



**Town of Newmarket, New Hampshire**  
**Town Council Business Meeting**  
**May 1, 2013 7:00 p.m.**  
**Council Chambers**

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

**AGENDA:**

- 1. Pledge of Allegiance**
- 2. Public Forum**
- 3. Public Hearing – *Item(s) before the Town Council this evening for action***
- 4. Town Council to Consider Acceptance of Minutes**
  - a. April 17, 2013 Workshop**
- 5. Linked Together Kids – Update on Accomplishments and Permission to Open Lemonade Stand in Pocket Park**
- 6. Report of the Town Administrator**
- 7. Old Business**
  - a. Ordinances and Resolutions in the 2<sup>nd</sup> Reading—*Item(s) Council may act upon this evening***
    - i. Resolution #2012/2013-51 Withdrawal of \$26,730 for Engineering Services to Replace Waterline at North Main Street**
    - ii. Resolution #2012/2013-52 Update Building Permit Fee Schedule**
    - iii. Resolution #2012/2013-55 Town Administrator Enter in Agreement for Audit Services FY2013-2015**
    - iv. Review of Town Council Goals**
  - b. Ordinances and Resolutions in the 3<sup>rd</sup> Reading**
  - c. Items Laid on the Table**
    - i. Ordinance #2012/2013-02 Amendments to Sections 1.04 Zoning Map, Sections 1.09 Special Use Permits, Section 2.02 M-2 District, Section 5.08 Downtown Commercial Overlay District and Section 7.02 Mixed Use Development**

## **8. New Business/Correspondence**

### **a. Town Council to Consider Nominations, Appointments and Elections**

- i. Conservation Commission Candidate Fred Pearson Term Expires March 2016

### **b. Ordinances/Resolutions in the 1<sup>st</sup> Reading – *Item(s) held over for vote at next BM***

- i. Resolution #2012/2013-56 Town Administrator to Enter into an Amendment with State of NH Exempting Social Security and Medicare Coverage from Election Workers

### **c. Correspondence to the Town Council**

- i. Vendor Approval (Patsy's)

### **d. Closing Comments by Town Councilors**

## **9. Adjournment**

*This agenda is subject to change without notice. This location is handicapped accessible. This meeting is scheduled to be televised live on Channel 13.*



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**4. Town Council to Consider Acceptance of Minutes**

- a. April 17, 2013 Workshop

**DRAFT**

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL WORKSHOP  
APRIL 17, 2013  
TOWN COUNCIL CHAMBERS**

PRESENT:

Council Chairman Gary Levy, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Larry Pickering, Councilor Dale Pike, Councilor Ed Carmichael

Town Administrator Steve Fournier

EXCUSED: Council Vice Chairman Bentley

**PLEDGE OF ALLEGIANCE**

Council Chairman Levy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. He called for a moment of silence in regard to the victims of the Boston Marathon bombing.

**HONORABLE SENATOR, MARTHA FULLER CLARK**

Since redistricting, Senator Martha Fuller Clark represents Newmarket as a part of District 21 and she said she wanted to become familiar with the issues facing her new constituents. She felt this would be a good time to meet, as this was cross-over time, when House bills go to the Senate, and Senate bills go to the House. She gave an overview of her experience as a legislator and the various committees on which she now serves. Currently, she is working on sponsoring a farm to plate bill for New Hampshire. She stated the most critical item before the House and Senate was the budget bill. Along with that the legislature will be considering Medicare expansion, an incremental increase in the gas tax, establishment of a casino, whether or not to repeal the voucher bill for education, the stand-your-ground bill, the use of marijuana for medical purposes and the de-criminalization of marijuana.

She said she knew Newmarket had an issue with the high school, and the Governor's budget included \$7.2M for new construction, while the House budget had nothing. She said that, even though this was a lean time for the state, they had to fund promised monies that had been spent by communities for water/wastewater projects. The state retirement contribution will remain at zero and revenue sharing will remain at its present level. The gas tax had not been increased since 1991, and she felt that raising it \$.04 per year over a 3 year period would help pay for needed improvements to infrastructure within communities.

Councilor Carmichael asked what Plan B for revenue of \$80M would be if the casino bill did not pass. The Senator said the House had passed an \$11B budget without this revenue. She said the House budget allowed funding in this area of \$2.7B, a 4% increase that would cover some of the areas she had spoken of earlier. This was \$52M less than the Governor's budget. They did include increased revenue from the gas tax, but that money goes to a dedicated fund for infrastructure. She said the House had spoken of raising the gas tax by \$.20, and also talked about raising the cigarette tax. The Capital Budget includes funds for a new women's prison, which they are legally required to upgrade. She felt the House had demonstrated that the state could get by without the casino money. They had cut \$6M from each year that they would be restoring funds for UNH.

Town Administrator Fournier asked if Newmarket would be included in the bill to receive promised grant money for water projects, as the town had been owed about \$150,000 since 2007. The Senator said she believed the bill would cover funds owed to all communities. She distributed pamphlets about the NH retirement system, and said she would return in the fall to see if there were any legislative issues that she might bring forward for the town. Councilor Wright asked what percentage the town would receive from the gas tax and the Senator replied she believed it would be an 80-20 split rather than 85-15 but will verify that. She said she and many legislators were working to prevent as much downshifting of expenses from the state to the communities as possible.

Councilor Nazzaro said although he realized the need for infrastructure improvements, he was not in favor of raising the gas tax because the citizens with the lowest incomes would bear the brunt of the increase. The Senator said she would be interested in other solutions he might have to fix roads and bridges. Councilor Nazzaro said he felt Newmarket had run into many challenges because New Hampshire is not a home-ruled state and he believed it should be. He gave as an example the state laws on the wording of warrant articles which were difficult to decipher. The Senator agreed that communities have control, but only with state permission. He also commented that he was in favor of the farm-to-plate bill.

Councilor Pickering asked how much the gas tax currently generates in revenue and how much an additional \$.04 would bring in. The Senator will get those figures, but thought the increase in the gas tax would bring in about \$1B over a ten year period or an additional \$1M each year. He then asked what the proposed increase in the cigarette tax would be and how much increased revenue that would bring. The Senator said that every \$.10 increase in the tax would generate about \$1M. Councilor Pickering was in favor of raising funds through the cigarette tax if the figures worked out. He then asked what the deadline was for passing the state budget. The Senator said the two-year budget has to be complete by July 1<sup>st</sup>, and the House and Senate will be acting on June 27<sup>th</sup>. She further stated that revenues were higher than expected in March and was hopeful they would be in April. She hoped the state would come in on target and not with a deficit. Councilor Pickering asked if the state would begin funneling money back to the towns if revenue increases continued. The Senator believed that could happen and they would at least look at the possibility.

Councilor Pike said the focus should be on improving roads, and while he would like to reduce the use of cigarettes, he also would like to reduce energy dependence. The Senator said that when gas prices increase, more people use public transportation or chose ride sharing. She encouraged people to read the 2012 report on economic challenges for New Hampshire. Council Chairman Levy said that collecting a tax on internet sales was being discussed at the federal level which would affect New Hampshire. New Hampshire's federal delegation is against the proposal. He asked the Senator if she supported the gambling bill or the gas tax increase. She thought she probably would support the gas tax but wanted to look at alternatives. She did not support building a casino in New Hampshire in part because outside owners would take much of their profits out of the state. Also, she said the entertainment centers require exclusive contracts and that would adversely affect existing recreational and tourist businesses along with performing arts centers. She noted that the proliferation of slot machines in place of gaming tables does not encourage social interaction. Overall, she felt casinos were not an economic solution for New Hampshire and might affect the state adversely. To Council Chairman Levy's question, she stated it was too early to predict a surplus, but felt there probably would not be a deficit.

Councilor Nazzaro, personally and as a member of the Economic Development Committee, stated his support for the farm-to-plate bill as it encourages people to buy locally. The Senator said the policy statement in the RSA contained certain principles to encourage farming, and they were considering ways of offer apprenticeship programs to assist farmers. Council Chairman Levy asked if the Senator thought there might be a change in the formulas used to determine pensions, as the downshifting to towns was difficult to manage. The Senator said they had looked at a 401 contribution plan, but because of certain contractual obligations, that would be more expensive. She said the state is using today's money to pay for those who have already retired. The state had put in spiking controls, and eliminated special funds which were determined to be unconstitutional by the Supreme Court, meaning that more was going into the pension fund. She said this was a difficult problem for most states, as they had to balance commitments with affordability. She said that some abuses of the system had been reported, but they were few and far between, and the system was not well balanced between age and length of service. She said she appreciated the difficult position the towns were now in, and Council Chairman Levy said he felt the longer the problem existed the larger it would become.

Councilor Pickering asked if any money had been removed from the retirement fund for other purposes. The Senator said that other than moving some money to a health special fund, which had been declared unconstitutional, no other money had been removed. Town Administrator Fournier said that part of the problem is that the state requires municipal police, fire and teachers to be in their retirement system and it is difficult for other municipal employees to withdraw from the fund. Those employees were originally encouraged to join the plan by the state contributing part of the costs. Now that the contributions have stopped, municipalities are still tied to the plan and have to cover all the costs. He said one of the questions municipalities face is whether they can start their own plan for new employees. The Senator said that if new employees stop paying into the plan, it would affect its solvency and the ability to meet pensions for those in retirement. Council Chairman Levy thanked the Senator and she said she would get back to them with specific answers to some of their questions.

## **PUBLIC FORUM / PUBLIC HEARING**

As there were no citizens in attendance, Council Chairman Levy opened and closed the Public Forum and Public Hearing at 7:47 p.m.

## **TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

### 1. April 3, 2013 Business Meeting

Councilor Nazzaro moved to approve the minutes of the April 3, 2013 Business Meeting as written. Councilor Carmichael seconded.

Discussion: Council Chairman Levy asked that the spelling of Shandlay Park be changed to Schanda Park on page 5 of the packet, and that the amount of the electric contract on page 8 be corrected, from \$100,000 to \$150,000. Also, on page 15 of the packet, under Councilor Pickering's discussion of the Sky Bridge, the town's and developer's obligations should read \$65,000 rather than \$15,000. The Council voted with the understanding that the corrections would be made.

Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

### 2. April 3, 2013 Non-Public Session

Councilor Nazzaro moved to approve the minutes of the April 3, 2013 Non-Public Session as written. Councilor Pike seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

## **REVIEW OF DEPARTMENT REPORTS**

Town Administrator Fournier reported that at the end of March, the town had expended 73% of the budget compared to 77% last year. He said the road and sidewalks were over budget by 104% or \$12,000 because of the amount of snow this year, but he would be applying for \$40,000 in FEMA aid for the blizzard and hoped to get some of the money reimbursed. He said there was a discrepancy in the police and finance budget reports as the column for encumbered funds was not included so they had more money than was reported. Revenues from motor vehicle registrations and building permits were higher than originally projected. He and the finance department are working with the department heads on standardizing the chart of accounts. In the future, he felt this would give more accurate information and would be noticeable during budget season. The Board of Southern New Hampshire Head Start has decided to close its facility in Newmarket's recreation center at the end of August. The program accounts for about \$1,000 per month in recreation revenue so the Recreation Director is looking for other ways to fill the space. The Town Clerk/Tax Collector has received proposals for the codification of ordinances to be done in FY 2014. Town Administrator Fournier has applied for a grant through the

Municipal Managers Association for a Masters level UNH student to help with this as well as other projects. The intern's salary would be paid 1/3 from the Municipal Association, 1/3 from the Managers Association and 1/3 from the town. The town's share would be about \$2,000. He asked if the Council would consider changing the July 3<sup>rd</sup> Business Meeting to either July 2<sup>nd</sup> or July 10<sup>th</sup>. The Council will make the decision at the next meeting.

Discussion and questions: Councilor Pickering, in reference to the Great Bay Half Marathon, asked if race sponsors pay for police, fire and public works personnel assisting with the event. Town Administrator Fournier said he understood they do pay the police for extra hours worked including for benefits and cruiser use. He said he would check to see if any public works employees worked that day and what was done. Councilor Pickering asked what the problem was with the electric power to Great Hill, stating that he knew it was a temporary service going through the woods. Town Administrator Fournier said the wires were sagging and this was a safety issue. PSNH did not feel comfortable in doing the repair work in the woods. He said one of the suggestions would be to come in from the front and have the wiring underground, but he would be discussing a plan with PSNH in the near future. Councilor Pickering asked what happens if people don't pay for fire and rescue billing. Town Administrator Fournier said the billing agency continues to try to collect the money, but eventually may have to write off the bill. Notification of non-payment is received immediately and is first reviewed by the finance department before he is notified. He added that the majority of the bills are paid because insurance covers them.

Councilor Pickering than asked if the office personnel at the Fire Department were full time or part time and how many hours they worked. Town Administrator Fournier said these were part time positions and would find out the number of hours they worked per week. Councilor Pickering asked what to what towns the Newmarket Fire Department provided mutual aid. Town Administrator Fournier said usually it was to surrounding towns, and providing mutual aid was governed by state law. He said there was an agreement among communities to assist each other. Councilor Pickering asked if the town owned power washing equipment that could be used to clean public works vehicles more thoroughly after the winter. Town Administrator Fournier said he assumed they did, but would find out. Councilor Pickering asked about a comment stating that the Building Inspector/Code Enforcer was spending time evaluating policies, procedures and reorganizing the offices. Town Administrator Fournier said he was not sure what reorganizing meant, but assumed that files, etc. were being moved to make the office more efficient. Councilor Pickering asked what the Senior Community Service Program was at the high school with which the Code Enforcer was assisting. Town Administrator Fournier will find out. Councilor Pickering said the report mentioned that the Tax Collector's office was responding to increasing requests for motor vehicle registration and tax receipts for IRS tax filing purposes. He asked if the town charges as these appeared to be duplicate services and Town Administrator Fournier said they charge for the copies.

Councilor Nazzaro said he assumed that the number of calls made by the Fire Department was reported for the calendar year, while the budget figures were for the fiscal year, and asked that this be noted in the

report. Referring to the Planning Department report that said the report on the proposed zoning change was expected at the end of April and the decision in May, he asked at which meeting in May this would be on the agenda. Town Administrator Fournier said he did not think the report would be complete by the end of April, but he will find out. The report also mentioned landscaping regulations as part of the site review process, and Councilor Nazzaro asked if this would be an ordinance that the Council would have to pass or would this be under the jurisdiction of the Planning Board. Town Administrator Fournier said he thought this would stay with the Planning Board, but he would find out. The Finance Department Report, in reference to the Recreation Department, said that there was considerable effort made in determining year-end performance, and Councilor Nazzaro asked what was meant by "considerable effort" as he hoped they were not spending too much time on this. Town Administrator Fournier said he did not believe they were spending too much time on this. Councilor Nazzaro asked if there were challenges of which they should be aware, and Town Administrator Fournier said that the Recreation Department was in the process of reviewing programs to see what revenue they brought in. In addition, the department is receiving competition from the schools which have some grant-funded programs they can offer at no charge and some of those programs duplicate those of the Recreation Department.

Council Chairman Levy said he had asked for some clarification on multi-family housing and numbers in the report Bruce Mayberry is preparing to answer questions about the proposed zoning change. He wanted to make sure that the entire town was looked at and other areas such as New Village were included in the information, not just the areas that were mentioned in the presentation to the Council. He asked when the Recreation Department would convert to an enterprise fund, as currently they tie up taxpayer money because they have to fully budget for programs in anticipation of revenue. If a program does not have enough participants, the department does not run the program or hire staff even though the money has been raised. Town Administrator Fournier said that by analyzing programs they were getting closer to being more self sufficient, and he hoped to make this a revolving fund at budget time. He said that revolving funds have strict criteria, and probably the only other expense they could convert would be cable. Council Chairman Levy asked him to look into any possibilities so that they were not taxing people on funds that would ultimately go into the General Fund or be returned to the taxpayers.

Council Chairman Levy asked if communities receive any money for hosting a road race, and Town Administrator said this is not usual, but with such events there sometimes is a donation. He said he would look into this. Council Chairman Levy commented on the Police Department's current surplus of 7%, stating that it would be helpful to know where the department stood at the same time last year. He said it seemed that the department was operating very efficiently, but he didn't know if this was because of timing. He noted that Fire and Rescue and street lighting were also under budget as were most departments, and thought this would be the time to look at areas that could shift funds to cover shortages. He had read that the Water Department was at 84% of budget, but later in the report the figures were related to the previous year and were shown to be consistent for the time of year.

Councilor Wright said that every year the race organizers make a donation to the Conservation Committee for the use of Schanda Park. He asked for how long the internship would be and whether they would be able to do this every year. Town Administrator Fournier said the internship would last for 9 months and he knew of towns that had been able to have interns every year. He said that a lot would depend on the response to the intern's experience in Newmarket. Councilor Pickering asked if old documents were stored only in the old water works building, and Town Administrator Fournier was not aware of any other place. Councilor Pickering asked for a list of all town-owned properties, which the Town Administrator will supply. He felt more could be done to reduce street lighting costs. He knew some bulbs had been replaced as they were either over or undersized for the area, but he knew there were some that had not been changed. He said they needed a minimum of 50 watts at intersections, but in other areas they could pare down.

Councilor Pike, referring to pages 35 – 36 of the packet, asked about the schedule for updates to the Master Plan. Town Administrator Fournier said that the Planning Board now does a chapter a year with the help of the Strafford Regional Planning Commission, rather than trying to tackle the entire plan once every 10 years. They completed the Existing Land Use chapter this year. Council Chairman Levy said he noted in page 38 of the packet that it seemed there would be a recommendation to hire the law firm of Plodnsnik and Sanderson. He said the town had used the firm in the mid 90's, and after that time the town ran into some problems. He thought it would be warranted for someone to look into their past history with the town. Town Administrator Fournier said that both he and the Finance Director were aware that the town had used the firm in the past, but that they were not the one with which they had issues. He said the town had a good experience with the firm and from his reading of the audits he found them to be thorough and consistent.

#### **TOWN COUNCIL TO CONSIDER REPORTS FROM COUNCIL REP COMMITTEES**

1. Advisory Heritage: Councilor Carmichael - no meeting. The Committee needs one more member to have a quorum, and Council Chairman Levy asked for a volunteer from the community.
2. Budget Committee: Councilor Pickering said the Budget Committee had met on March 25, 2013 and elected Ellen Snyder as Chair, Amy Thompson as Vice Chair and Judy Ryan as representative to the CIP Committee. At the time of the meeting there were 2 vacancies on the Committee, but his understanding was that Cliff Chase would be representing the School Board. The deadline for at-large members was April 5<sup>th</sup>, and Rose-Anne Kwaks and Mike Land had filed for the remaining position. The Budget Committee will next meet on April 29<sup>th</sup>.
3. CIP: Councilor Nazzaro - no meeting

4. Conservation Commission: Councilor Pike had not been able to attend the meeting. Council Chairman Levy asked if the Council could get copies of the minutes.
5. Economic Development: Council Chairman Levy said most of the Committee members had met on April 3, 2013 and discussed a consultant. They sent the re-write of Chapter 6 of the Master Plan to Peter Kraus, who will aggregate it together and re-submit the scope of recommendations of businesses Newmarket can attract, wants to attract and are compatible with the town. He said that once they receive the report, they will meet and then submit the information to the Council. Then the Committee would look at tracts of land in Newmarket that could be consistent with the types of businesses that the Council, Committee, Planning Board and citizens would like to see in Newmarket. Councilor Nazzaro added that he didn't think looking at available tracts of land for recommended types of businesses was the duty of the Committee, but would be part of the consultant's report.

Council Chairman Levy said he encouraged community input and hoped that in a year or so Newmarket would have a focus on a plan which it could then implement to find out what interest there was. Councilor Wright asked when they expected the report from Peter. Council Chairman Levy said he felt that the part concerning Newmarket's place in the area and the types of businesses Newmarket can attract and wants to attract should be complete in about 4 months. After that phase, he thought it would take another 45 – 60 days for outreach to find tracts of land for development consistent with what the community wants and assess issues such as access to appropriate tracts. He felt overall the process should take 6 months but not more than 8. Councilor Nazzaro felt it might not take that long as Peter's original proposal seemed to be in 3 phases, and the first 2 were essentially done. He felt they were looking at months rather than years. Council Chairman Levy said he felt that by fall they would have a workable plan that they could implement. He stressed that they first had to have funding for the Committee and the consultant, and he hoped there would be a proposal in a week to take to the Committee and then to the Council.

6. Safety Committee: Council Vice Chairman Bentley was not in attendance at this meeting to report on the Committee.
7. Planning Board: Councilor Wright said the Board had been presented with 3 plans, 2 of which were from the Newmarket Mills, LLC. The first was for a restaurant on the site of a former gas station and the second was for development behind the library. The Board had tabled discussion of Walter Cheney's plan due to on-going litigation. The Board was nearly finished with revisions to Chapter 3 of the Master Plan, Land Use. To emphasize the importance of updating the plan, he noted the changes in the 2001 land use from strip, scattered and sprawl, to the current combination of residential, open space conservation, growth management and infill development. He said in citing chapters of the Master Plan for

argument's sake, people had to realize that some of the chapters were 10 years old and the focus had changed. The Board has not yet made a decision as to what chapter it will work on this year.

### **DISCUSSIONS/PRESENTATIONS: Town Council Goals**

Council Chairman Levy gave a brief overview of last year's goals: do the basics right, improve finances, improve communication and economic development, stating that he could see they had made progress and moved forward on each goal. He said the focus of this agenda item would be to get individual input on goals for the present year.

Councilor Pickering handed out his list of goals for 2013/2014. He said that since the Council changes every year he wanted to work on yearly goals rather than a 5 year vision. He said none of his suggestions were to be taken personally, but were in the spirit of saving money for the taxpayers. His #1 goal was to lower the tax rate and spend less to in part compensate for reduced state revenue. He wanted to reactivate the Efficiencies Committee to help find savings for the town and cooperative efforts for the school and town. In line with this goal he felt they should consider and discuss contracting some services, such as snowplowing; making the Recreation Department 100% paid for through user fees; combining preparation of school and town payroll; regionalizing police services; joining a regional dispatch service; purchasing some vehicles and equipment with other communities; meeting annually with surrounding towns to discuss joint purchases and services, and having a part-time Planner or contracting for those services.

Council Chairman Levy asked if Councilor Pickering meant to contract all snowplowing services. He replied he thought this should be looked into to which Council Chairman Levy agreed. Some towns contract part or all of this service and seem to think it works well. This can reduce staff and the number of vehicles, but sometimes the service is not as efficient or as timely. Councilor Pickering said this was not a reflection on personnel or their high level of work. Town Administrator Fournier said he hoped the Council would prioritize the goals because he had the goals for his position and the town has 3 large projects to deal with this year. Council Chairman Levy said he thought the Town Administrator could have the Department Heads do their due diligence on the proposed goals and report back to him so he could assess the practicality of the suggestions. He understood that some of the department heads might be averse to the suggestions. Town Administrator Fournier wanted to first ascertain that this would be the goal of the Council as a whole.

Councilor Pickering said it was his understanding that this was the only time of year that the Council had the opportunity to come together to discuss their goals. He said he was not familiar with the other goals geared specifically to the Town Administrator, and thought Councilor Pike would not be either. He asked that they each receive a copy of those goals. Council Chairman Levy said that procedurally, this was the time to put everything on the table, get input from each Councilor and have a discussion before setting priorities. He said he would like to finish with the goals Councilor Pickering had set forward. He asked Councilor Pickering if his concept for the Recreation Department was basically pay-

to-play. Councilor Pickering said the department's books showed a negative between revenues and expenditures and he felt a plan should be developed to equalize them. He said this was not a complaint about personnel as he felt they did a fine job, but with all the expenses people had, he wondered how much more they could absorb. He said that a recreation department was a wonderful thing for the town to have, but thought it should pay for itself. Councilor Carmichael asked Councilor Pickering what he meant by "100% user pay through fee." Councilor Pickering replied that currently the budget was not balanced as the revenues received did not equal the expenses and they were subsidizing the department or losing money. Town Administrator Fournier said they were subsidizing the department's staffing and some programs through taxes, not losing money. He said they could reduce the number of programs to equalize the fees or raise the fees to such a point as no one could pay. He said they would study this and come up with a recommendation. Councilor Pickering said when the department was first started, they were told it would eventually be self-sufficient, which had never quite happened. Councilor Pike asked what other towns do, and Town Administrator Fournier said all towns subsidize.

Councilor Nazzaro said he did feel a 5 year vision was important even though the goals were for one year as it focused the Council on the direction it should be taking. He had 3 goals. His first was to establish a target tax rate and the means to reach it by looking at the revenue and expense side. He said they could only about the town side or try to work cooperatively with the school. His second goal was to establish or amend zoning ordinances which would help them achieve the targeted tax rate, requiring concerted cooperation between the Council and the Planning Board. His third goal would be for Newmarket to be a community and look at what can be offered, constructing finances to realize what the community wants to be. He said the town owned many properties that were not conservation land, and they should look at putting them back on the tax rolls. His final goal would be for the town to look at what happens within its geographic boundaries holistically, whether it be town or school, and act as a community.

Councilor Carmichael said his goals were to have the plans for the well and wastewater treatment facility implemented and hiring the correct engineering firm through RFP's. He thought a committee consisting of the Water Superintendent, Town Administrator and a Council member could be established. His second goal would be to hire the appropriate Finance Director to prevent trouble in the future. His third goal would be to maintain a stable budget with the same or a lower tax rate, and this fourth goal would be to allow no rubber stamping of the water and sewer projects.

Councilor Pike said he felt it was important for the Council to have a vision of more than one year for the future of the town. In terms of economic development, zoning and the master plan, he wanted to see how they would be able to arrive at a plan that showed consideration of where the town foresaw its future. He stressed the importance of attention to correctly implementing the big money projects of water and wastewater. With the town's share of the tax rate at about 25%, he felt it important that all the governing bodies in Newmarket unify and cooperate to help the whole town. Council Chairman Levy noted that he thought Councilor Pike's goals were well thought out, and although some points were not within the purview of the Council, he felt this was a good time to discuss them.

Councilor Wright said one of the important things was the tax rate. He would like to see more commercial development in town and an expansion of the downtown, targeting businesses with 6 – 8 employees. He said they have to fund the Economic Development Committee so that it may continue its work. He suggested that a business section be added to the town's web-site to show an overview of what the town has to offer and also thought the town could advertise Newmarket's advantages in trade magazines to help bring in more businesses and increase revenue. As to Councilor Pickering's suggestion about reducing expenses and restarting the Efficiency Committee, he said he would also like to see Department Heads reporting on their ideas and recommendations to decrease their costs. In addition, he thought they should investigate ways to share resources with other towns, try to reduce healthcare costs and complete financing arrangements for the MacIntosh Well and wastewater treatment plant.

Council Chairman Levy, in reference to Councilor Nazzaro's question about setting priorities, said he felt this could be done on a timing basis: what could have been done yesterday and what they can do tomorrow and next month. He said his goals were given in no particular order. His first goal was to expedite the hiring of new legal counsel for the town, stating that he and Council Vice Chairman Bentley had done the background checks and had narrowed the candidates to three. He felt they should meet with them within the next 30 – 45 days and make a decision. His second goal was to hire a consultant, whether it was Peter or another person, to work with the Economic Development Committee, and make decisions that would allow the town to have businesses that it wants and which the town can accommodate. He was assuming that Peter would bring them a good quote and scope of work. He stressed the importance of the Town Council, Planning Board and Economic Development Committee working together with the consultant to finally get a plan in place. He estimated the cost of a consultant to be between \$25,000 and \$30,000. His third goal concerned the implementation of the water and wastewater projects and he wanted them to do their due diligence in the RFP process. He said these three goals should all be done quickly.

Council Chairman Levy, in reference to Councilor Carmichael's suggestion, said he thought Water Superintendent Greig, Town Administrator Fournier, a finance director and one or two Councilors should form a committee to look into financing and engineering firms who submit bids. He felt that some of what Councilor Pickering suggested was currently being worked on. Town Administrator Fournier said they were looking at all options for regionalization at this time. Council Chairman Levy said that last year's goals, while being important, were fairly general, and he felt they could be more specific this year.

Councilor Nazzaro said the importance of setting a vision was to help prioritize goals as to what would help them reach their future. He said he did not particularly like the term goals as it was rather general. He said to those should be added action items or strategies to implement their ideas. He said that the suggestions given by Councilor Pickering were a part of these. He felt there was overlap and nesting of ideas with many of the Councilors' suggestions and he suggested that the Town Administrator prepare an aggregate list. He said it would help them focus on decisions if they could see how suggestions fit

together. He also said he thought this should be done before any decisions were made. Town Administrator Fournier said he would first type up each Councilor's ideas before preparing the list. Then he would take the goals common to all, such as reducing or stabilizing the tax rate, and consolidate action items that could be investigated to realize the goal. He would then distribute a copy to the Councilors for their recommendations and decisions. He pointed out that they had not had a chance to hear Council Vice Chairman Bentley's ideas.

Council Chairman Levy said under a tax rate/finance heading there could be a list of specific actions that would help realize the goal as there could be for the water/wastewater mandates and hiring of a legal firm. He said this would be a way to circle back and investigate some of the suggestions that had been brought up during the year, especially at budget time. He said, and Town Administrator Fournier agreed that he expected there would be 2 – 3 broad categories for headings. He said they could have a check list, and get a monthly update from the Town Administrator on progress on items, the pros and cons of each, which would help them make a decision. He added that he felt many of Councilor Pickering's ideas had merit. He said that very few towns the size of Newmarket had recreation departments that didn't run in the red. He said running the payroll for the school and town would require cooperation and that Councilor Pike was correct that the town's share of the tax rate was about 25%. He said the Chair of the School Board had reached out to him and he would be meeting with her in the near future. He said the Council had no control over the school, but he would try to work on things that could be done cooperatively. He said the goals and action items would become clearer once they were put into categories, and he thought they could be prioritized and set in a time frame.

Town Administrator Fournier said the search for new legal counsel was essentially done. He felt there were 3 – 4 categories that he saw. He would make a list under each heading as to what he could do for each. He could present reasons why or why not each could be done. He said that under financials, much of what could be done would be implemented during budgeting time for the next fiscal year. He said their handling of the water and sewer projects was a top priority. He saw stabilizing the tax rate and economic development as two other goals that were important to all Councilors. Council Chairman Levy said that many of the suggestions brought up by Councilor Pickering had been discussed in the past, but there had been no action taken. He said the Council needed a final report on each as to practicality and the amount of savings that could be realized. He said they had done some out-sourcing on vehicle maintenance and saved some money. This year, with things moving in a more positive direction for the town, he thought they could stay on focus for many of the suggestions.

Councilor Nazzaro said that many of the ideas that Council Chairman Levy and Councilor Pickering had brought up were discussed at budget meetings, not at the Council level because the Council was having discussions on getting the basics right. He felt the Council should now be having discussions not so much on the specifics, but having larger discussions about where the town should go and what possible mix of services can be offered alone or regionalized to set the town up for success in the future. Council Chairman Levy said they could establish a Council sub-committee to work on action items with the Town Administrator and Department Heads and report back monthly on progress. He felt that Council

agendas were full of other items and this might be a more efficient way to handle this. Councilor Nazzaro said he thought they should first determine the goals before considering setting up a sub-committee. Councilor Carmichael said he thought the Town Administrator could do this, rather than a sub-committee. Councilor Nazzaro agreed that the agendas were full, but thought if the Council got the focus right, the agenda should be driven by the goals. They should ask, when other things get in the way, how those issues are putting them closer to their goals. If an agenda is full, items could be pulled off if they do not meet the criteria. Councilor Pickering said the meeting was going the way he thought it should for a first discussion, and that having the Town Administrator put everything together for them was heading in the right direction for a second meeting.

Council Chairman Levy said he was all for not having a sub-committee, but for all the actions on the list to reduce or stabilize the tax rate, a cost analysis would have to be done. He said they could have an action item on each agenda, but did not feel that would be productive. He thought that each item could be analyzed either by a sub-committee or by the Town Administrator and Department Heads, and then be brought to the Council for feedback. He didn't want to end the year leaving things undone. He thought the initiatives for tax savings should be looked at from all sides as there would be issues, including personnel, for many. Town Administrator Fournier said the Council was setting annual goals on policy for the Town Administrator and Department Heads to implement. If they had to report monthly, they would find items, such as those relating to the budget, would not be done because of the timing. He said also they would be spending a lot of time with the water and wastewater projects. He said the first thing they needed to do was arrive at a list for him to put into categories. He has a white board in his office that he uses to check off completed items within goals and he said there were a lot of checkmarks within the year. When he first arrived he had gone to the Council with a list of action items that he saw as helping to accomplish the broad goals. He said he knew what the Council wanted him to look at, but he felt they needed to balance the two sides.

Council Chairman Levy said when the list was done, he felt it should be on a schematic, with dates associated with some of the items. He wanted to ensure that work was on-going and that someone was accountable for completing the items. He said some of the items would have to be completed before budget time so they would have the answers before beginning the budget process. Town Administrator Fournier said the Council had to hold him accountable for ways to meet the goals or presenting reasons why they could not be met. He said these were annual goals, so they could ask at the end of the year why they had or had not been met. Councilor Nazzaro said first they should see the goals before discussing how to organize their accomplishment. He said he did agree that a time line could be set, so they were not bothering the Town Administrator at every meeting. He said in general, summer was the time to set policy, fall the time to work on the budget and winter the time to work on warrant articles. He said this was the time to set the large policy decisions so that the work could be completed by budget time.

Council Chairman Levy said, to his point, that about the same time last year Council Vice Chairman Bentley had said the town had too much property and they should decide what to do with it, but nothing

had been done. Councilor Nazzaro said that had been a goal 2 years ago. Town Administrator Fournier said they would find out at the next meeting that they might not have the authority to sell land. Councilor Pike asked if work on goals or projects was documented in written form. Council Chairman Levy said that had been a problem up to this point, as work and progress had not been communicated. Town Administrator Fournier said when he first arrived, he had 4 goals and there was too much discussion on the details of how the goals should be implemented. He said the goal was to accomplish the goal. He said the reporting had not been quarterly, but as he looks back to the past nine months most of the goals had been accomplished. He said he keeps track of progress on his white board. He said there were still a lot of basics that the town is still not doing correctly, and that is why there are so many policies, procedures and ordinances at every meeting. He said the next policy he would be completing was the personnel policy handbook.

Council Chairman Levy said this was not negative, but an account of what was. He had suggested at one of his earliest meetings that the handbook should be sent off and updated. Instead, it was still being updated. He said there should be more structure and the goals should have a time line and the action items should be reviewed on a quarterly basis. He said he felt this would prevent items from becoming lost, and would help them focus when other issues took their attention. He wanted health insurance looked at for savings, perhaps with choices for good/better/best plans. Town Administrator Fournier said this would be part of his general budgeting process, and this year he would have more time to look into it. He would look at all insurances and do annual RFP's which he said should have been done in the past. Councilor Pickering asked the Town Administrator to let the Council know if he needed assistance, as it was their job to work with him.

## **NEW BUSINESS**

Councilor Nazzaro said there had been 3,600 people who had attended the race and most of them were from out of town. This was good for business in the town, and he thought they should thank the organization. He reminded people of the May 18<sup>th</sup> Golf Tournament at the Rockingham Country Club to raise money for the Veterans Memorial. Entry fee is \$85 per person and those wishing to join can sign up on line or contact Dave Wade of the Committee. There will be fund raisers and a raffle.

Councilor Pickering asked if the town or state was responsible for the faulty catch basis at the end of Ash Swamp Road and Route 108. Whichever is responsible he asked that it be looked at. He asked whether there would be spring cleanup this year. Town Administrator Fournier said it had been eliminated a few years ago and not been re-instated. This will be addressed at the next budget cycle.

Council Chairman Levy said the road race had gone smoothly and an excellent job was done cleaning up. He asked about the electric contract and if it could be revised. Town Administrator Fournier said that Interim Finance Director Angell would have a proposal for the town and the school at the next meeting. The company they were going to propose went out of business. Council Chairman Levy said

Town Council Workshop  
April 17, 2013

he uses the same company, and he understood that they had stopped charging monthly, but he continued with them on a fixed price annual basis. He did not know if they would sell to municipalities,

Council Carmichael asked if the Downtown Business Association had figures on the volume of business done the day of the road race and if so, they would be interesting to see.

### **ADJOURNMENT**

Councilor Nazzaro moved to adjourn. Councilor Carmichael seconded. Motion carried unanimously and the meeting adjourned at 9:45.

Next meeting: May 1, 2013, Business meeting

Respectfully submitted,

Ellen Adlington, Recording Secretary



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
May 1, 2013 7:00 p.m.  
Council Chambers**

- 5. Linked Together Kids – Update on Accomplishments and Permission to Open Lemonade Stand in Pocket Park**



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
May 1, 2013 7:00 p.m.  
Council Chambers**

**6. Report of the Town Administrator**

STEPHEN R. FOURNIER  
TOWN ADMINISTRATOR

sfournier@newmarketnh.gov  
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FOUNDED DECEMBER 15, 1727  
CHARTERED JANUARY 1, 1991

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

**REPORT OF THE TOWN ADMINISTRATOR**  
**May 1, 2013**

**Charter Commission:** The Charter Commission election on May 14<sup>th</sup> is fast approaching. I have reached out to all of the candidates to offer an opportunity to meet with me if they have any questions about the process and our form of government. The Newmarket Business Association will be holding a candidates forum on May 7 in the Town Hall Auditorium at 7PM. It will also be broadcast live on Channel 13.

The Town Council will have to set up times on May 14<sup>th</sup> to work at the polls as well as a majority will have to be present at the end to help with the ballot counting and to certify the vote.

I have offered all candidates an opportunity to meet with me to discuss our current form of government and other forms that may be out there. If you hear of any candidates that may have questions, please feel free to send them to me.

**Building Code Effectiveness Grading from the ISO:** The Building Officer is happy to report that the Town of Newmarket's Insurance Services Office (ISO) Building Code Effectiveness grade is in and has improved. Every five years or so, the ISO evaluates a community's building code effectiveness. A score of 1 is the best possible, a score very few communities have obtained. A score of 10 is the worst and many communities have that distinction.

The last time ISO evaluated Newmarket, we were a Class 5 for residential and Class 5 for commercial properties. Our updated score has moved us to Class 4 in both categories.

Insurance underwriters utilize the ISO Grading Schedule to determine hazard insurance premium discounts. The better a community scores, the greater the potential discount. Moving from one class to the next may only garner a 1% additional discount, but amongst many ratepayers, it does have value to the community.

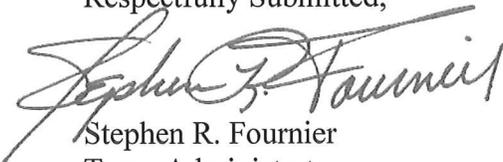
We probably lost points in staffing level (going from one full-time to a .625 FTE Inspector). However, we picked up more points in other areas such as record keeping (thanks to Sue Jordan and the staff) and training and certification. We can pick up a few more points here and there for little or no cost by making policy changes. The Building Officer is putting forward a goal to achieve a Class 3 rating on the next evaluation.

**Town Council Training Opportunity:** The New Hampshire Municipal Association will be holding a training session for local officials on Friday May 3 from 9AM to 3:30PM in Dover. This workshop provides an overview of the Right to Know Law, town governance, public employment, liability and more will be provided. Interactive discussions will offer an opportunity to test scenarios, discuss concerns, ask questions and share ideas. If you are interested in registering, please let me know or go to [nhmunicipal.org](http://nhmunicipal.org).

**Website Updates:** I have asked the Director of IT to secure proposals to update the Town website. While it has been a great tool in the past, we need to have a site that is more user friendly and makes it easier for people to get information. In addition, we need I hope to have the proposals in by the end of the fiscal year so we can move forward on this shortly.

**July 3 Meeting:** After reviewing the calendar and sending the information out to the Town Council, in July we will be meeting the second and fourth Wednesday instead of the normal first and third.

Respectfully Submitted,



Stephen R. Fournier  
Town Administrator



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
May 1, 2013 7:00 p.m.  
Council Chambers**

**7. Old Business**

**a. Ordinances and Resolutions in the 2<sup>nd</sup> Reading**—*Item(s) Council may act upon this evening*

- i. Resolution #2012/2013-51 Withdrawal of \$26,730 for Engineering Services to Replace Waterline at North Main Street
- ii. Resolution #2012/2013-52 Update Building Permit Fee Schedule
- iii. Resolution #2012/2013-55 Town Administrator Enter in Agreement for Audit Services FY2013-2015
- iv. Review of Town Council Goals

**b. Ordinances and Resolutions in the 3<sup>rd</sup> Reading**

**c. Items Laid on the Table**

- i. Ordinance #2012/2013-02 Amendments to Sections 1.04 Zoning Map, Sections 1.09 Special Use Permits, Section 2.02 M-2 District, Section 5.08 Downtown Commercial Overlay District and Section 7.02 Mixed Use Development

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**  
**Resolution #2012/2013-51**

**Amendment to Resolution #2012/2013-35 – Relating to the Withdrawal of \$26,730  
From Water Impact Fees for Engineering Services Related to the Replacement of  
the Waterline at North Main Street**

**WHEREAS**, the Newmarket Town Council adopted Resolution #2012/2013-35 relating to authorizing the Town Administrator to enter into an agreement with Wright Pierce for engineering services related to the replacement of the waterline at North Main Street, and

**WHEREAS**, the Town desires to fund the engineering services for \$26,730 from Water Impact Fees, and

**WHEREAS**, the Town desires to increase the waterline capacity from a 6” main to a 8” main to meet fire flows and possible future development, and

**WHEREAS**, the Water Impact Fee available as of February 28, 2013 is \$63,662.52.

**NOW, THEREFORE BE IT RESOLVED** that the Newmarket Town Council does hereby approve a withdrawal of \$26,730 from the Water Impact Fee to the Water Fund.

*First Reading:*            *April 3, 2013*  
*Second Reading:*      *May 1, 2013*  
*Approval:*                *May 1, 2013*

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Approved: Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Becky I. Benvenuti, Newmarket Town Clerk

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**  
**Resolution #2012/2013-52**

**A Resolution to Update the Town of Newmarket Building Permit Fee Schedule**

**WHEREAS**, a review of Newmarket building permit practices found some discrepancies with the State of New Hampshire Building Code, and

**WHEREAS**, a permit fee survey of other area communities found some Newmarket permit fees are significantly higher than the entire range of other communities surveyed, and

**WHEREAS**, some current fees are not scaled to the size and scope of the project and a more appropriate fee structure would have the fees commensurate with the magnitude of the project.

**NOW, THEREFORE, LET IT BE RESOLVED** to have the Newmarket Town Council rescind the fee schedule adopted November 4, 2009 and approve the following fee schedule.

General Building permits	\$50 + \$5 per \$1000 of construction cost
Demolition, sign & miscellaneous permits	\$50
Health Inspections	\$50
Re-inspections - after one	\$50
Penalty for work without a permit	Double the scheduled fee

*First Reading:*        *April 3, 2013*  
*Second Reading:*    *May 1, 2013*  
*Approval:*            *May 1, 2013*

Approved: Gary Levy, Chairman, Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Becky I. Benvenuti, Newmarket Town Clerk

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**  
**Resolution #2012/2013-55**

**Authorizing the Town Administrator to Enter into an Agreement for Audit Services for Fiscal Years 2013 Through 2015, with Three One-Year Options**

WHEREAS, the Town of Newmarket solicited for bid proposals for audit services, and

WHEREAS, four qualified firms submitted proposals, and

WHEREAS, after evaluating the proposals and interviewing prospective audit firms, the Interim Finance Director recommends the proposal submitted by Plodzik & Sanderson, PA.

**NOW, THEREFORE BE IT RESOLVED**, that the Newmarket Town Council does approve the Town Administrator to enter into an agreement with Plodzik & Sanderson, PA.

*First Reading:*            *April 3, 2013*  
*Second Reading:*      *May 1, 2013*  
*Approval:*                *May 1, 2013*

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Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Becky I. Benvenuti, Newmarket Town Clerk

STEPHEN R. FOURNIER  
TOWN ADMINISTRATOR

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

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INTEROFFICE MEMORANDUM

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**TO:** TOWN COUNCIL  
**FROM:** STEVE FOURNIER, TOWN ADMINISTRATOR  
**SUBJECT:** FY14 TOWN COUNCIL GOALS  
**DATE:** 4/25/2013  
**CC:**

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After the April 17 Town Council Workshop, I have taken the various goals the Town Councilors mentioned in compiled them into a single document. While your specific goal may not be on the sheet, it may fall under another general category. Please review and let em know if there are any items missing that need to be added.

**For FY15, Establish a Tax Rate Lower or Level to FY14**

- Review Services the Town Provides and Determine if there are Other Means to provide them or if we need to.
  - ◆ Examine Contracting out Snow Removal and other services
  - ◆ Examine Departmental Operations (i.e. Planning, Finance, Recreation) and make sure they are still providing the services that the Town needs
  - ◆ Review Regionalization of Services (Police, Highway, Purchasing)
- Solicit Bids/Proposals for Insurance Products for the Town Employees
- **Begin and Manage Macintosh Well and Waste Water Treatment Facility Projects**
- Seek our alternative sources of funding for the projects
  - ◆ Continue to work with Rural Development and DES to secure funding from their departments.
  - ◆ Solicit proposals for engineering services for the next phase of the project.

- ◆ Work with DES and EPA to begin addressing Non-source pollution issues in the community
- Setup committee to review the project
- **Continue Economic Development Efforts**
- Work with Economic Development Committee to determine what types of development the community needs/wants
- Address M2 Zoning issue as well as other zoning to make sure it is what is needed in the community to attract the business that the community wants
- Begin the process of analyzing land tracts in the community and determine if/which properties are good for development
- Begin the process of advertising “Why Come to Newmarket”
- **Other**
- Charter Commission
  - ◆ Work with the Charter Commission to propose changes to the charter that will benefit the community
  - ◆ Work with the Commission to make sure the changes proposed are legal and follow generally accepted practices.
- Hire Town Attorney
- Hire Auditing Firm
- Begin Planning for Town Revaluation in FY15
- Hire Finance Director

## Steve Fournier

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**From:** dwright777@aol.com  
**Sent:** Monday, April 22, 2013 8:20 AM  
**To:** sfournier@newmarketnh.gov  
**Subject:** Goals

Steve,

Here are my Goals.

Regards,

Dan

**1. Looking out over the next twelve (12) months, what is the most pressing issue(s) the Town Council must address?**

Securing financing for both the water Sewage treatment plant and Macintosh well. Put out to bid both the water Sewage treatment plant and Macintosh well. Hire a new Finance Director

**2. Briefly describe your "Vision" of the Town of Newmarket in five years. How does it differ from its current state? What is the same or retained?**

Expanding the down town while still retaining the small town feel of Newmarket. Encourage and develop other areas in town such as Black Bear for responsible commercial growth and development.

**3. List five (5) goals that are essential to transform the "Vision" into a reality.**

Adopting the proposed M2 zoning changes

Look for funding to gain access to Black Bear

Advertise Newmarket in trade magazines as a place to start your business

Create a business page on the town's web site promoting land available for commercial development and reasons why you should bring or start your business in Newmarket.

Make sure that the EDC is adequately funded to accomplish their goals

**4. What are the top three (3) goals you would like the Town Administrator and Department Heads to accomplish over the next twelve (12) months?**

Have each Department Head submit recommendations or ideas on reducing cost

Reducing Health Care cost

Find ways on sharing resources with other nearby towns

## Steve Fournier

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**From:** Philip Nazzaro <philip.nazzaro@yahoo.com>  
**Sent:** Tuesday, April 23, 2013 4:44 PM  
**To:** Town Administrator Steve Fournier  
**Subject:** Goals

Steve,  
Just so you have my proposed FY14 Council Goals in writing. My initial first 2 morphed into 1, so I added a new third. I don't think any of this will come as a surprise to anyone I have spoken to about how I believe the council should be operating.  
Thanks!  
Phil

### **1. Establish target tax rates (Short term: this year, long term: ongoing) and plan, legislate, and budget to that tax rate**

- a. Establish a Town target tax rate that is a balance of sustainable municipal operations and affordability to the taxpayers.
- b. Collaborate with School District to:
  - i. Eliminate redundancy - Determine what programs we both offer or activities we both engage in that could be combined or reduced to a single program
  - ii. Establish a Community wide target tax rate incorporating both of our organizations
- c. Collaborate with the Planning Board, the ZBA, and the EDC, determine the policies necessary (Ordinances, resolutions, and Zoning), to maximize revenue to the community without increasing tax rates, and increasing the availability of employment within our town, all while maintaining the character and quality of life within Newmarket
- d. Based on the Town portion of the target tax rate, the areas of overlap with the School, proposed policy changes and an analysis and prioritization of the community's needs (determined in collaboration WITH the Town Administrator and with advising from department heads)
  - i. Determine and enact the policies necessary to achieve tax rate in the short term and long term
  - ii. Determine what mix of services we can provide at a high quality within the projected revenues.

### **2. Be a Community**

- a. View the activities and services within Newmarket holistically (see 1b. and 1c.)
- b. Get out of the business of being landlords (land we don't own for community purposes (the school, parks, conservation land) should be sold)
- c. See 1.b.i. and 1.b.ii.

### **3. Be Strategic and Efficient**

- a. The Council is a place for policy, not administration. We should focus on setting policies via ordinance and resolution that foster the achievement of our vision for Newmarket
- b. Due diligence does not mean recreating the wheel - when analysis is conducted by elected boards and Town employees we should verify their accuracy but not reconduct the entire analysis
- c. Avoid analysis paralysis - eventually we have to make decisions, over analyzing a situation can become a delay tactic - we should act on items as quickly as it is prudent to do so.

## Steve Fournier

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**From:** Dale Pike <dalepike52@gmail.com>  
**Sent:** Saturday, March 30, 2013 10:01 AM  
**To:** Steve Fournier  
**Cc:** glssd@comcast.net  
**Subject:** Re: Memo to Town Council on Goal Setting Session

Hi Steve,

Filling this out makes me aware of how new I am and I only have a rudimentary idea of what the council does. Anyways, here are my answers:

1. Looking out over the next twelve (12) months, what is the most pressing issue(s) the Town Council must address?

Refresh Master Plan and use as guide to other zoning changes.  
Continue to establish record of competent and efficient town government that will carry forward.  
Continue to explore ways to lower taxes.

2. Briefly describe your "Vision" of the Town of Newmarket in five years. How does it differ from its current state? What is the same or retained?

Downtown retains much of the character it has now, and much of the open space retained. People feel good about the education opportunities offered our students. Tax rate that is near median for Seacoast region. Modest but real gains in employment from businesses that are science, engineering, or arts based and that gain from our proximity to UNH. We should always be ready for attractive manufacturing businesses that might come here but that probably will not be our strength. New development that happens should follow a coherent plan.

3. List five (5) goals that are essential to transform the "Vision" into a reality.

Other than what I have in #1, I would add that we need to execute on our water and sewer improvements, and that Town Council and School Board should work together to foster consensus building and compromise.

4. What are the top three (3) goals you would like the Town Administrator and Department Heads to accomplish over the next twelve (12) months?

Again, I'm pretty new to answer this but here is what comes to mind. Sorry for the extra goal! 1) Standardize spending authorization process so that clear approvals are there for significant outlays. I know you are working on this and I think that would have been useful when funds were committed for the legal costs associated with negotiations with EPA. 2) Execute with skill and transparency the sewer and water projects. 3) Continue to identify efficiencies to minimize tax burden. 4) Provide support to any rewrite on Master Plan and Charter.

5. Describe the characteristics of an effective Town Council. What do you think the Town Council needs to do to be more effective? List the key(s) for the Town Council to effectively work together to accomplish any goals or "Vision" for the Town.

I think members of the council should demonstrate they are all informed on the issues and careful in our deliberations. We should exhibit patience as we accept input and seek consensus in our decisions. I think the previous council exhibited those behaviors. Personally, and especially upon my retirement June 1, I look to meet with many of the stakeholders in the Town of Newmarket to gather as many viewpoints as possible. Building community involvement and reducing polarization are broad objectives for the council and other citizens.

Thanks,

Dale Pike  
30 Smith Garrison Road  
Newmarket, NH 03857

On Wed, Mar 27, 2013 at 8:38 AM, Steve Fournier <[sfournier@newmarketnh.gov](mailto:sfournier@newmarketnh.gov)> wrote:

Please see the attached memo.

Thank you

**Steve Fournier**

**Town Administrator**

**Town of Newmarket, NH**

186 Main Street

Newmarket NH 03857

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**Town of Newmarket, New Hampshire**  
By the Newmarket Town Council  
Ordinance 2012-2013-02

Amendments to **Sections 1.04 Zoning Map, Sections 1.09 Special Use Permits, Section 2.02 M-2 District, Section 5.08 Downtown Commercial Overlay District, and Section 7.02 Mixed use Development** of the Town of Newmarket Zoning Ordinance, adopted 02/14/1996, as amended through August 4, 2010.

The Town of Newmarket ordains that:

**WHEREAS**, the Town of Newmarket has adopted a Zoning Ordinance to guide the character of growth, development, and change in order to provide for the public health, safety and general welfare; and

**WHEREAS**, the Economic Development Chapter of the Newmarket Master Plan was adopted by the Planning Board on August 9, 2011 and recommended a number of actions including an examination of the current zoning to include more flexibility in the determination of permitted use, to foster a more “business-friendly, atmosphere, streamline the development process, and promote projects which would result in a positive fiscal impact to the Town; and

**WHEREAS**, the Planning Board formed a sub-committee to evaluate current business zoning and mixed-use development districts, their corresponding dimensional controls, and permitted use to identify barriers to commercial development; and come forward with some specific recommendations for changes to the Town’s development regulations; and

**WHEREAS**, over the course of seventeen (17) months, several public informational meetings, workshops, and three formal public hearings were conducted to solicit citizen input and modifications were made to draft zoning amendments in response to those comments.

**WHEREAS**, the Planning Board voted on January 9, 2013 to bring this proposed amendment to the Town Council for adoption.

**WHEREAS**, this proposed amendment is intended to expand the existing downtown M-2 zoning district; to facilitate positive economic development, encourage in-fill development and the conversion and adaptive re-use of underdeveloped properties, through innovative zoning techniques, as authorized under RSA 674:21 within a target area adjacent to the downtown connecting along Route 108 and Elm Street.

**NOW THEREFORE BE IT RESOLVED** that **Title III. Land Use Code and Regulations Chapter IV: Zoning Ordinance** is amended as follows:

**SECTION 1.04 ZONING MAPS.**

1. Amend the “Zoning Map for the Town of Newmarket” (See Attachment 1) by changing a portion of the B-1 Zone and of the R-2 Zoning Districts to a M-2 Zone classification as follows:

- A. Starting at the southwesterly side of the bridge where Route 108 crosses the Lamprey River: Rezone from B-1 to M-2 the following parcels along Elm, Nichols Avenue, Washington Street, Lincoln Street, and Spring Street. Map U-2, Lots 249, 248, 247, 246, 245, 244, 243, 59, 60B, 57, 56C, 56B, 61, and 60A.
- B. Starting at the intersection of Route 152 east of Railroad Ave: Rezone the following parcels from B-1 to M-2: Map U3, Lots 138, 138 -A, 138-1, 127, 128, 129, 130, 131, 132, 133, 134-1, 134, 135, 136, and 137. Map U4, Lots 15, 14, 13, 12, 11, 10, and 9.
- C. Starting at the intersection of New Road and Route 108 along the easterly side of Route 108: Rezone the following parcels from R-2 to M-2: Map U3, Lots 122, 123, 124, and 125.

***SECTION 1.09 SPECIAL USE PERMITS.***

1. Amend SECTION 1.09 SPECIAL USE PERMITS, Paragraph (A), by inserting “§ 2.02 M-2 District, (B) (2) (a) for Multi-family residential use and (b) for Mixed-use development with three or greater residential units.”

***SECTION 2.02 M-2 DISTRICT.***

1. Modify paragraph (A) Purpose of M-2 District to recognize the need to “expand” the commercial, social, civic and residential functions of the downtown and the historic nature of the “town” as opposed to just the area.
2. Modify paragraph (B) by allowing Multi-family residential and Mixed-use developments with three or greater residential units by a Special Use Permit granted by the Planning Board.
3. Add three (3) new conditions pertaining to on-site parking, limits on the number of residential units per single building, and restrictions on residential units on the street level on North Main, Main Street, South Main Street, and Exeter Road.
4. Delete existing Paragraph (C ) and move to Section 3.00 Chapter VI Site Plan Review Regulations by creating a new Section 3.22 titled “ Design Standards for M-2 District.”, with the exception of restrictions on “drive-through facilities”, which will be removed in its entirety.
5. Provide a new paragraph (C) which allows waivers to road setbacks, side/rear setback and structure height by Special Use Permit issued by the Planning Board.

***Changes to the TABLE OF PERMITTED USES (See Attachment 2)***

*Make the following changes to the Table of Permitted Uses.*

1. *Make “research and development” an allowed use in the M-2 Zoning District.*
2. *Allow “civic use” in the B-1 District.*
3. *Allow “fraternal organization” in the M-2 and B-1 Districts.*
4. *Allow “office complex” in the M-2 and B-1 District.*
5. *Make “Multi-family residential” a use permitted by Special Use Permit in the M-2 Zoning District, pursuant to Section 2.02 (B) (2).*
6. *Delete “Student Housing” from the Table.*
7. *Add “Commercial Amusement” to the B-1 District.*
8. *Make “Automotive Repair” a permitted use in the M-2 District.*
9. *Add Mixed Use Development to the Table, which are permitted in the M-1, M-2, M-3, and M-4 District and a new Footnote 7.*
10. *Add a new Footnote 6. that states “See M-2 District requirements for Special Use Permit allowing multi-family residential and mixed-use development involving three or greater residential units in Section 2.02 M-2 District. (B) (2)”*
11. *Add a new Footnote 7 for Mixed Use Development that states “See Section 7.02 for requirements”.*

*Changes to the Dimensions Table (See Attachment 3)*

1. *Change the Maximum Structure Height in the M-2 Zone from "50" to "35" feet.*
2. Add a Footnote 2. to **Dimensions Table** that states "The Planning Board may waive the road setbacks, side and rear setbacks and height restrictions within the M-2 District to match the conformity of adjacent buildings, through the issuance of a Special Use Permit pursuant to Section 2.02 (D).

**SECTION 5.08 DOWNTOWN COMMERCIAL OVERLAY DISTRICT.**

1. Delete Paragraphs (A), (B) and (C) in their entirety.
2. *Remaining text to be re-numbered, accordingly.*

**SECTION 7.02 MIXED USE DEVELOPMENT.**

1. *Paragraph (A) to remain as is.*
2. *Delete Paragraph (B) which states Residential Only. There shall be no more than one residential structure per lot.*
3. *Section (C) (1) and (2) remain as is. Section (C) Paragraph (3) which states "Residential Density shall be one unit less than the maximum permitted residential density for the district when non-residential uses are included shall be deleted.*
4. *Remaining text to be re-numbered accordingly.*

This Ordinance shall become effective upon its passage.

Introduction Date: February 6, 2013

Public Hearing: February 20, 2013

Final Action by Council: March 6, 2013

Approved: \_\_\_\_\_  
Philip J. Nazzaro, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Becky I. Benvenuti, Town Clerk



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
May 1, 2013 7:00 p.m.  
Council Chambers**

**8. New Business/Correspondence**

**a. Town Council to Consider Nominations, Appointments and Elections**

- i. Conservation Commission Candidate Fred Pearson Term Expires  
March 2016

**b. Ordinances/Resolutions in the 1<sup>st</sup> Reading – *Item(s) held over for vote at next BM***

- i. Resolution #2012/2013-56 Town Administrator to Enter into an  
Amendment with State of NH Exempting Social Security and Medicare  
Coverage from Election Workers

**c. Correspondence to the Town Council**

- i. Vendor Approval (Patsy's)

**d. Closing Comments by Town Councilors**

**9. Adjournment**



RECEIVED

APR 11 2013

TOWN OF NEWMARKET  
ADMINISTRATOR'S OFFICE

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

Applicant's Name: Frederick C Pearson

Address: 187 Bay Rd Newmarket Phone/Cell 603-659-3296

RSA 669:19 Newmarket Registered Voter: <sup>NH</sup>  Yes No # of Years as Resident: \_\_\_\_\_

RSA 91:2 Are you an American Citizen?  Yes No

Email address: pcfjack\_jill@comcast.net

Full membership (3 year term) position applying for 3 yr term

State what the new term expiration date is: 2016

Alternate position (3 year term) position applying for \_\_\_\_\_

State what the new term expiration date is: \_\_\_\_\_

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

Reapplying for position

(need more room, please use the back)

Frederick C Pearson 3/31-13  
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 #2012/2013-56**

**Authorizing the Town Administrator To Enter Into an Amendment to the Agreement with the State of New Hampshire Regarding Exempting Social Security and Medicare Coverage from Election Workers**

**WHEREAS**, Pursuant to a 1955 agreement exempted certain covered employment groups from Social Security and Medicare coverage, such as Police and Fire; and

**WHEREAS**, the 1970 modification to the agreement excluded election workers who earned less than \$50 per quarter is still in effect despite the IRS's increase in the exclusion, which is \$1,600 per calendar year, and

**WHEREAS**, Pursuant to Section 3.13 of the Town of Newmarket's Charter, the Town Council has the authority to sign an amendment to increase the exclusion for election workers from \$50 per quarter to \$1,600 per calendar year.

**NOW, THEREFORE BE IT RESOLVED**, that Newmarket Town Council does hereby authorizes the Town Administrator to sign the amendment, which increases the exclusion for election workers from \$50 per quarter to \$1,600 per calendar year.

*First Reading:            May 1, 2013*  
*Second Reading:*  
*Approval:*

---

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Becky I. Benvenuti, Newmarket Town Clerk

Memorandum

Date: April 2, 2013

To: Steve Fournier, Town Administrator

From: Matt Angell, Interim Finance Director *MA*

Re: "Section 218" exemptions from Social Security

Steve,

The Town is bound by a 1955 agreement that was modified in 1970 to exclude certain covered wages from Social Security and Medicare coverage. Police and Fire are the most notable exclusion from Social Security and Medicare coverage, which is a direct result of their increased contributions to the NH Retirement System. However, the 1970 modification excluded election workers who made less than \$50 per quarter. In 1995, the exclusion was increased for the election workers to \$1,000, which the exclusion today is \$1,600. Because of the 1970 modification, the Town can not deviate from the \$50 per quarter exclusion unless it requests an amendment to exclude a higher amount. Many of the election workers who are affected by the 1970 modification are retirees that will not see benefits, if any, as a result of the withholding. Therefore, I recommend the Town Council approve the attached resolution and sign the appropriate documents to exclude election workers from Social Security and Medicare coverage for yearly earnings up to \$1,600.

Please request the Town Council to consider the attached resolution and sign both copies of the amendment to the 1955 agreement, which will increase the exclusion from \$50 per quarter to \$1,600 per year beginning on January 1, 2013.

AMENDMENT to the AGREEMENT BETWEEN THE  
STATE OF NEW HAMPSHIRE and the  
TOWN OF NEWMARKET

In accordance with appropriate local authority date of meeting where vote occurred and with Chapter 101 of New Hampshire Revised Statutes Annotated as amended, the Town of Newmarket makes application to the Chief Financial Officer of the Department of Health and Human Services to amend the agreement executed between the Town of Newmarket the Commissioner of Public Welfare on January 1, 1955, to exclude from Social Security and Medicare coverage the services performed by election workers for a calendar year in which the remuneration paid for such services is less than \$1,600. Exclusion shall apply for the calendar year 2013 in which the remuneration paid for such services is less than \$1,600.

The effective date of this agreement will begin with services performed in the year in which the modification containing this amendment is forwarded to the Social Security Administration, and is shown below.

The \$1,600 limit on the excludable amount of remuneration paid in a calendar year for the services specified in this agreement will be subject to adjustment for calendar years after 2013 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Local Officials

The foregoing application or offer is approved and accepted by the New Hampshire Department of Health and Human Services.

Effective date: January 1, 2013

\_\_\_\_\_  
Stephen J. Mosher  
DHHS Chief Financial Officer

AMENDMENT to the AGREEMENT BETWEEN THE  
STATE OF NEW HAMPSHIRE and the  
TOWN OF NEWMARKET

In accordance with appropriate local authority date of meeting where vote occurred and with Chapter 101 of New Hampshire Revised Statutes Annotated as amended, the Town of Newmarket makes application to the Chief Financial Officer of the Department of Health and Human Services to amend the agreement executed between the Town of Newmarket the Commissioner of Public Welfare on January 1, 1955, to exclude from Social Security and Medicare coverage the services performed by election workers for a calendar year in which the remuneration paid for such services is less than \$1,600. Exclusion shall apply for the calendar year 2013 in which the remuneration paid for such services is less than \$1,600.

The effective date of this agreement will begin with services performed in the year in which the modification containing this amendment is forwarded to the Social Security Administration, and is shown below.

The \$1,600 limit on the excludable amount of remuneration paid in a calendar year for the services specified in this agreement will be subject to adjustment for calendar years after 2013 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Local Officials

The foregoing application or offer is approved and accepted by the New Hampshire Department of Health and Human Services.

Effective date: January 1, 2013

\_\_\_\_\_  
Stephen J. Mosher  
DHHS Chief Financial Officer

## SSA website 3/1/2013

From January 1, 2013 forward, the Federal Insurance Contributions Act (FICA) tax exclusion for election officials and election workers is \$1,600 a calendar year, unless those wages are subject to Social Security and Medicare taxes under the State's Section 218 Agreement. Under Section 218 of the Social Security Act, many States have excluded from coverage election workers paid less than the threshold amount mandated by law. Therefore, Social Security and Medicare taxes do not apply until the election worker is paid \$1,600 or more.

Some State Agreements specify a lower threshold amount for election workers, e.g., \$50 a calendar quarter or \$100 a calendar year. In these States, the Social Security and Medicare tax applies when the amount specified in the State's 218 Agreement is met. States may modify the State's Agreement to exclude the services of election workers paid less than the threshold amount mandated by law. Such modifications are effective in the calendar year the modification is mailed or delivered to SSA.

If the State's Agreement does not have an election worker exclusion or the entity has a Section 218 Agreement that does not exclude election workers, Social Security and Medicare taxes apply from the first dollar paid. If the entity is not covered under a Section 218 Agreement, the rules for mandatory Social Security and Medicare under Section 210(a)(7)(F) of the Social Security Act apply.

The election worker threshold amount for each calendar year **beginning 2013 and going forward is \$1,600.** For calendar years 2009 through 2012, the threshold amount was \$1,500. The election worker threshold amount was \$1,400 for calendar year 2008, and \$1,300 for 2006 and 2007. The threshold amount for calendar years 2002 through 2005 was \$1,200 and was \$1,100 for 2000 and 2001. The threshold amount was \$1,000 for years 1995 through 1999. For years 1978 through 1994, the threshold amount was \$100 for a calendar year. For years 1968 through 1977, the threshold amount was \$50 a calendar quarter.

100-41200-107

**MODIFICATION NUMBER 129 TO NEW HAMPSHIRE STATE  
SOCIAL SECURITY AGREEMENT**

The Secretary of Health, Education, and Welfare and the State of New Hampshire, acting through its representative designated to administer its responsibilities under the agreement of December 27, 1951, hereby modify said agreement with respect to the following political subdivisions effective as of the effective date specified herein to exclude the following services:

Services performed by election officials or election workers for each calendar quarter in which the remuneration paid for such services is less than \$50.

<u>TOWNS</u>	<u>MODIFICATIONS</u>
Atkinson	12
Barrington	18
Boscawen	28
Center Harbor	44
Danbury	8
Durham	2
Fitzwilliam	14
Grafton	111
Greenfield	61
Kensington	18
Lee	29
Loudon	14
New Durham	6
New London	2
Newington	87
Newmarket	23
Pembroke	2
Peterborough	1
Salisbury	6
Shelburne	61
Sunapee	23
Warren	7
Westmoreland	3
Woodstock	18
<u>CITY</u>	
Manchester	39

Effective date of exclusion: September 30, 1970.

Approved for the State of New Hampshire this 24<sup>th</sup> day of September, 1970.

*George E. Murphy*  
GEORGE E. MURPHY, ACSW  
Director  
RECEIVED

Approved this 7<sup>th</sup> day of October 1970.

Secretary of Health, Education and Welfare

By:

*Idella Hardy*  
-----  
Idella Hardy, Director  
Division of Coverage  
Bureau of Retirement & Survivors Insurance  
Social Security Administration



CERTIFICATION CONCERNING OLD AGE AND SURVIVORS  
INSURANCE COVERAGE

This is to certify that the following article concerning Old Age and Survivors Insurance coverage was adopted at the annual meeting of the Town/~~Precinct~~ of Newmarket on March 10, 1970.

(Copy article exactly as it appeared in the warrant and give any amendments adopted in the meeting.)

Article 10. To see if the Town wishes to exclude from the plan service in any class or classes of positions of election officials or election workers for a calendar quarter in which the remuneration paid for such service is less than Fifty Dollars (\$50.00).

OFFICIAL SEAL

(Signature) *William A. Speligo*  
Town Clerk  
~~Precinct Clerk~~

July 10, 1970  
Date

# Report to Council

**To:** Newmarket Town Council  
**From:** Michael Hoffman, Building Safety Officer   
**Date:** 4/11/2013  
**Re:** "Patsy's" Sidewalk Stand License Application

---

Pursuant to Ordinance 20102011-02, upon receipt of an application to operate a sidewalk stand, the Code Enforcement Officer is to provide a written report to the Town Council.

On April 10<sup>th</sup>, the Office of Building Safety received a permit application from Patricia A. O'Hara-D'Addario, d.b.a. Patsy's. In her application she states she has done this in previous years. Nonetheless, there are five concerns to be raised.

1. The question of; Is this stand is in compliance with the definition of "Stand" in Section 1 of Ordinance 20102011-02? The definition could be read to be somewhat ambiguous. The proposed stand is a wheeled vehicle, which likely *could* be registered with the Department of Motor Vehicles, but would not be *required* to be if it is not on a public road.
2. The applicant's proof of insurance was only a coverage declaration. It did not include a binder naming the Town of Newmarket 'Additionally Insured'.
3. No 'fire extinguisher approved by the Fire Chief' is noted on the application.
4. Some means of disinfecting food servers' hands needs to be addressed.
5. The applicant should be clear that the intended location is not between the two Rivermoor walkways, to be in compliance with Section 8 of the governing ordinance. The application states, "Same as previous years (Main St. by the bandstand).

PAID APR 11 2013  
500 \$50.00

TOWN OF NEWMARKET  
186 Main Street  
Newmarket, NH 03857

APPLICATION/PERMIT FOR LICENSURE OF A STAND LOCATED ON PUBLIC  
PROPERTY WITHIN DOWNTOWN NEWMARKET

Name of Business Patsy's

Business Owner Patricia A. O'Hara - D'Addario

Business Owner Address 38 Spring St. Phone 292-6646

Applicant (if different from owner) \_\_\_\_\_

Applicant's Address \_\_\_\_\_ Phone \_\_\_\_\_

.....

Description of type of food, beverage or merchandise to be sold \_\_\_\_\_

See attached paper

Description of any stand to be used in the operation of business \_\_\_\_\_

See attached paper

Downtown location requested Same as previous years

(Main St. by bandstand)

.....

Please include the following items with this application:

1. Photograph of cart.
2. A Certificate of Insurance issued by an insurance company licensed to do business in the State of NH, protecting the licensee and the Town of Newmarket from all claims for damages to property & bodily injury, including death, which may arise from operations under or in connection with the license. The policy shall not be terminated or cancelled prior to the operation date except with thirty days advance written notice to the Town of Newmarket. The policy shall provide combined single limit coverage in the amount of \$1,000,000 for personal injury and property damage. The Town of Newmarket shall be named as additional insured.
3. License Fee - \$50.00 (check or money order only please, made payable to "Town of Newmarket").

Patricia A. O'Hara - D'Addario  
Signature of Owner

April 6, 2013  
Date



### Hold Harmless and Indemnification Agreement

- A. In consideration for being permitted to use a sidewalk for the purposes of establishing a sidewalk café/vendor site Patricia A. O'Hara - D'Addario (hereinafter "applicant") agrees to indemnify and hold harmless the Town of Newmarket and its town officers and employees from and against all liability, claims and demands which are incurred, made or brought by any person or entity, on account of damage, loss or injury including without limitation any and all claims for property loss or damage, bodily injury, personal injury, sickness, disease, death or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use or condition of the sidewalk, whether or not any such liability, claim and demand result from the acts, omissions, negligence or other fault on the part of the Town of Newmarket or its officers, or its employees or from any other cause, whatsoever.
- B. In consideration for being permitted to use the sidewalk, applicant, on behalf of itself and its officers, employees, members and invitees, hereby expressly waives and releases the Town of Newmarket and its officers and employees from and against all liability, claims and demands, on account of injury, loss or damage, including without limitation to any and all claims for property loss or damage, bodily injury, personal injury, sickness, disease or death or any other loss of any kind whatsoever which arise out of or are in any manner connected with the use or condition of the sidewalk whether or not any such liability, claims and demands result from the act, omission, negligence or other fault on the part of the Town of Newmarket, its officers, or its employees or from any other cause whatsoever.

Applicant Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

# Items to be Sold

Patricia O'Hara-D'Addario

## Fruit Cups

Seasonal Melons and Berries  
Melon on a stick (or kabobs)

## Hot Dogs & Sausage Sandwiches

With cooked veggies such as Peppers, Onions &  
Mushrooms (May vary)

## Beverages

Water  
Juice  
Soda

## Snacks

Bags of Chips, Popcorn (Ect.)

## Candy

Old Fashioned Type (Candy Necklaces)  
Choc. Pops & Fudge (in cooler months)

## Childrens Book

Every month a new Title/ Artist will be featured  
A sample book will be available

# Description of Cart

Patricia O'Hara-D'Addario

The cart is approximately 8' long and 4' wide. I request to utilize a space that is approximately 10' x 6'.

The additional space requested would be to accommodate two tables and two trash cans.



**COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS**

**Policy No. CL 1563793A**

Effective Date: 08/12/2012  
12:01 AM STANDARD TIME

**LIMITS OF INSURANCE**

Each Occurrence Limit	<b>\$1,000,000</b>
Personal & Advertising Injury Limit (Any One Person/Organization)	<b>\$1,000,000</b>
Medical Expense Limit (Any One Person)	<b>\$5,000</b>
Damages To Premises Rented To You (Any One Premises)	<b>\$100,000</b>
Products/Completed Operations Aggregate Limit	<b>Included</b>
General Aggregate Limit	<b>\$2,000,000</b>

**LIABILITY DEDUCTIBLE**

**\$0**

**LOCATIONS OF ALL PREMISES YOU OWN, RENT OR OCCUPY**

<i>Location</i>	<i>Address</i>	<i>Territory</i>
1	38 Spring Street, Newmarket, NH 03857	001

**PREMIUM COMPUTATION**

<i>Loc</i>	<i>Classification</i>	<i>Code No.</i>	<i>Premium Basis</i>	<i>Rate</i>		<i>Advance Premium</i>	
				<i>Pr/Co</i>	<i>All Other</i>	<i>Pr/Co</i>	<i>All Other</i>
1	Additional Insured - Blanket	49950	1 Flat	Included	50.000	Included	\$50
1	Concessionaire - outdoor - multiple operating locations	11164	1 Per Stand	Included	260.400	Included	\$260

**MINIMUM PREMIUM FOR GENERAL LIABILITY COVERAGE PART: \$375**

**TOTAL PREMIUM FOR GENERAL LIABILITY COVERAGE PART: \$375 MP**

(This Premium may be subject to adjustment.) MP - minimum premium

Coverage Form(s)/Part(s) and Endorsement(s) made a part of this policy at time of issue:

**See Form EOD (01/95)**

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.



# CERTIFICATE OF LIABILITY INSURANCE

DADDA-1

OP ID: KS

DATE (MM/DD/YYYY)

04/11/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Perkins Agency Inc 218 South Main St Po Box 360 Newmarket, NH 03857 Lynne P Sweet	603-859-3281 603-859-3289	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
	<b>INSURED</b> D'Addario, Patricia O'Hara dba Patsy's 38 Spring St Newmarket, NH 03857		INSURER(S) AFFORDING COVERAGE INSURER A: US Liability Insurance Co. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBSCRIBER (INSR, WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X	CL1563793A	08/12/12	08/12/13	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ INCL
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				WC STATUTORY LIMITS    OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Concessionaire - Outdoor Operations.  
 Cert holder is also listed as additional insured.

**CERTIFICATE HOLDER**

**CANCELLATION**

TOWNNEM  Town of Newmarket Terri Littlefield 188 Main Street Newmarket, NH 03857	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE Lynne P Sweet
---	--

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Town of Newmarket, New Hampshire  
Town Council Business Meeting  
May 4, 2011  
Town Council Chambers

3. Presentation of Petitions and Resolutions and Disposal Thereof by Reference, or Otherwise;

a. First Reading of Ordinance #20102011-03 Licensure of a Stand Located on Public Property within the Downtown

Attached is the Ordinance for discussion and first reading. I have also attached the Hold Harmless Agreement that any café or vendor applicant needs to sign and present the Town Clerk.

Dan Vincent and I walked the downtown and identified 5 sites that would support vendors. In determining which sites would support a vendor and their stands we used, as a criteria, that there needed to be a minimum of 4 feet of concrete sidewalk available for pedestrians to traverse. This included space for patrons who were visiting the vendor to stand and place orders, view material, etc. In addition, this included sufficient space for any receptacles the vendor may have for trash.

The 5 sites are:

1. At the bottom of the America Legion handicapped ramp,
2. North side of Legion Building between the tree and fence(stairway) that leads down to Cahill Cove,
3. Three locations on the sidewalk from south of the Rivermoor Landing pedestrian walkway along the fence line.