**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**CHARTER COMMISSION**

**DECEMBER 9, 2013**

**LIBRARY**

Commissioners present: Chair Clay Mitchell, Vice Chair Phil Nazzaro, Bruce Hawkins, Sr., Toni Weinstein, John Badger, Leo Filion, Kevin Cyr, Secretary Chris Hawkins, (arriving at 7:32)

Excused: Al Zink

Chair Mitchell opened the meeting at 7:00 followed by the Pledge of Allegiance. He stated the purpose of the meeting was to go over the comments from the Attorney General’s office, and the grouping of the warrant articles and explanatory comments from Town Attorney Ratigan.

There were 18 separate warrant articles. The Commissioners discussed whether there should be further consolidation, but it was decided to keep all separate articles. Attorney Ratigan had provided clear explanations of the intent of each revision to the Charter.

**Article 1** clarified Newmarket’s form of government, and there were no further revisions. **Article 2** defined the hours the polls would be open and removed specific hours from the Charter. Hours would be set by the Town Council in consultation with the Supervisors of the Check List and the Town Moderator. There were no further revisions to this article. **Article 3** eliminated the word “separate” from the ballot preparation and added that the list of candidates on the ballot would appear in accordance with state law. There were no further revisions suggested. **Article 4** amended section 3.8 of the Charter, adding resolutions to the process of adopting ordinances. There were no further revisions. Article 5 proposed a new section, 3.17, which would give the Town Council authority to establish a village district in accordance with RSA chapter 52. The language had been approved by the Attorney General’s office, and no further revisions were suggested.

**Warrant article 6** clarified the authority and responsibilities for the position of Town Administrator, and the relationship between the Administrator and Town Council. Attorney Ratigan had provided a synopsis of the rather lengthy article and the Attorney General’s office had approved the language. It was thought that the Commission would have to provide some outreach on this article as there would be some in town concerned about the balance of power. The specific changes were not given in Attorney Ratigan’s explanation, but a red-lined copy would be available for the public. It was thought that sections 4.4, 4.6 and 4.11 would need more explanation as the revisions were more extensive and Attorney Ratigan will be asked to review this and the short explanations of the meaning of each revision to Section 4. It was decided that public presentations would have handouts resembling the language in the ballot to familiarize voters with the revisions. The Commission intended to have everything complete by December 31st.

**Warrant article 7** was a revision of section 4.15 of the Charter and changed the position of Treasurer from an elected to an appointed position. The Town Administrator would appoint a Treasurer on the basis of qualifications and the Town Council would approve the recommendation. This revision was made primarily to establish a system of checks and balances and accountability. This also was recommended as it can be difficult to find volunteers. There was no intent in the revision to make Treasurer a full-time position. It was decided to go forward with the revision as it stood. **Warrant Article 8** concerned revising the Master Plan at least every 10 years. The Commission discussed the article and decided to change the language slightly to read, “*The Master Plan shall be reviewed and revised as appropriate (or necessary) no less frequently than once every 10 years.”* **Warrant article 9** gave the responsibility for 5-year financial forecasting to the Town Administrator, and set a due date of October 1st every year. The forecast would include revenues, expenses, and tax impact, and would take into account the 10 year forecasting provided by the CIP Committee.

**Warrant article 10** concerned the summary section of the Capital Improvement Plan and added that the Budget Committee, in addition to the Council, would also receive its annual plan. The Commission made some grammatical changes to Section 7.A. (1) & (2). The list of capital improvements given to the CIP Committee would include those for school facilities. It was thought this inclusion might need public outreach, but it was felt necessary so that the entire community could see future plans. School facilities were included as it was a condition of its receiving impact fees, and it was decided to include this in the explanation for the revision. (Secretary Chris Hawkins arrived at this point.) The following explanatory language would accompany the warrant article: “*This revision is required to implement impact fees for school facilities.”*

**Warrant article 11** clarified that amendments not acted on by the Council within 90 days of submission would be deemed to have been rejected. The revision to Section 6.3 C, compensation for department heads and town employees had been struck from **Article 12**, as the personnel plan does not include compensation and neither do any provisions in the Charter. **Warrant article 13** concerned revisions to Section 6.4, Certification of Payroll. The word “he” was replaced with, “the Administrator”. The explanation of the revision would state that the rates of compensation would be approved, (changed to the word “set”,) by the Town Administrator as the town does not have a “pay schedule”.

**Article 14** had included a procedure for recall of Councilors. However, the Attorney General had recommended removing the section as it was unenforceable and there was no legal procedure for recall. The Commission discussed the implications from having no precedent or procedure for recall in state law. There is provision in state law for the Council to remove elected officials from office, which would be different form a recall by citizens. The warrant article would remain, but include the recommendation to strike and its explanation from the Attorney General. **Warrant article 15** would remove Section 10.12 from the Charter per the Attorney General’s recommendation as reorganization was covered in Section 4.12 of the Charter. The Commission did not recommend any changes to the article. **Warrant article 16** would remove Section 10.13 from the Charter per the Attorney General’s recommendation as reorganization was covered in Section 4.112 of the Charter. The Commission did not suggest any revisions to the article.

**Article 17** concerned revisions to Section 11.1.D, Capital Improvement Program Committee. The language clarified the membership of the Committee. Elected officials from other boards would serve one year, as their terms of office vary, while at- large members would be appointed for 3 years to provide consistency. Also, the School Board would be invited to appoint a member to the Committee. The Attorney General had approved the language, and the Commission had no further changes. **Article 18** concerned the Town Council” inviting” the School Board to a meeting at least annually to discuss upcoming projects. The Attorney General had approved the language and the Commission had no further changes.

Chair Mitchell said there were some changes and they had their preliminary findings. The findings would go on top of the changes, and the red-lined Charter would be attached for the report. He said they would have to work on **article 6**, and lay out each revision with a short explanation. He asked if the explanations should be part of the warrant article or a part of the findings section. **Warrant article 6** could be written with bullet points to highlight the changes with one or two sentences to summarize each change. The suggested changes would be emailed to the Commissioners and another meeting would have to be scheduled. It was decided to meet on Thursday, December 19th at 6:00 p.m., preferably in Town Hall. The only agenda item would be revisions to **Article 6**.The Commissioners agreed to adopt all other warrant articles at this time.

Commissioner Chris Hawkins moved to approve the organization of the warrant articles 1 – 5 and 7 – 18 as amended. Commissioner Bruce Hawkins seconded. Chair Mitchell added that the warrant articles would be put forward and the Commission would meet on December 19th at 6:00 to consider amendments to article 6. Motion passed unanimously.

Chair Mitchell said they had spoken earlier about acting as a unified group and going to groups in town to make presentations to distribute information about the revisions. The Commission would have the warrants to the Council by December 31st, and begin its presentations with the Council. It was noted that the Council has no authority to make any changes.

Commissioner Chris Hawkins moved to adjourn and Commissioner Bruce Hawkins seconded. Motion passed unanimously, and the meeting adjourned at 8:06.

Respectfully submitted,

Ellen Adlington, Recording Secretary