



TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL AGENDA

REGULAR MEETING SEPTEMBER 3, 2014 7PM
NEWMARKET TOWN HALL COUNCIL CHAMBERS

*****NOTE*** There will be a non-public session at 6:30PM in accordance with RSA91-A:3 II (d) acquisition of land*****

1) Pledge of Allegiance

2) Public Forum

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

3) Public Hearing - None

4) Town Council to Consider Acceptance of Minutes

a) Minutes of August 20, 2014

5). Report of the Town Administrator

6). Committee Reports

7). Old Business

a) Ordinances and Resolutions in the 2nd Reading

i. Resolution #2014/2015-04 Increase Sewer Rates

ii. Resolution #2014/2015-06 Household Hazardous Waste

iii. Resolution #2014/2015-07 Proposing an Amendment to the Town Charter Relative to Appropriating Money to Capital Reserve Funds

b) Ordinances and Resolutions in the 3rd Reading

c) Items Laid on the Table – NONE *(Items will remain on the table unless a member of the Town Council moves to remove the item.)*

8). New Business/Correspondence

a) Town Council to Consider Nominations, Appointments and Elections

i. Newmarket Representative to the Lamprey Rivers Advisory Committee – Michelle Daley Term to Expire September 2017

b) Ordinance and Resolutions in the 1st Reading

i. Resolution #2014/2015-08 – Amending the Town Personnel Policy Prohibiting the Use of Mobile Communications Devices While Driving

j. Resolution #2014/2015-09 - Relating to Withdrawal of \$2,140 From the Cemetery Capital Reserve Fund

k. Resolution #2014/2015-10 - Withdrawing an amount not to exceed \$10,000 to Replace the Carpeting in the Town Hall Auditorium

l. Resolution #2014/2015-11 - Relating to HVAC Maintenance Services

m. Resolution #2014/2015-12 – Accepting a Emergency Management Performance Grant for School Emergency Management System

n. Resolution #2014/2015-13 – Authorizing the Upgrades to the Fleet Fuel Maintenance Software and Hardware System

c) Correspondence to the Town Council

d) Closing Comments by Town Councilors

9). Adjournment



**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING
AUGUST 20, 2014 7:00 P.M.
TOWN COUNCIL CHAMBERS**

PRESENT: Council Chair Gary Levy, Council Vice Chair Dale Pike, Councilor Dan Wright, Councilor Toni Weinstein, Councilor Ed Carmichael, Councilor John Bentley, Councilor Phil Nazzaro, arriving at approximately 7:34 p.m. at the end of discussion of the Town Administrator’s report.

ALSO PRESENT: Town Administrator Steve Fournier

Council Chair Levy opened the meeting at 5:30 p.m. Vice Chair Pike moved to enter Non-Public Session under RSA 91-A: 3 II (a) Personnel. Councilor Weinstein seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

AGENDA

Council Chairman Levy opened the meeting at 7:02 p.m., followed by the Pledge of Allegiance.

Councilor Bentley moved to seal the minutes of the previous Non-Public Session. Vice Chair Pike seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

PUBLIC FORUM

David Spiegel brought forward 3 concerns/questions. First, he was concerned about the increase in the speed limit on Route 152 beyond the high school toward the downtown area, a blind intersection and driver inattention to the existing crosswalks, asking if the Council would consider this area as part of the speed reduction plans. Town Administrator Fournier said the State had just approved reducing the speed limit on Route 108 to 25 MPH in the downtown area as part of the pedestrian safety project. Council Chair Levy added that Route 152 would come under the jurisdiction of the State DOT. However, the Council could look into the issue, and Councilor Wright suggested bringing this before the Safety Committee. Second, Mr. Spiegel noted that the School Board had changed its agenda to include 2 public comment sessions, one at the beginning of the meeting and another for comment on what was heard during the meeting. He felt this was helpful and asked that the Council consider a similar procedure. Third, Mr. Spiegel asked for clarification of what the Council thought its role would be in working with the School Board on the school facilities issue. Chair Levy said that would probably be determined the next evening when the 2 boards had their first meeting.

As there was no further public comment, Chair Levy closed the Public Forum at 7:08.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF JULY 16, 2014 MINUTES

Councilor Bentley moved to accept the minutes of the July 16, 2014 meeting. Councilor Weinstein seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed, 5 – 0 – 1, with Vice Chair Pike abstaining as he had been excused from the meeting.

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Fournier reported that Newmarket’s past practice had been to include amounts for Capital Reserve funds in the operating budget once the Fund was established by the voters and the first year’s contribution was made. The Town Charter stated the operating budget was defined by RSA 32:3, III and was

exclusive of special warrant articles; State law defined contributions to Capital Reserve Funds as special warrant articles. The Town received a letter on July 8th from DRA stating that the inclusion of these contributions in the operating budget was not allowed and an amendment to the Town Charter would be necessary to continue doing so in the future. Without an amendment, each contribution to a Capital Reserve Fund would have to be listed as a separate warrant article on the March ballot, adding approximately 10 – 15 questions to the ballot, and the total impact of expenditures would not be available to the voters until after the election. The Town Attorney had prepared a Charter amendment to be voted on at the November 4th State election. The State Attorney General approved the language of the amendment, but would not allow it to appear on the same ballot as that for State elections. In order to have the amendment in place before the March Town election and continue past practice, the Town would have to schedule a Special Election, probably after the general election. Alternatively, the amendment could appear on the March ballot and all the contributions to Capital Reserve Funds would appear as separate warrant articles. Later in the meeting there would be a first reading of a Resolution to amend the Charter.

Town Administrator Fournier reported that Walter Cheney had appealed the January 31st, Rockingham Superior Court decision on Lot 13 to the State Supreme Court.

The Town had submitted the preliminary designs for the Pedestrian Safety Improvement Project to DOT. The designs were nearly complete and a revised cost estimate had also been submitted. The total cost would be \$246,426, with Newmarket and Chinburg Builders each paying 10%, or \$24,643. In addition the Town had received notice that the State approved the reduction of the speed limit to 25 MPH on Main Street to take effect upon completion of the project.

The Town had done well on the FY2013 audit, with the only issue being procedures to abate uncollectible ambulance receipts. New procedures were being put in place.

Although the books for FY2014 were still being worked on, it seemed that the Town would finish FY2014 with 3% under expended, which includes Enterprise/Special Fund figures, and the General Fund would be 2% under expended with \$131,000 remaining. This was a lower amount than in the past few years because of increases in snow removal costs and also because of tighter budgeting. Revenues were expected to come in higher than estimated and final figures were expected to be available within a few weeks.

The Town Hall Auditorium was to be painted within the next few weeks, with costs coming from the operating budget. This would allow a second space within the building that could be used for committees and larger group meetings.

Town Administrator Fournier would be attending the International City/County Managers Conference in Charlotte from September 15th to 19th.

COUNCIL DISCUSSION:

Councilor Weinstein complimented DPW Director Malasky and his crew for their consideration of drivers while paving Ash Swamp Road. She asked when the proposed paving of Grant Road was slated to be done. Town Administrator Fournier said this was a State project, but he would try to find out. To her question about another report on the Pedestrian project, Town Administrator Fournier said there would be a report probably in January. Referring to the late July discharge of sewerage into the Lamprey River as reported by the Water/Wastewater Department, she asked if anyone would be held liable for a pipe that a contractor had apparently left open when work stopped on his building project. Town Administrator Fournier said this was reported to DES as well as the Town's insurance carrier and each would investigate to determine if the Town could recover its costs for correcting the problem.

Councilor Carmichael expressed concerns about the 76,000 gallons of sewerage that had emptied into the river, and Town Administrator Fournier said this had happened during the storms and flood in late July when the Bay Road pumping station level controller and alarm had stopped functioning. Councilor Carmichael stated that 76,000 gallons seemed like a lot and questioned why the Council was not informed and if there was a backup system in place. Town Administrator Fournier said that the lightning had disabled the pump, but 76,000 was really not a large discharge compared to the amount the station usually processed. He said he would let the Council know in the future if there was a similar problem.

Vice Chair Pike said he had received correspondence from a constituent questioning why sidewalks were being put in on Elm Street near the cemetery. Town Administrator Fournier said this was part of an on-going project to improve connectivity within the community, and the Council had approved asphalt and granite curbing earlier in the year to complete a loop and increase pedestrian safety. He believed there was one more section to complete to have 3 pedestrian loops within the community.

Chair Levy returned to the subject of the pump failure and discharge of raw sewerage into the river, and asked that Wright Pierce be approached about installing a backup system in the new wastewater treatment facility. He added that the report also showed there were high bacteria levels found in the effluent from the treatment plant in July and asked if there were systems which would inform the department when levels were exceeded. Town Administrator Fournier said there was a backup alarm for the pump, but it was also made inoperable by the lightning strike. The amount of rain also contributed to the 76,000 gallons that had flowed into the river. As a separate issue, the Department tested bacteria levels periodically, but there was no alarm to report if levels were exceeded. The new plant should solve the problem. Chair Levy felt that if a constituent had not reported the discharge problem it could have continued, but Town Administrator Fournier said that normally the pumps are checked daily. In this case, the discharge occurred on private land where a pipe had not been plugged.

Chair Levy next referenced the Planning Board report, and asked to see the agreement regarding the golf course/open space that was part of the new subdivision at the Rockingham Country Club. He was concerned about whether the land would remain as open space and who would bear responsibility for maintaining it if the golf course was no longer viable and closed. Town Administrator Fournier said the deed specified that the land had to remain as open space to be maintained by the owner and the restriction would transfer to a new owner if the property was sold. The Neighborhood Association would not become responsible for the deeded golf course open space, but it had its own, separate area of open space to maintain. Also in reference to the Planning report, Chair Levy asked about corrective measures in the event that waiting traffic at Aroma Joe's spilled onto Route 108. Town Administrator Fournier said the worst case scenario would be for the site plan to be pulled. There would be signage in place, but if there was a problem, the Town would start with warnings and then proceed with ticketing vehicles. Councilor Wright said the Planning Board had spent a lot of time discussing this and had input from the Police Chief and from outside studies. If there was a problem, the Town or DOT could legally pull the site plan.

Councilor Bentley said he had seen in the past that the Town had given something quid pro quo, and in time land had reverted from public to private use. He wanted to ensure that this could no longer happen. Town Administrator Fournier differentiated between conservation land and open space. Open space land was private property maintained by a private owner. Conservation land was open for the public to use.

Councilor Wright noted that there was a transformer problem at the Bennett Well and that the electric company had replaced the part along with some fuses. He asked if the company had also checked the other well, which it had.

COMMITTEE REPORTS

Councilor Weinstein said the Conservation Commission cancelled its meeting as there wasn't a quorum. Councilor Wright reported that the Planning Board had discussed Aroma Joe's and traffic stacking. There was a site plan modification on 13 Water Street. Shearwater Investment had a continuance until December 9th. The Board had also discussed the development for Bald Hill Road and the open space provision. There was discussion on a lot line adjustment on 6 Gray Cove Drive, and Walter Cheney had come before the Board for a design review on 60 Exeter Road for a mixed-use building with commercial space on the first floor and 8 apartments above.

Chair Levy said the Economic Development Committee was waiting for an RFP to go out before scheduling its next meeting. The Committee was waiting for information on elderly housing in order to finalize its report. Councilor Nazzaro said there was other information the Committee was looking for such as on camp grounds/recreational facilities.

OLD BUSINESS: Ordinances and Resolutions in the 2nd Reading

Resolution #2014/2015-03 Formation of a Macallen Dam Study Committee

Chair Levy asked for a motion to approve Resolution #2014/2015-03 Formation of a Macallen Dam Study Committee. Vice Chair Pike so moved, and Councilor Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

The Committee opening would be posted the following day, and it was expected that the Council would vote on applicants at either the first or second meeting in September.

