expiration of April 2026

Second:

Councilor Ward

Discussion:

Vote:

Unanimously Approved (7-0-0)

- d. Mary Mahoney Reappointment as Library Trustee - Term Expiration April 2026

Motion:

Councilor LaMattina made a motion to Reappoint Mary Mahoney as Library Trustee with a term expiration of April 2026

Second:

Councilor Conley

Discussion:

Vote:

Unanimously Approved (7-0-0)

- e. Timothy Littlefield - Reappointment as Cemetery Trustee - Term Expiration April 2026

Motion:

Councilor White made a motion to Reappoint Timothy Littlefield as Cemetery Trustee with a term expiration of April 2026

Second:

Councilor Conley

Discussion:

Vote:

Unanimously Approved (7-0-0)

- f. Lisa Zhe - Reappointment as Library Trustee - Term Expiration April 2026
Motion: **Councilor Conley** made a motion to Reappoint Lisa Zhe as Library Trustee with a term expiration of April 2026
Second: **Councilor LaMattina**
Discussion:
Vote: **Unanimously Approved (7-0-0)**
- g. Rochelle Sharples - Reappointment to the Veterans Memorial Trust Committee - Term Expiration April 2025
Motion: **Councilor White** made a motion to Reappoint Rochelle Sharples to the Veterans Memorial Trust Committee with a term expiration of April 2025
Second: **Councilor Ward**
Discussion:
Vote: **Unanimously Approved (7-0-0)**
- h. Ellen Snyder - Reappointment to the Conservation Commission - Term Expiration April 2026
Motion: **Councilor Conley** made a motion to Reappoint Ellen Snyder to the Conservation Commission with a term expiration of April 2026
Second: **Councilor Ward**
Discussion:
Vote: **Unanimously Approved (7-0-0)**

11. Resolutions/Ordinances in the 1st Reading

- a. Ordinance No. 4 - 2022/2023 - AN ORDINANCE TO AMEND CHAPTER 30; Traffic and Vehicles
Chair Weinstein read Ordinance No. 4 - 2022/2023 into the record.
- b. Ordinance No. 5 - 2022/2023 - Amend Chapter 14-121 Fees of the Municipal Code of the Town of Newmarket, New Hampshire, to include a new system development charge connection fee system for water and sewer.
Chair Weinstein read Ordinance No. 5 - 2022/2023 in title only, without objection. She stated that the full text of the Ordinance is on the town's website.
- c. Resolution #2022/2023-40 - Ash Swamp Road Bridge Evaluation
Chair Weinstein read Resolution #2022/2023-40 into the record.
- d. Resolution #2022/2023 - 42 Amend Council Rules 1 Meeting per month
Chair Weinstein read Resolution #2022/2023-42 into the record.

12. New Business/Correspondence

- a. Correspondence to the Town Council
None
- b. Closing Comments by Town Councilors
Councilor Conley thanked DPW on the job they did plowing the roads after yesterday's nor'easter; the roads are clear and dry. She also commented that

she will miss working with Councilor Brabec and Councilor Weinstein; it was a joy to work with them.

Councilor LaMattina commended the Town Clerk and her staff for the way they handled yesterday's election.

Town Manager Fournier said that there was a lot of communication between the Fire Chief, Police Chief and Town Clerk regarding the storm warnings on Tuesday. He complimented the Town Clerk on a job well done.

Councilor Brabec commented that serving as a Town Councilor was a great way to learn about the town and thanked Councilor Weinstein for showing her the ropes.

Chair Weinstein said the election is always a well run event. She said that Town Clerk Terri Littlefield handled it with such grace and composure. She said she loves serving on the Council and it was not the way she wanted to leave with no one elected for the two seats. She stated that people from the community can reach out to her with any questions they may have about serving on the Town Council.

c. Next Meeting

i. April 5, 2023

13. Adjournment

Chair Weinstein adjourned the meeting at 8:03 PM without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary