

**TOWN OF NEWMARKET, NEW HAMPSHIRE
CHARTER COMMISSION
JULY 22, 2013**

Commissioners present:

Chair Clay Mitchell, Vice Chair Phil Nazzaro, Secretary Chris Hawkins, Bruce Hawkins, Sr., Toni Weinstein, Al Zink, John Badger, Leo Filion, Kevin Cyr

Chair Mitchell called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Town Administrator Fournier announced that Intern Donna Pohley would be leaving on July 23rd for a new position in Merrimack, NH. He said that if the Commission wished, he and Town Attorney Ratigan would be available to assist the Commission.

REPORT ON INCREASING CITIZEN PARTICIPATION: Donna Pohley

Ms. Pohley had gathered general suggestions from various web sites to encourage citizen input. The Commission discussed these suggestions in relation to increasing citizen awareness and participation in the Charter process, as well as any ideas that could be incorporated into the Charter for the future. Commissioner Weinstein will look into the costs and requirements for having an information booth at Old Home Day on August 10th, prior to the August 12th Public Input Session. Commissioners may sign up through email for 2 hour blocks of time to man the booth. Community strategy will be on the agenda for the next meeting, and Commissioner Weinstein will prepare a report.

Commissioner C. Hawkins moved to nominate Commissioner Weinstein as communication/media outreach person for the Charter Commission. Commissioner Zink seconded. Motion passed unanimously.

The Commission discussed Section 3.8:c of the current Charter as it covered publication of ordinances and whether they should look towards expanding the areas for disseminating information, especially through electronic means, including the e-Newsletter. Currently, publication of new ordinances is done by title only, and it was suggested that the content be added or a hyper-link provided to better inform the public. The Commission also discussed preparing a survey, perhaps through Survey Monkey, to get community input, and using Direct Mail as a effective method of distributing the draft recommendations once they are prepared. Commissioner Nazzaro had done a study comparing citizen participation prior to the adoption of SB2 through the current time. Although there were fewer attendees at the deliberative sessions, the overall percentage of registered voters actually voting was consistent at about 20%, and the Commission discussed possible reasons.

REPORT ON CURRENT CHARTER POSSIBLE INCONSISTENCIES WITH STATE LAW OR CURRENT PRACTICE: Town Administrator Fournier, also reporting on findings/questions by Former Town Clerk Becky Benvenuti

Town Administrator Fournier said the report did not include suggested changes, but areas that could be looked into. He thought the form of government in section 1.2 could be more clearly outlined in the Charter. He said polling hours did not need to be part of the Charter and could be adopted as an Ordinance. He suggested that the closing hour could be changed from 8:00 p.m. to 7:00 p.m. to be more consistent with the state. The slate of candidates was to be in alphabetical order beginning with the letter drawn annually by the Secretary of State. Section 3.8 was not being followed as written, as Ordinances were not being introduced by Town Councilors as

representing the legislative body of the town. The Charter gives the responsibility of distributing, recording and maintaining ordinances to the Town Clerk. Also any Council votes should be first written in resolution form. There were also possible inconsistencies in sections 4.8, 4.9 and 4.10 concerning appointment, review and removal of department heads with section 4.12, departments. It was possible that the i.e. before the list of 3 department heads/directors was intended to have the meaning of e.g. He also suggested that section 4.15, Fiscal Affairs, be looked at to insure it was consistent with state investment policy. He said that dates listed in sections 5.3, Budget Hearing and 5.4, Use of the Official Ballot superseded SB2. There also were parts of Article 8, specifically sections 8.2, initiative petitions and 8.6, recall of Councilors that should be reviewed.

The entire list of possible inconsistencies will be given to the Town Attorney for his review. The last section of the Charter was titled a History of Amendments, which were incorporated into the text, rather than referenced. The Commission asked the Town Administrator for input on his position versus what the Charter states. Also, past and present Town Councilors will be asked for input on their positions. These items will be on the next meeting's agenda. Town Administrator Fournier also distributed an organization chart which listed Water and Sewer under Public Works.

DISCUSSION OF CHANGES/COMMENTS PREPARED BY COMMISSIONER FILION:

Commissioner Filion's first suggestion was that, considering past discussions of the problem with one-term Councilors, that past and present Councilors be sent a questionnaire asking what they found the most and what they found the least satisfying with their positions. His second suggestion was that the CIP Committee be included under Chapter 11, Administrative and Judicial Boards, Section 11.1, Administrative Committees, as he felt that money was not always being spent as intended by resolutions. He also felt that the Finance Director and Town Planner should be ex-officio members, and the Committee should be expanded to include some at-large members. He felt the duties and membership of the Committee should also be clarified, and should include follow up as to intended expenditures. He felt the plan for purchasing vehicles was working well. The Committee is the only board that does budget forecasting beyond one year. Currently, the CIP Committee only has advisory status, but the importance of its work was discussed partly in terms of modifications to the Charter.

Commissioner Filion's third suggestion was to have a water and sewer advisory board, working toward the establishment of a village water/sewer district. He felt that with experience the advisory board would be prepared to run the district. Currently, the Town Council has responsibility for the water and sewer departments. The Commission discussed the subject of the entire community voting on decisions that are paid for only by water/sewer users. There were questions about establishing a water/sewer district under the present form of government, and whether this would involve an additional town meeting. The questions will be sent for review by the Town Attorney. This suggestion will be placed on a future agenda.

NEXT MEETING, AUGUST 12:

Commissioner Weinstein will focus on ways to increase community participation before the next meeting and Public Hearing. There was a discussion of not only asking citizens generally where they would like to see Newmarket in the next 10 years, but adding specifics to provide a framework for comments and suggestions. The Commission also discussed how some of the identified major issues could be addressed by the Charter. Affordability would be difficult to address in the Charter, but there were possibilities within the Charter to establish more systems for accountability. The Charter could be seen as a framework that would allow decisions to be made that would be beneficial to the town's future. The Commission will have to decide if it wants to

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modify the current form of government or whether it want to, or has the time to, adopt another form of government.

Commissioner Chris Hawkins moved to adjourn and Commissioner Nazzaro seconded. Motion carried unanimously, and the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary