



**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL AGENDA**

**REGULAR MEETING MAY 6, 2015 7PM
NEWMARKET TOWN HALL COUNCIL CHAMBERS**

6:30 p.m. Non-Public RSA 91-A:3 II Personnel

1) Pledge of Allegiance

2) Public Forum ***Public Forum is an opportunity for the public to address the Town Council. All comments should be addressed to the Chair of the Council. No person will be allowed to speak longer than 5 minutes.***

3) Public Hearing:

**Ordinance #2014/2015-03 Prohibiting Feeding of Aquatic Birds and Wild Animals
on Public Property**

Ordinance #2014/2015-04 Regulating Raffles

4) Town Council to Consider Acceptance of Minutes

- a) Minutes of April 15, 2015
- b) Non-Public Minutes of April 15, 2015

5) Report of the Town Administrator

6) Committee Reports

7) Old Business

- a) Ordinances and Resolutions in the 2nd Reading
 - i. *Ordinance #2014/2015-03 Prohibiting the Feeding of Aquatic Birds and Wild Animals on Public Property*
 - ii. *Ordinance #2014/2015-04 Regulating Raffles*
 - iii. *Resolution #2014/2015-50 Authorize the Town Administrator to Enter Into a Payment In Lieu of Taxes Agreement with Great Bay Kids Company*
 - iv. *Resolution #2014/2015-51 Replacement of Doors at Recreation Center*
- b) Ordinances and Resolutions in the 3rd Reading
 - i. *Ordinance #2014/2015-02 Adopting the Codification of the Ordinance Book*
 - ii. *Resolution #2014/2015-49 Town Council Rules for Proceedings*
- c) **Items Laid on the Table – NONE** *(Items will remain on the table unless a member of the Town Council moves to remove the item.)*

8) New Business/Correspondence

a) Town Council to Consider Nominations, Appointments and Elections

i. Zoning Board of Adjustments: Candidate Steve Minutelli Term Expires March 2017

ii. Macallen Dam Committee: Peter Wellenberger Term Expires March 2018

b) Ordinance and Resolutions in the 1st Reading

i. Resolution #2014/2015-52 Authorize Town Administrator Enter Into Agreement with Northeast Earth Mechanics to Install 16-Inch Water Main from Route 108 to Great Hill Water Tower

ii. Resolution #2014/2015-53 Relating to the Town's Investment Policy

iii. Ordinance #2014/2015-05 Update the Town of Newmarket Building Construction Regulations

c) Correspondence to the Town Council

d) Closing Comments by Town Councilors

9) Adjournment



TOWN HALL
186 MAIN STREET
NEWMARKET, NH 03857

TEL: (603) 659-3617
FAX: (603) 659-8508

FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

NOTICE OF PUBLIC HEARING Newmarket Town Council

Notice is hereby given that the Town Council will be holding a Public Hearing on Wednesday May 6, 2015 at 7pm at the Newmarket Town Hall located at 186 Main Street Newmarket, NH to receive input on the following Ordinances.

Ordinance #2014/2015-03 Amending Chapter 4 of the Code of the Town of Newmarket, New Hampshire, Prohibiting the Feeding of Aquatic Birds and Wild Animals on Public Property.

The purpose of this Ordinance is to protect water and other public property by making it unlawful to feed any aquatic bird on public property.

Ordinance #2014/2015-04 Amending Chapter 18 of the Code of the Town of Newmarket, New Hampshire: Regulating Raffles

The purpose of this Ordinance is to regulate charitable raffles and other games of chance in the Town of Newmarket pursuant to RSA 287-A.

Posted

Town Hall
Website
Post Office
Exeter Newsletter
Fosters Daily Democrat

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING**

DRAFT

April 15, 2015 7:00 PM

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns, Councilor Larry Pickering

ALSO PRESENT: Police Chief Kevin Cyr

EXCUSED: Town Administrator Fournier

AGENDA

Chairman Nazzaro welcomed everyone to the April 15, 2015 Town Council Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

Vice Chair Levy made a motion to seal the minutes of Non-Public Session *RSA 91-A:3 II Personnel/Legal*, and Councilor Weinstein seconded the motion.

Police Chief Kevin Cyr, as acting Town Administrator, called the roll and the motion passed unanimously, 7-0.

Chairman Nazzaro explained that Police Chief Cyr was filling in for Town Administrator Fournier as he was on vacation.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:04 pm and asked whether anyone from the public wished to speak.

Jonathan Kiper of 169 Main Street addressed the Council. He stated that he had emailed all Councilors regarding a church steeple in need of repair. He said that the members of the church were trying to raise \$1,800 to paint and fix the steeple, and since the Town owned the clock mechanism he felt that they could help with the repairs. He added that the church was small with not many members, and had no insurance or funds available. He also felt that it would be good for the Town to have it cleaned up so it looked nice to visitors. He next addressed the issue of heroin on the Seacoast, saying that Newmarket was not outside of the problem. He said that he had personally seen people on heroin at the Stone Church and in town, and he wanted to make sure everyone was aware of the problem. He expressed his hope that the Town, as a community, could come up with some kind of plan to address the issue. As another aspect of the problem, he mentioned the Hepatitis-C outbreak resulting from the use of shared needles among people who did not have health insurance. He felt that this could potentially become a problem, especially for people who worked in restaurants with knives.

As there were no other public comments, Chairman Nazzaro closed the Public Forum at 7:06 pm.

Town Council
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PUBLIC HEARING - Ordinance #2014/15-02 Adopting the Codification of the Ordinance Book

Chairman Nazzaro opened the Public Hearing regarding *Ordinance #2014/15-02 Adopting the Codification of the Ordinance Book*.

As no one from the public came forward, Chairman Nazzaro closed the Public Hearing at 7:07 pm.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of April 1, 2015,

Vice Chair Levy made a motion to approve the minutes of the regular meeting of April 1, 2015, and Councilor Weinstein seconded.

Changes: Councilor Pike requested a change to the bottom of page 5 to his statement under Committee Reports in regard to the Planning Board. He said that it should read: "the Planning Board had received a withdrawal of the application from Mr. Cheney regarding the subdivision at Liberty Point."

Chief Cyr polled the Council and the minutes of the regular meeting of April 1, 2015 were approved as amended by a vote of 7-0.

Acceptance of the Minutes of the Non-Public Meeting of April 1, 2015

Councilor Thompson made a motion to approve the Non-Public minutes of April 1, 2015, and Vice Chair Levy seconded.

Councilor Burns requested a change to the Non-Public minutes and Chairman Nazzaro stated that they would need to go into Non-Public after the meeting to address these changes.

REPORT OF THE TOWN ADMINSTRATOR

Chairman Nazzaro stated that the report from the Town Administrator and other Department Heads was on record in the packet. Police Chief Cyr said that he had not had a chance to look over the information.

Chairman Nazzaro made a quick announcement that tomorrow at 10:30 am, at the Sunrise Sunset Activities Center, a dedication ceremony would be held for *Martha McNeil* for all those who could attend. He said that a \$2.00 donation was requested for the luncheon.

Questions/Discussion:

Councilor Weinstein pointed out that the report of the Town Administrator had said that an update on COAST Bus Route 7 would be provided at the meeting, and asked if a report had been received. Police Chief Cyr replied that Town Administrator Fournier had not left any updates with him. Councilor

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April 15, 2015 - Regular Meeting

Weinstein then brought up the vibration issues with the Sewell Well, and said that Water & Wastewater Director Sean Greig had stated in his report that parts had been ordered. She said she assumed this meant the well would be repaired rather than being replaced, as had been previously discussed. Councilor Pike responded saying that many of the departmental reports included with the Town Administrator Report were not updated regularly and needed to be periodically edited. He said that they often referred to "future" events which were already in the past. Chief Cyr stated that the department heads had actually submitted these reports 10 or 14 days ago, and that any changes made after that were not included. Chairman Nazzaro clarified that Councilor Pike was referring to some of the reports which seemed to be the same month after month. Councilor Pike felt it did serve a purpose as a reminder, but that the dates needed to be changed.

Councilor Weinstein stated that a planning representative had mentioned a Public Hearing regarding the Bike Path Project on May 20th, and said she wanted to publically comment on the issue. She said that when the project was approved five (5) years ago, no funds were needed, but that now they were requesting \$40,000 to fund the project. She also announced that the Recreation Department would sell out of summer camp registrations by May 1st, and she wanted to alert parents. Councilor Thompson said that she had asked the Town Administrator about the ownership of Ashswamp Road where it meets Route 108. She said that Town Administrator Fournier believed the Town owned it, and that she had then requested to know "when" that had happened in case any disputes arose with the State. She said that he had stated that he would do some research and get the date of the actual transfer, and that she was looking for that follow-up. Chairman Nazzaro stated that he also had specific questions for the Town Administrator, and asked Chief Cyr if Councilors could email their questions to him, which he could aggregate into a document for the Town Administrator. Chief Cyr replied that this was fine, and that if there were any pressing issues he could directly contact the department heads. Chairman Nazzaro asked if any member of the Council had any pressing issues to bring up. Chairman Thompson suggested Town Administrator Fournier could alternatively get the questions of the Councilors from the minutes of the meeting.

Chairman Nazzaro then announced an item not mentioned in the report. He said that on Saturday April 18th, from 9 am to 12 pm, the Planning Department would be holding a Community Forum at the Newmarket Town Hall in conjunction with Strafford Regional Planning. He said that this would be an opportunity for the Town to take part in the Visioning Session as part of the Master Plan process. He added that those interested should call Kyle Pimental at 603-994-3500, and he encouraged everyone to attend.

Vice Chair Levy raised the issue of salt expenditures in the Public Works Department, saying that last year they had spent \$106,000 on salt and \$109,000 this year. He said that he would like to know the reason the amount for this year was almost commensurate with last year, despite having had much more snow this winter. Chairman Nazzaro noted that they did not always salt because of snow. Vice Chair Levy addressed Police Chief Cyr regarding the issue of drugs and opiates, asking if he had seen a large increase over the last year. Chief Cyr replied that he had seen a large increase, and that is was a nationwide epidemic from which Newmarket was not immune. Vice Chair Levy asked Chief Cyr how the department was now dealing with the problem. Chief Cyr replied that they responded with arrests and counseling, but that arrests did little to stop the addiction. He stated that when the Department

targeted an arrest, they wanted to target the suppliers. He added that the sheer volume was unbelievable, with multiple repeat offenders. He said that he had been to numerous heroin overdoses in the last six (6) months, and that *Narcan* was used to bring them back on several occasions. He added that they had also seized needles, etc. but that there was a 6-8 month backlog for laboratory analysis. He further added that the legislature had just cut the budget and they were contemplating other laws that would further complicate police procedures. Though he could not provide an answer to the problem, he felt that it was not the job of law enforcement to treat people as they were not properly trained. He pointed out that in addition to the addiction problem, more crimes were being committed and that bank robberies were up 100% in New Hampshire. Vice Chair Levy asked if the Police Department provided any educational services or lectures on the subject. Chief Cyr replied that a School Resource Officer had been in place for several years and was constantly in the classroom addressing all issues on drug use. He said that the DARE program which existed in the past did not work, as it had not addressed student peer pressure. Vice Chair Levy asked his thoughts on the legalization of marijuana, and Chief Cyr felt that adding another intoxicant to the mix was not a good idea.

Chairman Nazzaro stated that one departmental report had mentioned a mandate from the Finance Office requesting a percentage of the total budget be taken out and applied to the overage in Public Works for snow. He said that as he understood it, the Council needed to vote on any changes to the line-items in the budget. Councilor Thompson said that she believed that any transfer within a department could be made but that transferring funds from one department to another required a Council vote. Vice Chair Levy felt the Council should first be given a synopsis before a vote. Chief Cyr stated that he was not aware of any transfers being made at this point. He said that Town Administrator Fournier had informed him that any transfer requests would first be discussed individually with the departments. Vice Chair Levy asked if that was the rule, and Chairman Nazzaro felt it was based on a Charter issue. Councilor Thompson felt that the point needed to be clarified.

COMMITTEE REPORTS

Councilor Burns gave a recap of the Conservation Commission meeting of April 9th. She reported that a book would be coming out entitled "Big Trees in New Hampshire" with information on hikes. She said that the Nature Conservancy would be doing an invasive species removal of garlic mustard plant on May 22nd, and that the Lamprey River Advisory Committee (LRAC) had received an alteration of terrain permit for the Wastewater Treatment Facility. She reported that the Bald Hill development consisted of ten (10) lots with 21 acres of open space which they wanted to preserve. She said that an invasive species cleanup was scheduled at Wiggin Farm for April 19th, and that turtle signs would be going back up mid-April to early May. She also said that they were looking into doing water testing in the rivers and were asking for volunteers for June through August. She mentioned the Conservation Commission had rain barrels and composters for sale. She stated that there had also been a presentation on the Lamprey River feasibility study, and they had reviewed the recreational value of the corridor which would become part of the National Park Service. Lastly, she noted that Councilor Toni Weinstein had provided public comment regarding Newmarket Solutions holding their roadside championship on May 16th from 9 am to 2 pm.

- Councilor Pike reported that the Planning Board had met and that they had also discussed the Bald Hill development. He said that a representative of the Southeast Land Trust, who would be taking ownership of the space, had provided information but that no action had been taken at the meeting. He stated that conditional approval had been granted for development by Shearwater Investments for the Forbes Road Industrial area, and that a long discussion had followed regarding the build out (what it would look like) and what would be considered sufficient progress by the board.

Vice Chair Levy stated that the School Joint Advisory Committee report was due the next day, and that Mr. Randy Bell intended to drop off a draft of the report. He said that committee members would be emailing questions to Mr. Bell and that he would be giving a final report next week. He said that he had gotten a sense from the last School Board meeting that Mr. Bell would go over the report with them and answer their questions. He added that a School Board meeting was scheduled for next week.

Vice Chair Levy reported that the Economic Development Committee would be meeting the following week and discussing zoning options for zones B2 and B3.

Chairman Nazzaro announced that the Veterans Memorial Trust Committee was hosting a golf tournament on May 16th. He said that anyone interested in participating should go to the website or contact himself or Mr. Dave Wade for an entry form. He added that people could also sponsor a hole or provide donations, as they were attempting to build a memorial in Newmarket for Veterans of World War II and beyond.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Ordinance #2014/15-02 Adopting the Codification of the Ordinance Book

Chairman Nazzaro said that he would ask for a motion to be made, but first it had been his understanding that a representative would be speaking to the Council regarding this issue. He asked the Councilors if they preferred having the Town Administrator present to answer questions before a vote. He felt it would be best to aggregate the questions into a document and to have the Town Administrator respond, and asked Chief Cyr if the Council could send another list of questions to him. Chief agreed and Chairman Nazzaro asked the Councilors to email their questions to him. He said that he would follow-up with Town Administrator Fournier so that he would be able to answer the questions at the next meeting. Chairman Nazzaro stated that they needed to move *Ordinance #2014-15-49* to a 3rd reading, and Vice Chair Levy suggested tabling it. Councilor Weinstein said that they did not need to table it, but just not act on it at present.

Resolution #2014/15-49 Town Council Rules for Proceedings

Councilor Pike asked if there had been any changes to the rules from the prior year, and Chairman Nazzaro replied that there had not been any changes but that he had some thoughts on the rules.

Councilor Weinstein made a motion to approve *Resolution #2014/15-49 Town Council Rules for Proceedings*, and Councilor Pike seconded.

Discussion: Councilor Weinstein stated that on page 58 of the packet under *Ordinances 6a-iv*, she questioned the wording "extensively amended" in regard to the first reading of an ordinance, and that it might be held for a third reading as a result. She specifically questioned the meaning of the phrase and who would make the determination. Vice Chair Levy asked what the difference was between a third reading and tabling. Chairman Nazzaro replied that an item could sit on the table *ad infinitum*, but that with a third reading they needed to either act or table it. Councilor Weinstein also pointed out that it should state "at the second reading", as no action was taken at a first reading. Chairman Nazzaro agreed that *Section 6a-iv* needed to be corrected, and added that he thought it would be up to the Council to define "extensive". Vice Chair Levy mentioned that something had remained on the table all of last year, and Chairman Nazzaro said that he needed to ask Town Administrator Fournier why *Harvest Way* had been taken off the table. Councilor Weinstein next questioned page 58 *Section 6b-1*, regarding the statement that some resolutions might require a Public Hearing and asked who would make that determination. Chairman Nazzaro stated that Ordinances require a Public Hearing but that Resolutions do not, as they are more administrative actions. Vice Chair Levy felt that a lot of the rules were not really applied, and that he did not want to spend the whole night going over it. Councilor Pike said that for a lot of these things the Council depended on administration for explanation. Chairman Nazzaro felt that these were their rules and that if they wanted to make changes then they should, and Councilor Thompson felt that they should have it clarified. Chairman Nazzaro added that this was their opportunity to make sure that the rules they operated under were the most effective, and he asked the Council if they felt a Public Hearing on resolutions was needed. Councilor Weinstein felt they should add "as determined by the Council" or some clarification as to who would make the determination, and asked if a motion was needed to make the correction. Vice Chair Levy felt they should not start changing things until they knew how they were applied. Chairman Nazzaro personally felt that they could make edits to the document as covered their rules.

Councilor Weinstein next questioned *Section 16* on page 61, under the *Budget Committee*, regarding the appointment of an alternate, which they had not done for this year. Councilor Thompson pointed out that the wording specified that a member "may" be represented by an alternate. Vice Chair Levy explained that "may" implied a question mark, but "shall" meant that it must be done. Chairman Nazzaro felt they would need to look up the root RSA language, but Councilor Thompson again pointed out that the wording specified "may" for the alternate. Vice Chair Levy asked for a clarification under *Section 1* on page 56 regarding the definition of Workshop Meetings. He said that it was his understanding that the Council had changed this specification, as the Town Administrator had asked that they hold two (2) business meetings per month rather than a workshop and a business meeting. He felt the language was not really consistent with what they had been doing. Chairman Nazzaro pointed out that in the first paragraph of *Section 1* it clarified that business meetings "shall" be held on the first and third Wednesday of each month, and that workshop meetings were elective and held before the business meeting or on alternate dates. Vice Chair Levy said that Town Administrator Fournier had requested the two business meetings as he felt the Council was not taking action, and felt that a workshop could be integrated into a regular meeting. Chairman Nazzaro pointed out that they were supposed to be following Robert's Rules, and that the casual conversation now going on would not be

happening in that case. He said that for a business meeting, action should be taken and whatever discussion was needed for the record. Councilor Pike said that he preferred the way they were doing it now rather than making it more formal. Chairman Nazzaro asked if they should then eliminate the language regarding Robert's Rules or leave it as a general guideline. Councilor Pike felt he did not see the need for that as long as everyone on the Council was working well together.

Vice Chair Levy questioned *Section 7 – Meeting Protocol* on page 59, regarding the statement that no Councilor could address an agenda item twice before each Councilor had been recognized. He said that what they had been doing had worked well, and that the response to one question did not always give clarity. He said he preferred to continue allowing each Councilor to address their questions all at once, rather than limiting it to one question. Chairman Nazzaro interpreted the passage to mean that if someone were speaking and another Councilor had a question, then he would let the other Councilor go first. Vice Chair Levy raised another question under *Section 12i – Permission to Address the Council*, specifically the wording that “speakers shall be residents of the Town of Newmarket, property owners...” etc. as the Council had not practiced that and generally did not have any issues with non-residents speaking. Chairman Nazzaro pointed out that *Section 13* allowed the vote of 2/3 of the Council to override any of the rules. Councilor Thompson asked if the Council wanted to add language to both *Section 7* and *Section 12i* specifying “at the discretion of the Chairman or the Town Council” in both sections. Councilor Pike felt that it was not necessary as it had not been an issue. Councilor Thompson pointed out that she had at times heard rumblings regarding a person not living in the Town and that it did happen. Vice Chair Levy said that it had happened, but that the Council had always been cordial and respectful in general. Councilor Pike said that in his experience all people had been included.

Chairman Nazzaro questioned the wording in *Section 1* regarding public portions of the meetings ending by 10 pm unless the Chairman or a majority of the Council determine otherwise. He felt that this determination should be made by the majority of the Council, and wanted “Chairman” deleted. Councilors Weinstein and Pike were in agreement with this edit. Chairman Nazzaro next questioned a paragraph under Workshop Meetings in *Section 1*, which referenced *Section 6* regarding agendas, and said that the information contained in *Section 6* did not apply. Councilor Thompson said that it should reference *Section 5* instead. Chairman Nazzaro then questioned the wording on page 59 under *Section 8*, which read: “Per Section 3.8.A of the Town Charter any ordinance may be introduced by any member at any regular or special meeting of the Council.” He said that it should probably say “any ordinance or resolution”. He next referred to *Section 16* on page 61, questioning what was meant by an “advisory committee”. Vice Chair Levy said that the JAC and the EDC were advisory committees, where no action was taken but that instead made a recommendation to be brought back to the Council for action. Chairman Nazzaro specified that he was questioning whether, when speaking of an advisory committee, they were talking about sub-sections of the Council. He also felt the statement “the Chairman shall have the power to appoint such an advisory committee” was incorrect as he could not alone create a new committee, and felt that clarification was needed. Vice Chair Levy agreed that to set up a committee, the Council should hold a vote.

Chairman Nazzaro asked that given the questions for the Town Administrator, did the Council also wish to push this resolution to a third reading. The Council was in agreement to hold *Resolution #2014/15-49 Town Council Rules for Proceedings* to a third reading. Chairman Nazzaro stated that there was a motion

Town Council
April 15, 2015 - Regular Meeting

on the table which would need to be withdrawn. Councilor Weinstein withdrew her motion to approve *Resolution #2014/15-49* and Councilor Pike seconded.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING - None

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Zoning Board of Adjustment: Candidate Jonathan Kiper Term Expires March 2017.

Councilor Burns made a motion to nominate *Jonathan Kiper Term Expires March 2017* to the *Zoning Board of Adjustment*, and Councilor Weinstein seconded.

Vice Chair Levy asked a question as to whether the Zoning Board of Adjustment was now complete, and Chairman Nazzaro replied that they were still in need of one (1) fulltime person and two (2) alternates.

Chief Cyr polled the Council and the motion passed unanimously, 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2014/15-50 Authorizing the Town Administrator to Enter into a Payment In Lieu of Taxes Agreement with Great Bay Kids Company

Chairman Nazzaro read *Resolution #2014/15-50 Authorizing the Town Administrator to Enter into a Payment In Lieu of Taxes Agreement with Great Bay Kids Company* in full.

Ordinance #2014/2015-03 Prohibiting the Feeding of Birds and Wild Animals on Public Property

Chairman Nazzaro read *Ordinance #2014/2015-03 Prohibiting the Feeding of Birds and Wild Animals on Public Property* in full. The Ordinance had been sponsored by Councilor Pike.

Ordinance #2014/2015-04 Regulating Raffles

Chairman Nazzaro read *Ordinance #2014/15-04 Regulating Raffles* in full.

Councilor Weinstein stated that the wording had been lifted directly from RSA, and wondered if there had been a raffle problem in the Town which had led to this ordinance being drafted. Chief Cyr replied that he was not aware of any.

Resolution #2014/2015-51 Relating to Replacement Doors at Recreation Center

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Chairman Nazzaro read *Resolution #2014/2015-51 Relating to Replacement Doors at Recreation Center* in full.

Chairman Nazzaro stated that he had a question for the Town Administrator as to which fund the money would be coming out of to pay for the doors.

CORRESPONDENCE TO TOWN COUNCILORS - None

CLOSING COMMENTS BY TOWN COUNCILORS

Vice Chair Levy said that he would be unable to attend the ceremony for Martha McNeil and wanted to let her know his heart would be with her. He asked if a plaque was to be presented. Chairman Nazzaro replied that the last event had been the retirement ceremony and that this would be the official ceremony of dedication.

Councilor Weinstein offered an apology for the overlap of events as Newmarket Solutions was sponsoring its Second Annual Roadside Litter Cleanup on May 16th, which was the same date as the Veterans Memorial Trust Committee golf tournament. She said that last year they had collected 30 trash bags of litter in one and one-half hours and hoped to double the number of volunteers this year.

Acceptance of the Minutes of the Non-Public Session of April 1, 2015

Councilor Thompson made a motion to approve the minutes of the Non-Public session of April 1, 2015 as amended, and Councilor Burns seconded. The motion was approved unanimously by a vote of 7-0.

ADJOURNMENT

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Pike. The meeting was adjourned at 8:35 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary.

STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

sfournier@newmarketnh.gov
www.newmarketnh.gov



TOWN HALL
186 MAIN STREET
NEWMARKET, NH 03857

TEL: (603) 659-3617
FAX: (603) 659-8508

FOUNDED DECEMBER 15, 1727
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TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE *of the* TOWN ADMINISTRATOR

REPORT OF THE TOWN ADMINISTRATOR
May 6, 2015

Spring Cleanup: We will be having the final Spring Clean Up Day May 9 Saturday 7:30 AM - 4:00 PM all at the transfer station. On those days, Newmarket residents may take items to the Transfer Station as scheduled below. Residents are limited to one pickup load of bulky waste. Additional loads will require a coupon that may be purchased at the Transfer Station. Brush, leaves, and scrap metal do not count as bulky waste and are not limited.

The only residents eligible for curbside pickup are those who are disabled or are senior citizens at least age 62. These residents MUST call the Public Works office at 659-3093 prior to the start date to be put on the schedule for pick up.

No contractors or commercial properties are allowed to bring materials.

If you have any questions concerning this year's program information is on the Town website, the email newsletter or people can call the Department of Public Works at 659-3093.

FEMA Reimbursement: As the Council is aware, the President declared the January 27 blizzard a disaster. As such we are eligible for reimbursement for some of our expenses during that storm. The town has submitted the paperwork to be reimbursed for \$39,975.97. I will keep the Council posted on any developments.

Right to Know Workshop: As we did last year, we will be hosting a workshop on the Right to Know law for town and school officials on June 1 at 6:30PM in the auditorium. The Town Attorney will review the law and answer questions from officials.

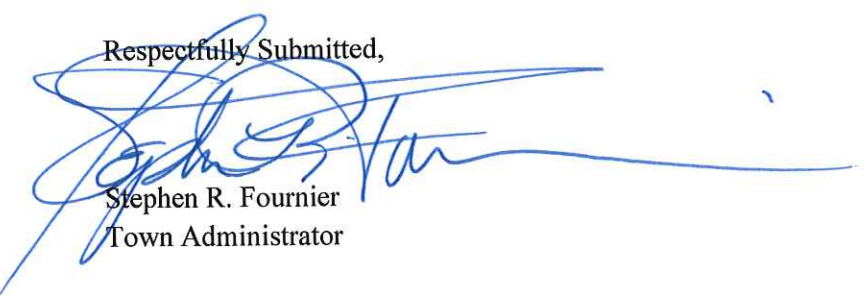
Transportation Enhancement Project – Downtown: The downtown pedestrian safety improvement project is moving forward. Our engineering firm has received some comments from the State DOT. They are updated the designs to address those comments. It is estimated that the project will break ground after the beginning of July and should be completed in around 90 days.

Letter from Stratham: As you may have read in the press, I have been in receipt from the Select Board in Stratham a letter requesting to discuss Fire and Rescue coverage for their town. As the Council knows, this conversation had already begun earlier this year. The Select Board is requesting that their Town Administrator and I continue conversations over the service. We are and I will keep the Town Council

abreast of any developments.

Town Clock/Steeple: I have been in communication with Reverend Patti Marsden of the Newmarket Community Church. She has indicated to me that they are conducting a capital campaign to refurbish the steeple of their church. As many of you may know, the clock in the steeple is actually the town's clock. They have asked for financial support for the refurbishment from the town. I have indicated that we may be able to for the portion that houses the town's clock. The Reverend will be at the meeting to discuss the project.

Respectfully Submitted,



Stephen R. Fournier
Town Administrator



TOWN OF STRATHAM

INCORPORATED 1716

10 BUNKER HILL AVENUE • STRATHAM, NH 03885

TOWN CLERK/TAX COLLECTOR 603-772-4741

SELECTMEN'S OFFICE/ADMINISTRATION/ASSESSING 603-772-7391

CODE ENFORCEMENT/BUILDING INSPECTION/PLANNING 603-772-7391

FAX (ALL OFFICES) 603-775-0517

RECEIVED

APR -9 2015

TOWN OF NEW MARKET
ADMINISTRATOR'S OFFICE

March 30, 2015

Newmarket Town Council
Attn.: Town Administrator Steve Fournier
186 Main Street
Newmarket, NH 03857

Dear Councilors,

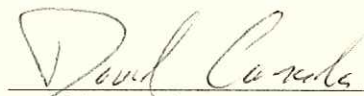
Stratham is at a point where staffing decisions must be made for our Fire Department. Volunteer service alone is not dependably fulfilling the expanded role fire departments have traditionally undertaken and we have had to rely on the Mutual Aid system to cover many of our calls. It is not the intention of the Town of Stratham to abuse this valuable system and yet we are not at a point where we need a full time staff. Our problem areas center around the weekday, daytime hours.

Would the Town of Newmarket be interested in discussing a contractual arrangement whereby Newmarket would be the first responder to Stratham fire and ambulance calls Monday through Friday throughout the morning and afternoon periods? We see the potential to better cover the needs of our own community with such an arrangement while helping to offset Newmarket's fixed costs of having emergency personnel standing by at all times. Further, this would reduce Stratham's reliance on Mutual Aid to the level for which the system was designed, that is, inter-community assistance in times of overwhelming needs. There are a variety of options which are available and, we feel, worthy of discussion.

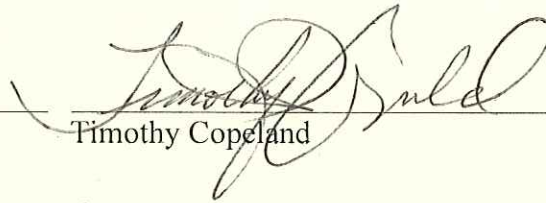
The favor of an expression of interest, or lack thereof, would be appreciated by May 1. If there is interest in exploring this opportunity for such an arrangement, we suggest Newmarket Town Administrator Steve Fournier and Stratham Town Administrator Paul Deschaine work out preliminary details and report back to their respective Boards.

Sincerely,

Stratham Board of Selectmen:



David Canada



Timothy Copeland



Bruno Federico

TOWN OF NEWMARKET, NEW HAMPSHIRE

ORDINANCE #2014/2015-03

**AMENDING CHAPTER 4 OF THE CODE OF THE TOWN OF NEWMARKET,
NEW HAMPSHIRE; PROHIBITING THE FEEDING OF AQUATIC BIRDS AND
WILD ANIMALS ON PUBLIC PROPERTY**

THE TOWN OF NEWMARKET ORDAINS:

1. Purpose

The purpose of this ordinance is to protect water and other public property by making it unlawful to feed any aquatic bird (including but not limited to ducks, geese, sea gulls or swans) or wild animals on public property

2. Amendment

Chapter 4 is hereby amended by adding the following article:

ARTICLE III FEEDING OF DUCKS AND WILD ANIMALS

Sec. 4-36. Purpose: Unlawful Acts

The following regulations are adopted for the protection and the purity of water and other public property of the Town of Newmarket, such being undertaken pursuant to the powers vested in the town. No person or persons shall on any public property feed any aquatic bird (including but not limited to ducks, geese, sea gulls or swans) or wild animals.

Sec. 4-37. Posting of Provisions

The Town of Newmarket shall have the right to post a notice of this ordinance on property that is open to the public.

Sec. 4-38. Violations and Penalties

Any law enforcement officer, health officer, or any employee of the town designated by the Town Administrator may issue a notice of violation. Such notice shall impose upon the person a forfeiture of fifty dollars (\$50.00) which must be paid to the Town of Newmarket within thirty (30) business days of the date and time the notice is given, in full satisfaction of assessed penalty. In the event such penalty is not paid to the Town of Newmarket within the time limitations specified, a

summons shall be issued in District Court and any person found guilty of violating the provisions of this Ordinance shall be guilty of a violation and shall be fined not more than one thousand dollars (\$1,000.00.)

3. Repeal

This ordinance shall repeal any previously adopted ordinances, rules, or regulations

4. Takes Effect

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18

Sponsored by: Town Councilor Dale Pike

First Reading: April 15, 2015

Second Reading: May 6, 2015

Public Hearing: May 6, 2015

Town Council Approval: May 6, 2015

Approved: _____

Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____

Terri Littlefield, Town Clerk

TOWN OF NEWMARKET, NEW HAMPSHIRE
ORDINANCE #2014/2015-04

**AMENDING CHAPTER 18 OF THE CODE OF THE TOWN OF NEWMARKET,
NEW HAMPSHIRE; REGULATING RAFFLES**

THE TOWN OF NEWMARKET ORDAINS:

1. Purpose

The purpose of this ordinance is to regulate charitable raffles and other games of chance in the Town of Newmarket pursuant to RSA 287-A

2. Amendment

Chapter 18 is hereby amended by adding the following article:

ARTICLE III

RAFFLES Sec. 18 - 112. Purpose: Unlawful Acts

Pursuant to the terms of RSA 287-A, the purpose of this chapter is to enact provisions for the permitting and regulation of Raffles.

Sec. 18 - 113. Permits Required

It shall be unlawful for any person conducting a raffle within the town of Newmarket without first obtaining a permit.

Sec. 18 - 114. Definitions

- a. "Raffle" means a lottery in which each participant buys a ticket for an article or articles put up as a prize with the winner being determined by a random drawing.
- b. "Charitable organization" means:
 - i. Any person or entity that is that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended; or
 - ii. Any other person or entity that is or holds itself out to be established, in whole or in part, for any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, social, sporting, recreational, or other charitable purpose which has been in existence for at least 2

years, or political committee or political party which has been in existence for at least 2 years, or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. "Charitable organization" is not limited to those organizations to which contributions are tax deductible under section 170 of the Internal Revenue Code.

- c. "50/50 raffle" means a raffle conducted by a charitable organization whereby moneys collected by sale of raffle tickets are split evenly between the prize winner or winners and the charitable organization after the raffle drawing.

Sec. 18 - 114. Application

The application for a Raffle permit shall include the following information:

- a. The name of the organization and contact information of a representative of the organization applying for the permit including name, daytime telephone, address, and electronic mail address.
- b. The beginning and end date(s) of the sale of tickets.
- c. The date(s) and place of the drawing.
- d. The prize(s) to be awarded.
- e. Cost of ticket.
- f. Other information deemed necessary by either the Town Administrator or Chief of Police.

Sec. 18 - 115. Approval of Permit

- a. The Town Administrator (or their designee) and the Chief of Police (or their designee) must approve any permit prior to the sale of tickets.
- b. A copy of the permit will be presented to the applicant, placed on file with the Police Department and the Town Clerk - Tax Collector.
- c. If the charitable organization wishes to conduct more than one raffle, the permit may be extended for no more than one (1) year expiring on June 30.
- d. Permits are non-transferable

Sec. 18 - 116. Conduct of Raffle

- a. Raffle tickets shall be sold only to persons sixteen (16) years of age or over.

- b. Only members of the organization or an individual authorized by the organization shall sell tickets.
- c. No one shall receive financial remuneration from the sale of tickets.
- d. All raffle tickets shall comply with the provisions of RSA 287-A:3, and shall be printed with the name of the charitable organization, the date and place of the drawing, the prize or prizes to be awarded and the amount of the donation (price of ticket.)
 - i. This is not required of 50/50 raffle tickets.

Sec. 118 – 17 Violations and Penalties

- a. The town may revoke a permit issued pursuant to this chapter at any time due to a violation of this ordinance or state law if it is discovered that any false information was knowingly submitted as part of the application process.
- b. Any person, firm or organization violating any provisions of this chapter shall be guilty of a violation and be subject of a fine of up to one thousand dollars (\$1,000.00) and criminal prosecution.

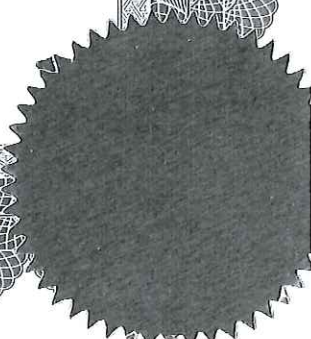
3. Takes Effect

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18

First Reading:	April 15, 2015
Second Reading:	May 6, 2015
Public Hearing:	May 6, 2015
Town Council Approval:	May 6, 2015

Approved: _____
Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

sfournier@newmarketnh.gov
www.newmarketnh.gov




TOWN HALL
186 MAIN STREET
NEWMARKET, NH 03857

TEL: (603) 659-3617
FAX: (603) 659-8508

FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE *of the* TOWN ADMINISTRATOR

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: STEVE FOURNIER, TOWN ADMINISTRATOR 
SUBJECT: ORDINANCE 04-2014/2015 REGULATING RAFFLES
DATE: 4/28/2015
CC:

On the agenda this evening for the Council's action is Ordinance 04-2014/2015. The intent of this ordinance is to adopt procedures to regulate raffles in Town.

A few months ago, an organization approached my office seeking a permit to hold a raffle. Not having information on this procedure, I contacted the police department. They indicated that they do not have a procedure either. After reviewing State Law RSA 287-A:7 states the following:

287-A:7 Permit Required. - Any charitable organization desiring to conduct a raffle under the provisions of this chapter shall first obtain a permit therefor from the selectmen or designee of the town, or the mayor and aldermen or designee of the city where the drawing for prizes is to be held. Except as otherwise provided in this section, the permit shall expire at the time of the drawing and shall not be transferable. At the request of the charitable organization to conduct more than one raffle, the governing body may extend the permit to one year from the date of issuance.

Source. 1971, 43:1, eff. April 5, 1971. 2011, 94:1, eff. July 1, 2011.

RSA 287-A:7 requires the Town to issue permits for raffles in Town. With that information, the Chief of Police and I worked with the Town Attorney to introduce an ordinance regulating raffles to the Town Council.

This is not intended to be another bureaucratic process that people have to go through. There is not charge for the permit. On the contrary, one of the intended outcomes of the regulation is to

ensure that raffles that are being conducted in town are legitimate. Too often, we hear of groups or people attempting to raise charitable funds from residents and they are less than truthful for where their funds are going. This way, if people wither call the Police Department or Town Hall, we can ensure them that we have information on file for where the money is going to and contact information for the organizer if there are any questions.

I am recommending its passage and have included the entire chapter of the State RSA for your review.

TITLE XXIV GAMES, AMUSEMENTS, AND ATHLETIC EXHIBITIONS

CHAPTER 287-A RAFFLES

General Provisions

Section 287-A:1

287-A:1 Definitions. – As used in this chapter:

I. "Raffle" means a lottery in which each participant buys a ticket for an article or articles put up as a prize with the winner being determined by a random drawing.

II. "Charitable organization" means the following:

(a) Any person or entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended; or

(b) Any other person or entity that is or holds itself out to be established, in whole or in part, for any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, social, sporting, recreational, or other charitable purpose which has been in existence for at least 2 years, or political committee or political party which has been in existence for at least 2 years, or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. "Charitable organization" is not limited to those organizations to which contributions are tax deductible under section 170 of the Internal Revenue Code.

III. "50/50 raffle" means a raffle conducted by a charitable organization whereby moneys collected by sale of raffle tickets are split evenly between the prize winner or winners and the charitable organization after the raffle drawing.

Source. 1971, 43:1. 1973, 270:1. 1999, 306:1. 2000, 115:1, eff. July 7, 2000.

Section 287-A:2

287-A:2 Raffle Authorized. – A charitable organization may conduct a raffle to promote the purpose for which it was organized, in the manner hereinafter provided, and not otherwise.

Source. 1971, 43:1, eff. April 5, 1971.

Section 287-A:3

287-A:3 Printed Tickets. – All raffle tickets shall be printed with the name of the charitable organization thereon, the date and place of the drawing, and the prize or prizes to be awarded and the amount of the donation.

Source. 1971, 43:1, eff. April 5, 1971.

Section 287-A:4

287-A:4 Distribution of Tickets. – Raffle tickets shall be sold only to persons 16 years of age or over and no raffle tickets shall be sold by persons other than the members of the charitable organization or such person or persons, as may be designated by the organization, and who shall receive no financial remuneration.

Source. 1971, 43:1, eff. April 5, 1971.

Section 287-A:5

287-A:5 Agency Not Permitted. – No charitable organization shall act as an agent for conducting a raffle, where it is unlawful for the charitable organization's principal to conduct such a raffle.

Source. 1971, 43:1, eff. April 5, 1971.

Section 287-A:6

287-A:6 Effect on Other Laws. – RSA 647 shall not apply to the sale of raffle tickets in the manner provided for in this chapter.

Source. 1971, 43:1. 1973, 40:4, eff. Nov. 1, 1973.

Section 287-A:7

287-A:7 Permit Required. – Any charitable organization desiring to conduct a raffle under the provisions of this chapter shall first obtain a permit therefor from the selectmen or designee of the town, or the mayor and aldermen or designee of the city where the drawing for prizes is to be held. Except as otherwise provided in this section, the permit shall expire at the time of the drawing and shall not be transferable. At the request of the charitable organization to conduct more than one raffle, the governing body may extend the permit to one year from the date of issuance.

Source. 1971, 43:1, eff. April 5, 1971. 2011, 94:1, eff. July 1, 2011.

Raffles Held in Conjunction With Bingo Games

Section 287-A:8

287-A:8 Tickets; Distribution. –

I. All raffle tickets sold in conjunction with bingo games shall be numbered sequentially.

II. No ticket or multiple tickets shall be sold for more than \$1.

III. Notwithstanding RSA 287-A:4, raffle tickets sold in conjunction with bingo games shall be sold only by members of a charitable organization licensed by the racing and charitable gaming commission to conduct bingo and only at bingo games being operated by the charitable organization.

Source. 1985, 374:1. 2004, 97:8; 257:9. 2008, 25:1, eff. July 11, 2008.

Section 287-A:9

287-A:9 Players. – [Repealed 2009, 228:3, III, eff. July 16, 2009.]

Section 287-A:10

287-A:10 Prizes. – Prizes awarded at any raffle held in conjunction with a bingo game shall not exceed \$500 wholesale cost.

Source. 1985, 374:1. 1991, 276:3, eff. June 10, 1991.

Section 287-A:11

287-A:11 Permit Not Required. – The provisions of RSA 287-A:7 shall not apply to raffles held in conjunction with bingo games.

Source. 1985, 374:1, eff. June 18, 1985.

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

RESOLUTION #2014/2015 - 50

**AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO A
PAYMENT IN LIEU OF TAXES AGREEMENT WITH GREAT BAY KIDS
COMPANY**

WHEREAS , Great Bay Kids Company, doing business in the Town of Newmarket at 3 Simons Lane, has been determined as exempt from property taxes pursuant to RSA 72:23, IV, and

WHEREAS, The Town and Great Bay Kids Company agree that Great Bay Kids Company shall make payments in lieu of property taxes to the Town in an amount equal to the of the annual municipal and county portions of the tax rate for seven years, pursuant to RSA 72:23-n

NOW THEREFORE LET IT BE RESOLVED BY THE NEWMARKET TOWN COUNCIL, That the Town Council approves an agreement between the Town and Great Bay Kids Company for a term of seven years to provide for a voluntary payment in lieu of taxes and to authorize the Town Administrator to enter into the agreement.

First Reading: April 15, 2015

Second Reading: May 6, 2015

Approval: May 6, 2015

Approved: _____

Philip Nazzaro, Chairman Newmarket Town Council


A True Copy Attest: _____

Terri Littlefield, Town Clerk



TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the TOWN ADMINISTRATOR

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: STEVE FOURNIER, TOWN ADMINISTRATOR 
SUBJECT: GREAT BAY KIDS PAYMENT IN LIEU OF TAXES (PILOT)
DATE: 4/29/2015
CC:

In 2013, the town began the process of reviewing all of the non-taxable properties in Town. This common process should be done annually. However, our new assessors Municipal Resources Inc. (MRI) determined that it had not been done in sometime. The assessors asked those who were categorized as non-table to provide information so they could determine if they qualified for the exemption.

Non-taxable properties qualifications are not the same as being tax exempt for IRS purposes. State and federal tax exemptions operate independently. A charitable organization may legitimately be entitled to federal tax exemptions, but based on the use of their land, they may have to pay property taxes in the community which hosts it.

Great Bay Kids Company on Simons Lane operates a Preschool and Day Care center. Prior to 2013, they did not pay any taxes to the Town. After reviewing their operations and mission, the assessors questioned their tax-exempt status. Under state assessing rules, the educational portion of the operations is exempt; however, the daycare portion is not. We discussed this with Great Bay Kids and determined that a payment in lieu of taxes would be acceptable to both parties. This would be an agreement made between the town and Great Bay Kids in lieu of court proceedings.

Currently, their property is valued at \$349,300. Their estimated tax bill based on this assessment using the current tax rate of \$25.75 per thousand would be \$8,994.48 annually. The PILOT as written in the proposed agreement would have Great Bay Kids pay the town and county portions of their tax bill only. The rationale behind this is that as an educational facility, they do not use the town's educational system. However, they still use town services as well as need to contribute to the commitment to the county. The proposed agreement states that we will

determine their payment by taking the total of the two numbers and assess this amount as their tax rate. The following is an example using the 2014 tax rates:

Town.....\$6.22
County.....\$1.10
Total.....\$7.32 per thousand

To determine the annual payment you take the value of the property, divide that by 1,000 and then multiply it by the new rate.

Value of Property.....\$349,300
Divided by 1,000349.3
Multiplied by the Rate of \$7.32.....\$2,556.88
Total amount of PILOT.....\$2,556.88

The PILOT would be determined annually for seven years. At the end, we would review the agreement and negotiate a new agreement. This would be a positive tax impact for the Town (\$0 in 2013 versus \$2,556.88 in 2015.) In addition, the town and Great Bay Kids would avoid costly court proceedings to determine its eligibility for a tax exemption.

PAYMENT IN LIEU OF TAXES AGREEMENT
BETWEEN THE TOWN OF NEWMARKET AND GREAT BAY KIDS COMPANY
PURSUANT TO NH RSA 72:23-n

AGREEMENT made this ____ day of _____, 2015, by and between the TOWN OF NEWMARKET, a New Hampshire Municipal corporation with a place of business at 186 Main Street, Newmarket, New Hampshire (hereinafter the “TOWN”), and Great Bay Kids Company, Inc., a non-profit corporation duly organized under the laws of the State of New Hampshire (hereinafter “GREAT BAY”) with its principal office at 81 New Hampshire Avenue, Portsmouth, New Hampshire.

WHEREAS, GREAT BAY qualifies as a school, the buildings and structures of which are exempt from real estate and personal property taxation pursuant to NH RSA 72:23, IV because they are owned, used and occupied by GREAT BAY directly for educational purposes.

WHEREAS, the parties agree that GREAT BAY shall make payments to the TOWN in lieu of property taxes for a period of seven (7) years, starting with the 2015 Tax Year and ending with the 2022 Tax Year (hereinafter the “Term”) pursuant to NH RSA 72:23-n.

NOW, THEREFORE, in consideration of the terms and conditions hereinafter set forth, the parties agree as follows:

1-A. **PURPOSE:**

The parties acknowledge and agree that the express purpose of RSA 72:23-n, (Payment In Lieu of Taxes) is to provide for a voluntary payment in lieu of taxes from an otherwise fully or partially tax exempt property. The payment is designed to compensate the TOWN for its obligations to provide municipal services to a tax exempt property.

B. **PROPERTY:**

The property (hereinafter the “Property”) covered by this Agreement is defined as the following Tax Map parcels in Newmarket, New Hampshire:

Tax Map/Lot:

1. U2/282 (3 Simons Ln.)

2. **PAYMENTS IN LIEU OF TAXES:** GREAT BAY agrees to make voluntary payments in lieu of property taxes in accordance with this Agreement. The PILOT payment for each year shall be based upon the annual municipal and county tax rate only, as applied to the assessed value of GREAT BAY’s Property for the Tax Year.

3. **MANNER OF PAYMENT:** The payments shall be made in semi-annual installments due July 1st and December 1st.

4. **EXEMPTION STATUS:**

- A. The TOWN hereby exempts GREAT BAY from any and all state, county and municipal property taxes that would otherwise be due. Additionally, the TOWN agrees to abate any difference and interest accrued for 2014 Tax Year bills.
- B. Payments shall be made in accordance with Section 2. of this Agreement, based upon the annual municipal and county tax rate applied to the assessed value of GREAT BAY's Property. For example, the first half 2015 municipal tax rate is \$3.11 and the county tax is \$0.55. The aggregate of these two rates multiplied by 1/1000 of the assessed value shall be the amount due for July 1, 2015. The December 1st, 2015 payment shall be based upon the 2015 tax rate set for the second half tax bills.
- C. Throughout the Term of this Agreement, GREAT BAY shall file with or submit to the TOWN a real estate and personal property list owned by GREAT BAY in accordance with NH RSA 72:23-c, I, as well as any materials requested under NH RSA 72:23-c, II, but such failure to file shall not affect the TOWN's agreement not to impose property taxes for the Term.
- D. Nothing in this Agreement shall prevent GREAT BAY from filing an abatement request relative to the assessed value of the Property if the assessed value of \$349,300 in 2014 rises more than 20% in any Tax Year.
- E. GREAT BAY shall not assign, convey or transfer any of its rights and interests in this Agreement without the consent of the TOWN. In the event that GREAT BAY sells the Property during the Term, this Agreement shall terminate.

5. **ENFORCEMENT:** The TOWN shall have all rights, at law and in equity, including the right to bring suit for specific performance, to enforce payments under this Agreement. Prior to bringing any action for enforcement, the TOWN shall provide GREAT BAY at least thirty (30) days' prior written notice of default and a reasonable opportunity to cure any default or breach of this Agreement.

6. **NOTICES:** Any notice to be provided under this Agreement shall be in writing and shall be deemed to have been given when delivered personally or by certified mail at the following addresses:

For the TOWN:	Town of Newmarket 186 Main Street New Market, New Hampshire 03857 Attention: Steve Fournier, Town Administrator
---------------	--

For GREAT BAY:	Wendy S. Monroe Executive Director Great Bay Kids' Company, Inc. 81 New Hampshire Avenue Portsmouth, New Hampshire 03801
----------------	--

7. **MISCELLANEOUS:**

- A. Both parties represent and warrant that they have obtained all appropriate authorizations to enter into this Agreement.
- B. This Agreement is to be construed under New Hampshire Law.
- C. Except as specifically described herein, this Agreement may not be amended, changed, modified, altered, extended or terminated, unless such amendment, change, modification, alteration, extension or termination is in writing and signed by the TOWN and GREAT BAY.
- D. This Agreement shall terminate following the final payment for the tax year 2022, unless terminated earlier by mutual agreement, or unless extended by mutual agreement.
- E. This Agreement constitutes the entire understanding and agreement of the parties hereto with respect to a payment in lieu of taxes concerning GREAT BAY's Property and any portion thereof, and supersedes any prior understandings, representations, or agreements, either written or verbal, by or between the parties with respect to the subject matter hereof. This Agreement shall be binding upon and inure to the benefit of the TOWN and GREAT BAY.
- F. If any section, subdivision, paragraph, sentence, clause, phrase, provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such section, subdivision, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this Agreement shall remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.
- G. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

EXECUTED this _____ day of _____, 2015.

TOWN OF NEWMARKET
By its Town Administrator on behalf of the Town Council

Witness

GREAT BAY KIDS

Witness

Its _____

Witness

Chairman of the Board of Directors

TITLE V TAXATION

CHAPTER 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Property Taxes

Section 72:23-n

72:23-n Voluntary Payments in Lieu of Taxes. – The governing body of any municipality may enter into negotiations for a voluntary payment in lieu of taxes from otherwise fully or partially tax exempt properties, and may accept from such properties a voluntary payment in lieu of taxes.

Source. 1996, 208:1, eff. June 10, 1996.

3 SIMONS LN

Location 3 SIMONS LN

Assessment \$349,300

Mblu U2/ 282/ / /

Appraisal \$349,300

Acct# 002717

PID 2559

Owner GREAT BAY KIDS COMPANY INC

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2014	\$221,700	\$127,600	\$349,300

Assessment			
Valuation Year	Improvements	Land	Total
2014	\$221,700	\$127,600	\$349,300

Owner of Record

Owner GREAT BAY KIDS COMPANY INC

Sale Price \$0

Co-Owner

Book & Page

Address 81 NEW HAMPSHIRE AVE
PORTSMOUTH, NH 03801-2864

Sale Date

Ownership History

Ownership History
No Data for Ownership History

Building Information

Building 1 : Section 1

Year Built: 1982
Living Area: 3910
Replacement Cost: \$339,653
Building Percent 64
Good:
Replacement Cost
Less Depreciation: \$217,400

Building Attributes	
Field	Description
STYLE	Day Care
MODEL	Commercial

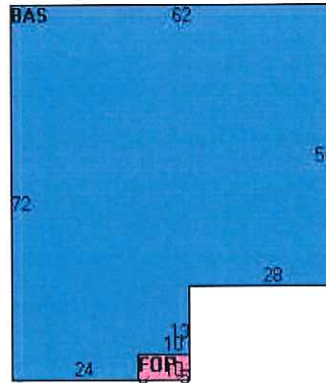
Grade	Average
Stories:	1
Occupancy	1
Exterior Wall 1	Pre-Fab Wood
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Carpet
Interior Floor 2	Inlaid Sht Gds
Heating Fuel	Gas
Heating Type	Forced Air-Duc
AC Type	None
Bldg Use	OFFICE BLD MDL-94
Total Rooms	
Total Bedrms	00
Total Baths	0
1st Floor Use:	920C
Heat/AC	Heat/Ac
Frame Type	Wood Frame
Baths/Plumbing	Average
Ceiling/Wall	Ceil & Walls
Rooms/Prtns	Average
Wall Height	8
% Conn Wall	0

Building Photo



(http://images.vgsi.com/photos/NewmarketNHPhotos//\00\00\3

Building Layout



Building Sub-Areas			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	3910	3910
FOP	Porch, Open, Finished	50	0
		3960	3910

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	3400
Description	OFFICE BLD MDL-94
Zone	R2

Land Line Valuation

Size (Acres)	1.11
Frontage	0
Depth	0

Neighborhood
Alt Land Appr No
Category

Assessed Value \$127,600
Appraised Value \$127,600

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			140 S.F.	\$800	1
SHD1	SHED FRAME			64 S.F.	\$400	1
PAV1	PAVING-ASPHALT			1400 S.F.	\$1,600	1
FN12	FENCE-12' CHAIN			82 S.F.	\$1,500	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2014	\$221,700	\$127,600	\$349,300
2013	\$176,900	\$130,200	\$307,100
2012	\$347,800	\$130,200	\$478,000

Assessment			
Valuation Year	Improvements	Land	Total
2014	\$221,700	\$127,600	\$349,300
2013	\$176,900	\$130,200	\$307,100
2012	\$347,800	\$130,200	\$478,000

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TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution #2014/2015-51

Relating to Replacement Doors at Recreation Center

WHEREAS, The Recreation Department in conjunction with the Public Works Department of the Town of Newmarket solicited proposals for replacement doors at the Recreation Center, and

WHEREAS, The three companies were contacted and two submitted proposals, and

WHEREAS, The cost proposals were as follows:

Door Type	Bidder		
	Kamco Supply (3 quotes totaling:)	Portland Glass	All Doors and Locks
Aluminum	\$12,048	\$15,592	No proposal submitted
Steel	\$8,065	No proposal Submitted	No proposal submitted

WHEREAS, The quality of Portland Glass’s product is known to the Town. They installed the front doors of Town Hall, and

WHEREAS, the Building Improvements Capital Reserve Fund has a balance of \$300,060, as of February 28, 2015.

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council does authorize the Town Administrator to enter into an agreement with Portland Glass for replacement doors at the Recreation Center and authorize the funds to be drawn from the Building Improvements Capital Reserve Fund.

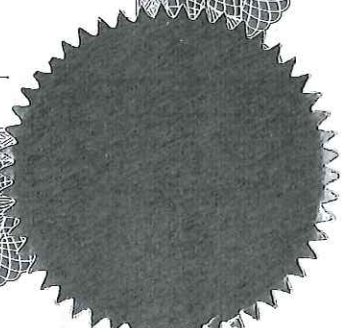
First Reading: April 15, 2015

Second Reading: May 6, 2015

Approval: May 6, 2015

Approved: _____
Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



memo

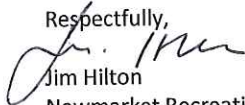
Newmarket Recreation

To: Matthew Angell
From: Jim Hilton
CC: Steve Fournier
Date: 4/14/2015
Re: Community Center Door Replacement

Comments: The Newmarket Community Center has 4 doors that require replacement. The front two doors at the entrance of the Community Center are in such disrepair they require professional attention from a door technician at least 3-4 times per year coordinated by the Buildings and Grounds. All of the mechanisms that enable the doors to work are located on the outside of the door and continually need adjustment or pieces replaced, The doors are difficult to lock and if pulled hard enough sometimes will actually open. These doors were installed in 1993 and with day camp, all the recreation programs and the 501c3 organizations who open and close these doors each year, it is estimated that these doors are opened and closed around 15,600 times a year. This would mean that these doors over their 22 year lifespan have endured around 342,200 opening and closings. These doors continually need personal attention to fully close.

The other two doors are rusting at the bottom of the doors so significantly that an observer can see significant daylight from the inside looking out. Over the years the doors have been repainted with Rustolium paint but now the rust is so advanced the doors must be replaced. The bottom of each door are actually rotting out.

Respectfully,



Jim Hilton
Newmarket Recreation Director

April 14, 2015

To The Honorable Town Councilors;

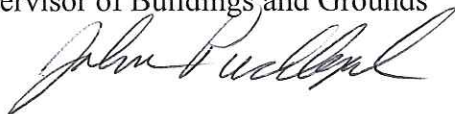
The doors at the Community Center have been in disrepair for a couple of years. Getting parts for them, because of their ages, has been very costly.

I have received two quotes on replacing the existing doors from Portland Glass and Kamco. Portland Glass replaced the Town Hall doors 5 years ago. Both companies have done work for the town of Newmarket. Portland Glass uses hardware on their doors that we are very familiar with and have had good luck in the wear and tear from everyday use. Portland Glass and Kamco have both recommended aluminum as opposed to the steel because of the exposure of salt in the winter.

It is my recommendation that we use Portland Glass for this project based on their expertise on these doors and the hardware knowledge. Portland Glass is located in Exeter, NH. They do multiple jobs in the seacoast area, so if for some reason we have a problem they are here on the same day.

Respectfully,

John Puchlopek
Supervisor of Buildings and Grounds

A handwritten signature in cursive script, appearing to read "John Puchlopek", written in dark ink.

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
ORDINANCE NO. 2014/2015-02

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF NEWMARKET, NEW HAMPSHIRE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

The Town of Newmarket ordains:

Section 1. The Code entitled "Municipal Code of the Town of Newmarket, New Hampshire," published by Municipal Code Corporation, consisting of chapters 1 through 30, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before May 7, 2014, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$1,000.00. Except as otherwise provided by law or ordinance: (1) with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense; and (2) with respect to violations of this Code that are not continuous with respect to time, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate an intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

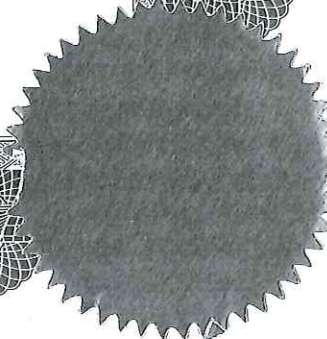
Section 6. Ordinances adopted after May 7, 2014, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective upon final adoption.

First Reading: April 1, 2015
Second Reading: April 15, 2015
Third Reading: May 6, 2015
Council Approval: May 6, 2015

Approved: _____
Philip Nazzaro, Town Council Chairman

A True Copy Attest: _____
Terri Littlefield, Town Clerk



* * M E M O R A N D U M * *

To: Newmarket Town Council and Town Administrator

From: Eric A. Maher, Esq. of Donahue, Tucker, & Ciandella, PLLC

Submittal Date: April 27, 2015

Re: Changes and Procedure Regarding Town Code

I. Introduction

Steve Fournier requested that I provide the Town Council with a memorandum which set forth the various provisions of the Town Code that were changed through the code revision process. The specific changes are numerous and are set forth in detail below. Please note that I have not identified instances where a title may have been reworded or a chapter heading may have been deleted, amongst other non-material revisions.

II. Inserted, Amended, or Deleted Provisions

The Town Code was changed in the following ways:

- As a general note, you will notice that the Code has been reorganized so that the various topics addressed are now organized, more or less, in Alphabetical Order. Therefore, the chapter titled "Animals," which was previously found in Chapter 17, is now Chapter 4, which follows the General and Administration Chapters. Also, after Chapter 2, you will notice that all chapters are numbered in even numbers so as to allow for the insertion of new Chapters after enactment.
- Prior Code provision Section 1.3.7, regarding the removal of board, commission, and committee members by citizen petition was removed as such a procedure is not authorized by a Petition under New Hampshire Law.
- Part II, Chapter 1: This Chapter sets forth the general definitions and provisions that are applicable throughout the entire Code. Importantly, Chapter 1 includes severability and a penalty provision which will be applicable to all provisions of the Code, thereby obviating the need for specific penalty and severability provisions in other parts of the Code. You will notice throughout the Code that the various penalty

and severability provisions that existed in other chapters have been deleted unless those chapter-specific provisions differed from that found in this General Chapter.

- Part II, Chapter 1: The revised Code struck various provisions regarding the Town's procedure for conducting public meetings; the rationale being that it was a repetition of the Right-to-Know law, which did not need to be included in the Town's Code to be effective.
- Part II, Chapter 2: This section reflects the administration of the Town, specifically the Administrative Code, which as of the time of the writing of this memorandum, is still in the process of being finalized by Mr. Fournier. Various provisions which have been removed from this Chapter, i.e. the designation of department heads and their respective powers and duties, will appear in the Administrative Code.
- Part II, Chapter 2, Article III: The procedure for formatting ordinances, enacting emergency ordinances, recording ordinances, and the effective date of an ordinance were deleted, as it was already provided for in the Town's Charter. Also, the procedure for adopting ordinances was amended so as to be consistent with the procedure set forth in the Town's Charter.
- Part II, Chapter 2, Article III, Section 2-78: This provision governs conducting a public hearing to remove certain town officials or employees and was amended by the insertion of "Unless otherwise provided in RSA 91-A:3, III(c),". The rationale being that RSA 91-A authorizes a closed hearing when the hearing has the potential to adversely affect the reputation of another, which is a foreseeable circumstance in such a removal hearing.
- Part II, Chapter 2, Article III, Division 2: The provisions regarding the procedure for appointing of a Veteran's Memorial Trust Board of Trustees were removed, and the number of trustees was amended to reflect the number of trustees required by statute. Also, the provision regarding the initial selection of board members was removed because the Board of Trustees is already in existence.
- Part II, Chapter 2, Article III, Division 3: This division, regarding the Board of Cemetery Trustees, was amended by removing those provisions which provided for the initial selection of board members, due to the Board of Cemetery Trustees already existing. Also, the powers and duties of the Board of Cemetery Trustees were amended to simply incorporate the list of powers and duties for such a board under RSA chapter 289.
- Part II, Chapter 4, Article II: The Dogs Ordinance (previously Chapter 17) was amended by removing the express provisions regarding the circumstances when a law enforcement officer can kill a dog, since that power already exists for officers by statute. Also the definition of "Dogs a menace, nuisance, or vicious" was amended to

make it conform to RSA 466:31, which addresses menacing, nuisance or vicious dogs.

- Part II, Chapter 6: The “Building and Building Regulations” Ordinance (previously identified as Chapter 4) was amended substantially. Express reference to the various applicable building codes were stricken because the State Building Code incorporates the International Residential Code for One and Two Family Dwellings, the International Building Code, the International Electrical Code, the International Plumbing Code, amongst others. The Ordinance was also amended to expressly allow for the enforcement of the Building Code by the Town’s Building Inspector/Code Enforcement Office, which is a requirement under statute for that official to wield that authority. Also, the Ordinance now provides for a Building Code of Appeals which is a requirement under RSA 673:1, V.
- Part II, Chapter 8: The “Community Development” Ordinance (formerly 2.6 and 2.7 of the Code) was revised to strike all reference to the “Downtown business district tax increment financial district” because that Ordinance has been repealed by the Council. The same can be said of the “Black bear business park tax increment finance district,” which has also been removed.
- Part II, Chapter 12: The “Emergency Management and Emergency Services” Ordinance (previously Section 2.4) was substantially revised. The definitions of “Disaster” and “Emergency Management” were revised to conform with RSA chapter 21-P, and the definition of “Attack” was removed because the change to the definition of “Disaster” rendered it obsolete. The penalty provision was revised to make it consistent with the General Penalty Provision. Also, the provision titled “No municipal or private liability” (previously Section 2.4.6) was removed since that immunity was already provided by RSA chapter 21.
- Part II, Chapter 14: The “Environment and Natural Resources” Ordinance had minor deletions, i.e. the definition of “person,” since the Code’s General Chapter provides definitions for that term, amongst others that were deleted from this Section.
- Part II, Chapter 16: The “Fire Prevention and Protection” Ordinance was amended to remove various “WHEREAS” clauses that remained from the Council’s initial enactment. Also, the various fire inspection fees were removed because they were considered obsolete by MuniCode. The provisions can be re-enacted if desired. Also, the Mutual Aid section was amended to reflect that the Town has authorized the Fire Department to act in the mutual aid of another. Other provisions regarding mutual aid, specifically, the fire departments rights and obligations, the privileges and immunities of firefighters, and the duties of the state fire marshal, were deleted because they are already defined by statute.

- Part II, Chapter 18: The “Sexually Oriented Business” Ordinance was amended so as to make said provision consistent with the penalty and severability provisions found in the General Chapter.
- Part II, Chapter 20: “Offenses and Miscellaneous Provisions” (previously Chapter 17) had several substantial revisions that include:
 - The removal of various penalty provisions throughout the Chapter since the penalty provisions were identical to those found in the General Chapter.
 - The removal of the liability limitation for instances when a police officer chooses not to attend a public function since the Town is not authorized to limit its liability in this manner.
 - The removal of the “Interference with law enforcement officers” provision pursuant to discussions with Chief Cyr of the Newmarket Police Department and the existence of adequate criminal statutes.
 - The removal of the “Sleeping in Motor Vehicles” provision pursuant to discussions with Chief Cyr of the Newmarket Police Department.
 - The removal of the “Drug Paraphernalia” and “Keeping Controlled Drugs” Ordinances (previously section 14.1 and 14.2 respectively). The Ordinance was removed since it was likely pre-empted by the Controlled Drug Statute and the ordinance was not being enforced (the Police Department simply charged violators under the State statute).
 - The removal of the “Threatening Conduct” Ordinance (previously Section 14.5) since said ordinance was already provided for in existing criminal statutes and was not enforced by the Newmarket Police Department.
 - The removal of the “Private Property Rights” Ordinance (previously Section 14.5) since the Town does not have the authority to regulate the conduct of private persons acting on private property and said conduct was already regulated under the Criminal Code, to some degree.
 - The removal of the “Possession of fireworks” Ordinance (previously Section 14.10) as that Ordinance was inconsistent with RSA chapter 160-B. Please note that while the Town may be limited as to how it can regulate the possession of fireworks, it can still enact an ordinance regulating the use of fireworks, particularly on Town property.
 - The removal of the “Prohibition of jet skis from the Lamprey River and Piscassic River boat launches” Ordinance (previously Section 17.5) as the

jurisdiction of that body of water is with the State and said conduct is already regulated, in part, by Statute.

- Part II, Chapter 22: The “Parks, Recreation, and Conservation Areas” Ordinance was amended to strike the “WHEREAS” clauses that were present in the ordinance at the time of enactment by the Council. Additionally, the provision regarding the regulation of Dog Waste, now numbered Section 22-24 (i), was amended to make the regulation consistent with the regulation of dog waste found in Part II, Chapter 4.
- Part II, Chapter 24: The “Planning and Development” Ordinance was amended to strike the “Impact fees for public capital facilities” provision, as that section is already provided for in Chapter 32, Section 7.07 of the Town’s Zoning Ordinance.
- Part II, Chapter 26, Article I: The “Streets, Sidewalks, and Other Public Places” Ordinance (formerly, Section 10) was revised by striking the Penalty provision, since that section was consistent with the General penalty provision. The penalty provision for “Weight limits over town roads” was retained and amended to reflect that the Town can sue an offender for damage caused to a road from a violation of the provision. The Scope provision (formerly, Section 10.3.2) was amended as the first paragraph of that Section merely recited RSA 41:11. Paragraph (c) of the “Other requirements related to temporary traffic control zones” Section (formerly, 10.3.9 (c)) was amended to make said paragraph consistent with RSA 265:14.
- Part II, Chapter 26, Article III: The “Sidewalk Cafes” Ordinance was amended by striking the “WHEREAS” clauses that accompanied the ordinance when it was initially enacted by the Council. Also, the penalty, severability, and effective date provisions of that ordinance were deleted as they were already provided for in the General Chapter.
- Part II, Chapter 26, Article IV: The “Sidewalk Stands” Ordinance was amended by striking the “WHEREAS” clauses that accompanied the ordinance from when it was initially enacted by the Council. Also, the penalty, severability, and effective date provisions of that ordinance were deleted as they were already provided for in the General Chapter.
- Part II, Chapter 28: The “Taxation” Ordinance was amended in the following ways:
 - Article I (formerly Sections 2.14.1-2.14.5), regarding the prepayment of taxes, was amended as the prior incarnation essentially repeated RSA chapter 60:52-a. In its place, Article I has been simplified to reflect that the Town authorizes the prepayment of taxes.
 - Article II was added to reflect a list of the various tax exemptions that the Town recognizes.

- The Wood Heating Energy System Exemption (previously Section 2.11.2) was amended by removing the application, review, and appeal procedures because said procedures are already provided for by statute. An identical approach was undertaken with regard to the Solar Energy Systems Exemption, and the Wind-Powered Energy Systems Exemption.
- Part II, Chapter 30, Article I: The “Traffic and Vehicles” Ordinance (previously Section 11) was revised to strike the penalty, severability, and effective date provisions as those section are already provided for in the General Chapter. Also, the “Speed Limits” Section (previously Section 11.2) was revised to make said section consistent with RSA 265:60. The “Alcohol prohibited in motor vehicles” (previously Section 11.2) provision was amended to make that section conform to RSA 265-A:44.
- Part II, Chapter 30, Article II: The “Stopping, Standing, and Parking” Ordinance (previously, Section 11.2) was amended by making said provisions consistent with RSA 265:69.
- Part II, Chapter 30, Article III: The “Bicycles, Skateboards, and Scooters” Ordinance was amended to strike those portions of the penalty provisions that were consistent with the penalty provision found in the General Chapter.
- Chapter 32, Article 1: The Town’s “Zoning Ordinance” was amended to reflect that the Historic District Commission was repealed.

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution 2014/2015-49

2015-2016 TOWN COUNCIL RULES FOR PROCEEDINGS

WHEREAS, Section 3.2 of the Town Charter requires the Town Council to adopt rules of Council Proceedings.

NOW THEREFORE LET IT BE RESOLVED BY THE NEWMARKET TOWN COUNCIL, That the Town Council adopts their 2015-2016 Rules of Council Proceedings as appended to this Resolution.

First Reading: April 1, 2015
Second Reading: April 15, 2015
Third Reading: May 6, 2015
Council Approval: May 6, 2015

Approved: _____

Philip Nazzaro, Town Council Chairman

A True Copy Attest: _____

Terri Littlefield, Town Clerk



TOWN *of* NEWMARKET, NEW HAMPSHIRE

2015-2016
TOWN COUNCIL RULES FOR PROCEEDINGS

1. **Council Meetings**

All meetings of the Town Council shall be public as required by RSA 91-A.

Business meetings shall be held on the first and third Wednesday of each month at 7:00 p.m., unless otherwise provided by ordinance or resolution. When Wednesday is a holiday, the regular meeting shall be held on a Wednesday following at the same hour unless otherwise provided by motion. The public portions of Council meetings shall end by 10:00 p.m., unless the Chairman or a majority of the Council present determines that continuing the meeting shall allow the necessary business of the meeting to be completed. In order to proceed beyond 10:00 p.m., a motion to do so shall be made and a vote shall be taken. The motion shall pass to the extent two-thirds (2/3) of the votes cast. Notwithstanding the foregoing, non-public sessions of the Council may continue after 10:00 p.m.

Business Meetings are for the purpose of deliberating and voting upon Town business. Agendas will generally follow the order of business established in Section 5 below and shall include on the agenda an opportunity for citizen comment related to the matter(s) included on the agenda and/or pertaining to the business of the City Council.

Special Meetings are for the purpose of deliberating and voting upon Town business at times other than during a regularly scheduled Business Meeting. Such meetings are "special" because the Chair, or upon request of the Town Administrator, or five (5) Council Members by written request submitted to the Chair, can call them on a minimum of 24 hours' notice. Agendas will generally follow the order of business established in Section 5 limited to one or more items requiring Council action and shall include on the agenda an opportunity for citizen comment specifically related to the matter(s) included on the agenda.

Special Meetings may be scheduled for any day provided sufficient notice is afforded in accordance with provisions of State law.

Workshop Meetings are for the purpose of the Council receiving information about Town business in an informal setting during which no formal action can be taken. The workshop agenda format is intended to encourage in-depth presentations by Town Boards, Commissions, Committees and/or staff (including consultants engaged for purposes of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the presiding officer. Although formal action may not be taken during Workshop Meetings, the presiding officer may poll Council Members during the meeting to determine the general consensus of the Council in order to bring matters back for consideration at future meetings. Agendas will generally follow the order of business established in Section 6 below limited to one or more items for Council review and discussion and shall include on the agenda, prior to the end of the meeting, an opportunity for citizen comment related to the matter(s) included on the agenda.

Non-Public Meetings are held to discuss only certain items specified in State law during which the public cannot attend. Non-Public Meetings shall be properly noticed and State law pertaining to the appropriateness and necessity of holding such meetings shall be strictly adhered to in all cases.

Non-Public meetings are typically scheduled as necessary, before or after other Council meetings.

Consultation with Legal Counsel/Collective Bargaining Strategy or Negotiation meetings are held solely for purposes of receiving legal counsel and/or for collective bargaining matters relating to strategy or negotiations during which the public cannot attend. These sessions are typically scheduled as necessary, before or after other Council meetings.

The place of the meetings shall be the Council Chambers at the Town Hall.

A quorum of the Council for the transaction of any business shall be four (4) of the members currently in office. A majority of those members present may adjourn the meeting to another time or date.

2. **Presiding Officer**

The Chairman shall be the presiding officer at all Council meetings. He/She shall take the chair precisely at the hour appointed for the meeting and call the members to order. In the absence or disability of the Chairman, the Vice-chairman shall preside and act as Chairman during such absence or disability.

3. **Chairman Pro Tem**

In case of the absence of both the Chairman and the Vice Chairman, the Recording Secretary shall call the Council to order and call the roll of the members. If a quorum is found to be

present, the Council shall choose one of its members to act as Chairman *pro tem* by a plurality of votes until the Chairman or Vice-Chairman appears.

4. **Recording Secretary**

The Recording Secretary shall be ex-officio Recording Secretary of the Council and shall keep minutes of the meetings and perform such other and further duties, as may be ordered by the presiding officer or Council. The Recording Secretary shall record the names of the members present and coming in after the call to order. It shall be sufficient for the Recording Secretary to record special and non-public meetings by written form. Not more than 5 business days, excluding weekends and national and state holidays, the Recording Secretary shall make available a copy of the minutes of the previous meetings to include regular, special and non-sealed non-public meetings. In the absence of the Recording Secretary, the presiding officer shall appoint an acting recording secretary during such absence that shall tape record the meeting and take minutes.

5. **Order of Business**

The business of all business meetings and workshops of the Council shall be transacted in the following order unless the Council, by a vote of at least two-thirds (2/3) of the votes cast, shall suspend the rules and change the order.

Business Meetings:

1. Pledge of Allegiance
2. Public Forum
3. Public Hearing
4. Town Council to Consider Acceptance of Minutes
5. Report of the Town Administrator
 - a. Monthly Department Heads Report
6. Committee Reports
7. Old Business
 - a. Ordinances and Resolutions in the 2nd Reading
 - b. Ordinances and Resolutions in the 3rd Reading
 - c. Items Laid on the Table
8. New Business/Correspondence
 - a. Town Council to Consider Nominations, Appointments and Elections
 - b. Ordinances and Resolutions in the 1st Reading
 - c. Correspondence to the Town Council
 - d. Closing Comments by Town Councilors
9. Adjournment

6. **Ordinances and Resolutions**

- a. Ordinances - Any Ordinance to be considered by the Council other than those to be enacted for purposes of addressing emergency circumstances as specified in the Town Charter shall be initiated and acted upon in accordance with the requirements established herein.
 - i. A proposed Ordinance shall appear on a meeting agenda for a first reading after which it may be referred to a Workshop Meeting, if deemed necessary, and/or a future Public Hearing date shall be set.
 - ii. After a Public Hearing relating to a proposed Ordinance has been held and testimony allowed in accordance with these rules, the proposed Ordinance shall be brought before the Council for a second reading during the same meeting, together with any and all recommendations for passage, rejection, referral to a workshop, or to a third reading.
 - iii. Any proposed Ordinance submitted for consideration by the Council, may be amended and/or enacted by a majority roll call vote in conjunction with the second and/or subsequent readings.
 - iv. If a proposed Ordinance is extensively amended following the first reading and the Council wishes further review, or additional time is needed for the public to express its opinion on the issue, it may be held for a third reading, on a simple majority vote of Council Members present.
 - v. Unless otherwise provided, each Ordinance approved by the Council shall become effective upon its passage, after it has been duly advertised within 7 business days of the Council meeting at which time the ordinance was adopted.
 - vi. The Town Clerk shall certify that the amendments are incorporated into the original ordinance with the proper reference to the amended ordinance number and date.
- b. Resolutions - Any Resolution to be considered by the Council shall typically be initiated and acted upon in accordance with these rules above. Resolutions subject to public hearings will also be subject to the following:
 - i. A proposed Resolution shall appear on a meeting agenda for a first reading after which it may be referred to a Workshop Meeting, if deemed necessary, and/or a future Public Hearing date shall be set, if necessary. If no workshop or Public Hearing is necessary, than the Resolution will be referred to the next regular business meeting.
 - ii. After the proposed Resolution has been presented at the required public hearing, if necessary, it shall then be brought before the Council for a second reading the same meeting, together with any and all recommendations, for passage, rejection, referral to a workshop or other meeting.
 - iii. If a proposed Resolution requiring a public hearing is extensively amended following the public hearing and the Council wishes further review, or additional time is needed for the public to express its opinion

on the issue, it may be held and referred for action at a future meeting, on a simple majority vote of Council Members present.

7. **Meeting Protocol**

No person will be allowed to speak unless and until recognized by the Chair.

No Councilor will be allowed to address an agenda item twice before each Councilor wishing to be recognized has been recognized once.

No person will be allowed to respond out of order to any statement by any other person.

All comments will be addressed to the Chair.

The Chair reserves the right to rule persons, including Councilors, out of order for violating this Resolution, as well as any other applicable statute, ordinance, resolution, or Charter provision.

Any person ruled out of order three times at one meeting will be asked to leave the meeting.

Motions will be entertained at workshops only under extraordinary circumstances. Motions will only be entertained under new business only under extraordinary circumstances. Any matter discussed under new business that the Council wishes to consider further will be referred to the next available workshop.

8. **Filing with the Town Clerk**

of resolutions

Per Section 3.8.A of the Town Charter any ordinance [↑] may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Town Administrator shall file a reasonable number of copies in the office of the Town Clerk, and post a copy in such other public places as the Council may designate.

In addition, copies of ordinances, resolutions and documents to come before the Council for consideration will be given to the Town Administrator's office by noon three (3) working days preceding the day on which the Council meets. All Town Council packets shall be made available for pick up on the Friday before the scheduled business meeting and workshop at the Town Hall.

9. **Motion to be Stated by the Recording Secretary**

Any Council member may ask the Recording Secretary to state the motion before the vote. The mover without the consent of the member seconding it may not withdraw a motion.

9. **Voting**

Each member present when a question is put shall vote either aye or nay by voice vote. If a member abstains, he/she shall give the reason for abstaining. All voting shall be by roll call vote except votes on procedural matters.

10. **Conflict of Interest**

Any member who has a financial interest, direct or indirectly, in any planning or existing contract, job, work or service to be performed by the Town or voluntary sale to the Town of any land, materials, supplies, equipment or other property shall make full disclosure of such interest to the Council prior to deliberating any such matter or transaction.

The member, or if a member's family member, as defined by Section 7.3 (B) of the Town Charter is financially interested in such matters or transactions shall not vote nor advise on nor otherwise participate in the Council's consideration of such matter or transaction.

11. **Anonymous Communications**

Unsigned communications shall not be introduced in Council meetings nor shall the Council entertain any review, discussion or action upon unsigned communications.

12. **Permission to Address the Council**

To encourage and allow ongoing input and feedback from citizens, Regular, Special and Workshop meetings shall include on the agenda an opportunity for citizens to address the Council. In addition to public hearings that may be scheduled for public comment on specific matters, the Public Forum will ensure citizens have the opportunity to speak to all other items on a meeting agenda and/or matters pertaining to the business of the Council.

- i. Speakers shall be residents of the Town of Newmarket, property owners in the Town of Newmarket, and/or designated representatives of recognized civic organizations or businesses located in the Town of Newmarket.
- ii. Speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member.
- iii. Speakers shall first recite their name and address for the record.
- iv. Each speaker shall be provided a single opportunity for comment, limited to five (5) minutes with the five (5) minutes beginning after the obligatory statement of name and address by the speaker.
- v. Citizen Forum shall not be a two-way dialogue between speaker(s), Council Member(s), and/or the Town Administrator.

The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

13. **To Suspend the Rules**

These rules may be temporarily suspended by a vote of two-third (2/3) of the votes cast.

14. **To Amend Rules**

These rules may be amended, or new rules adopted, by a majority vote of all members of the Council present. Any proposed amendments to these rules shall be submitted in writing at a business meeting, and shall be placed on the agenda under the order of "New Business". This requirement shall be waived only by unanimous consent with a recorded vote of all members.

15. **Roberts Rules of Order**

Roberts Rules of Order shall be used to decide all parliamentary questions not specifically provided for in these rules.

16. **Committees**

Budget Committee: As provided for in RSA 32:15, I(b) *Budget Committee Membership*, "One member of the governing body of the municipality...shall be appointed by their respective board to serve for a term of one year and until their successor are qualified. Each such member may be represented by an alternate member designated by their respective board, who shall, when sitting, have the same authority as the regular member."

Planning Board: As provided for in RSA 637:2, I-b(a) *Planning Board*, The council shall appoint "A member of the town council...of the town selected by the town council."

The Chairman shall have the power to appoint such advisory committees, as he/she deems necessary to serve him/her in an advisory capacity. The first-named person on each advisory committee shall serve as its chairman.

17. **Councilor Development**

All newly elected Council members shall, within the first year of their election, attend at least one workshop or educational seminar for local officials offered by the New Hampshire Municipal Association, Local Government Center, or comparable local agency.

All other Councilors are also encouraged to attend at least one workshop/seminar during each remaining term year with particular emphasis upon the Right-To-Know Law, municipal budgeting, and/or other matters pertaining to local government.

18. **Annual Review and Adoption**

Consistent with Section 3.2 of the Town Charter, this Resolution shall be in effect until the next organizational meeting of the Council, at which time, the Council shall renew, amend, and re-adopt or otherwise act on this Resolution.

19. **Councilor Stipend**

Consistent with Resolution #2009/2010-08, Pertaining to the Disbursement of Town Council Member's Annual Stipend, Councilors stipend shall begin with the start of the Town's fiscal year with payment made in July, September, December and March.

RECEIVED

APR 20 2015

TOWN OF NEW MARKET
ADMINISTRATOR'S OFFICE



APPLICATION FOR APPOINTMENT TO A BOARD,
COMMISSION, OR COMMITTEE POSITION WITHIN THE
TOWN OF NEWMARKET

Applicant's Name: Steven Minutelli

Address: 11 Salmon Street

Phone/Cell: 603-988-4804

RSA 669:19 Newmarket Registered Voter: Yes
RSA 91:2 Are you an American Citizen? Yes

of Years as Resident: 9

Email address: minutelli@yahoo.com

Full membership (3 year term) position applying for: NA

State what the new term expiration date is: NA

Alternate position (3 year term) position applying for Zoning Board of Adjustment

State what the new term expiration date is: Exp. 2017

I feel the following experience and background qualifies me for this position:

I have served the Town in the capacity of Town Councilor (2008-2011) and have served on the NCDC (2013 to present). I have been licensed to practice law in the State of New Hampshire since 2003, although my practice area is primarily confined to domestic relations and not real estate transactions.

In addition to my legal training, however, one characteristic that qualifies me for the position of ZBA alternate is the often overlooked characteristic of good, old-fashioned common sense. Finally, this application to be an alternate is submitted in light of the considerable dearth of ZBA alternates which, as you folks likely know, can pose a variable plethora of problems on a ZBA.

I thank you for your consideration.

Signature

Date

4/20/2015

RECEIVED

APR 22 2015

TOWN OF NEW MARKET
ADMINISTRATOR'S OFFICE

TERM EXPIRATION DATE: March 2018

APPLICATION FOR APPOINTMENT
TO A BOARD, COMMISSION OR COMMITTEE POSITION
WITHIN THE TOWN OF NEWMARKET

Applicant's Name: Peter Wellenberger

Address: 14 Bonnet Drive Phone/Cell : 659-0076

Registered Voter of Newmarket - Yes No Number of Years as a Resident: 12

Email Address: peterw1969@gmail.com

I would like consideration by the Town Council for appointment to: Macallen
because: I serve as Chair of Dam Comm.
the Comm. I want to continue this work.

(need more room, please use the back)

I feel the following experience and background qualifies me for this position: see previous app

(need more room, please use the back)

P Wellenberger 4-22-15
Signature Date

You are welcome to submit a letter or resume with this form. Applicants are requested to attend the Council meeting to address the Town Council prior to the decision making process. Applicants will be notified of the time and date of this meeting in advance. Thank you for your application and interest in the Town of Newmarket.

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution #2014/2015-52

To Authorize the Town Administrator to Enter into an Agreement with Northeast Earth Mechanics to Install a 16-inch Water Main from Route 108 to the Great Hill Water Tower, and to Perform Necessary Electrical Improvements.

WHEREAS, the Newmarket Department of Environmental Services has completed the required New Hampshire Department of Environmental Services competitive bidding process, and

WHEREAS, Northeast Earth Mechanics is the low bidder, and

WHEREAS, Underwood Engineers recommends Northeast Earth Mechanics based on a review of their Bid, Statement of Qualifications, references, and letters from their bond bank agency.

NOW THEREFORE BE IT RESOLVED, the Newmarket Town Council does hereby authorize the Town Administrator to enter into a contract with Northeast Earth Mechanics for \$892,710.00 for the Route 108 Great Hill Water Main Replacement Project. Further, the Newmarket Town Council does hereby authorize the Town Administrator to enter into future contract amendments with notice to the Town Council.

First Reading: May 6, 2015

Second Reading:

Approval:

Approved: _____
Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution #2014/2015-53

Relating to the Town's Investment Policy

WHEREAS, Pursuant to RSA 41:9 VII, the Town Council "shall annually review and adopt an investment policy for the investment of public funds in conformance with applicable statutes...."

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council adopts an investment policy, as follows:

1. Introduction

The intent of this investment policy is to define the parameters within which funds are to be managed. In methods, procedures and practices, the policy formalizes the framework for the Town's investment activities that must be exercised to ensure effective and judicious fiscal and investment management of the Town's funds. The guidelines are intended to be broad enough to allow the Treasurer to function properly within the parameters of responsibility and authority, yet specific enough to adequately safeguard the investment assets.

2. Governing Authority

The Town Council has authority under RSA 41:9 (Town) and RSA 48:16 to adopt this investment policy.

3. Scope

This policy applies only to investments held by the Treasurer. Funds held by the Trustee of Trust Funds and the Library Trustees are excluded from this policy.

4. Investment Objectives

The primary investment objectives, in priority order, of investment activity shall be:

a. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal will be to mitigate credit risk and interest rate risk.

b. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

c. Return

The investment portfolio should be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints of safety and liquidity needs.

d. Special Considerations

Where possible, funds may be invested for the betterment of the local economy. For example, funds may be invested with institutions to reward them for promoting local economic development through its various programs and activities. Any money deposited in these institutions shall be FDIC insured and/or collateralized pursuant to section 9 of this policy.

5. Standards of Care

a. Prudence

The standard of prudence to be used by the Treasurer shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. The Treasurer acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

The “prudent person” standard shall be defined as:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable of safety of their capital as well as the probable income to be derived.

b. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Disclosure shall be made to the Town Council. They shall further disclose any personal financial/investment positions that could be related to the performance of

the investment portfolio. Employees and officers shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the Town.

6. Delegation of Authority and Responsibility

a. Maintenance of the Cashbook

The Finance Office shall maintain general ledger cash accounts by bank statement with enough transactional specificity that will comply with the requirements of maintaining a cashbook.

b. Bank Reconciliations

The Finance Office shall prepare for the Treasurer's approval, bank reconciliations. Such bank reconciliations shall reconcile bank balances to the general ledger cash balances and include supporting documentation for each reconciling item.

c. Bank Deposits

The Tax Collector's Office, with a police escort, may deposit Town collections with the bank.

d. Other Internal Controls

All departments must comply with internal controls specified by the Town Administrator.

7. Authorized investments

The Treasurer shall invest in the public deposit investment pool, money market accounts, certificates of deposits, repurchase agreements, or all other types of interest bearing accounts of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch in the state.

The Treasurer shall amounts of investments in a manner that will mitigate the concentration of credit risk. Concentration of credit risk is the risk of loss attributed to an investment in a single issuer.

8. Approved Institutions

The Treasurer shall have authority to deposit, upon approval by the Town Administrator and recommendation of the Finance Director, town monies in the following institutions:

- Citizens Bank
- Kennebunk Savings Bank

- New Hampshire Public Deposit Investment Pool
- TD Bank

Collateralization shall be obtained separately for each institution, according to section 9 of this policy.

9. Collateralization

The Treasurer shall collateralize deposits in an effort to mitigate custodial credit risk. Mitigation includes segregating deposits to be covered by federally deposit insurance or similar insurance.

10. Foreign Investments

The Treasurer shall not invest in foreign investments.

First Reading: May 6, 2015

Second Reading:

Approval:

Approved: _____
Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Ordinance #2014/2015-05

Update the Town of Newmarket Building Construction Regulations

WHEREAS, the Town of Newmarket "Building and Housing – Building Fees" Ordinance #2000-07, was not rescinded upon updates made by subsequent Council Resolutions addressing the same subject, and

WHEREAS, the Town may enforce the Statewide Building Code under the provisions of RSA 47:22, and

WHEREAS, a Permit Fees Schedule, as a business function, may remain in place as a Resolution,

NOW, THEREFORE BE IT RESOLVED that the Newmarket Town Council does hereby rescind Ordinance 2000-07 and adopt Ordinance 2014/2015-05.

Chapter 6, Section 6-21 of the Municipal Code of the Town of Newmarket, Building Fees, shall be omitted upon passage of this ordinance.

First Reading: May 6, 2015
Second Reading:
Public Hearing:
Council Approval:

Approved: _____
Philip Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: _____
Terry Littlefield, Newmarket Town Clerk