NEW BUSINESS/CORRESPONDENCE

Town Council to Consider Nominations, Appointments and Elections

Technical Advisory Committee (TAC): Candidates Diane Hardy, Stephen Fournier, Alternate

Chair Levy asked for a motion to approve Diane Hardy to the Technical Advisory Committee and Steve Fournier as an Alternate. Vice Chair Pike so moved and Councilor Weinstein seconded. The Committee meets with the State which prioritizes Regional Planning projects. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

Capital Improvement Program (CIP): Appoint 1 Candidate for 2016, and 1 Candidate for 2017;

Candidate: Kim L. Denaro (term to expire 3/2017)

Candidate: Rose Anne Kwaks (term to expire 3/2017)

Candidate: Dana Glennon (term to expire 3/2017)

Candidate: Judith Ryan (term to expire 3/2016)

The Charter which had taken effect on July 1st specified that the CIP Committee would now include 2 members of the public with 3-year terms each. Once expired, the term ending in 2016 would become a 3-year term. As Judith Ryan was the only candidate for this term, the Council decided to vote on her application first.

Councilor Bentley moved to nominate Judith Ryan to the CIP Committee with a term to expire in March, 2016. The motion was duly seconded.

Ms. Ryan came forward and stated she had past experience on the CIP Committee and felt this would provide continuity. She felt it was important to have public input, but recognized that the Council made the final decisions.

Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0. Chair Levy invited Kim Denaro to speak about her interest in the Committee. She said she had volunteered in the past for mostly fund-raising committees, but wanted to become more involved in the town. She worked as a paralegal.

Procedurally, it was decided that each Councilor could speak in behalf of a candidate for the term to expire in 2017 prior to Town Administrator Fournier polling the Council on each applicant. If one candidate received a majority of the votes on the first polling, that candidate would be appointed.

Councilor Nazzaro said it was great to see new people interested and applying for Committees and he wanted to encourage that participation. Councilor Weinstein said she was excited to have a broader representation on the CIP Committee rather than just employees of the Town. She also wanted to encourage new people to participate.

Town Administrator Fournier polled the Council. Councilors Wright, Carmichael, Bentley and Chair Levy voted in favor of Rose-Anne Kwaks. Councilors Nazzaro and Weinstein and Vice Chair Pike voted in favor of Kim Denaro. Rose-Anne Kwaks was appointed to the CIP Committee with a term to expire in March, 2017 by a vote of 4 – 3.

Chair Levy said he had supported Ms. Kwaks because of her experience and all the time she had given to the Town. He thanked the other candidates for their interest and encouraged them to stay involved.

Ordinances and Resolutions in the 1st Reading

Resolution #2014/2015-04 Increase of Sewer Rates: Chair Levy read the Resolution in full. Town Administrator Fournier said the date in the Resolution would be amended, and the current rates would be provided for backup before a vote was taken.

Resolution #2014/2015-05 Awarding #2 Heating Oil, Liquid Propane, Regular Gasoline and Clear Diesel Contracts (Town Administrator request to suspend rules.)

The first reading of the Resolution was held over from the cancelled August 6th meeting. As the prices cited in the Resolution were only valid until the end of August, Town Administrator Fournier was requesting a suspension of the rules.

Vice Chair Pike moved to suspend the rules and vote on Resolution #2014/2015-05. Councilor Bentley seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

Vice Chair Pike moved to accept Resolution #2014/2015-05 Awarding #2 heating Oil, Liquid Propane, Regular Gasoline and Clear Diesel Contracts. Councilor Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

Resolution #2014/2015-06 Household Hazardous Waste: Chair Levy read the Resolution in full. There was a question as to what was included in hazardous waste. Town Administrator said it was substances

like lead paint and Freon which could be brought to the Public Works Department annually or semi-annually. He said this would be a new contract, but he did not have all the information at this time. These would be different items than those picked up at the spring cleanup. He said more information would be available before the next meeting, but a final cost would not be known until a contract went out for bid.

Resolution #2014/2015-07 Proposing an Amendment to the Town Charter Relative to Appropriating Money to Capital Reserve Funds: Chair Levy read the Resolution in full. There will be a proposed date for a Town vote on the amendment by the next meeting.

Correspondence to the Town Council: Resignation of Stephanie Coster from the Conservation Commission

Councilor Wright said he had worked with Ms. Coster and he cited her hard work and expertise.

Closing Comments by Town Councilors

Councilor Weinstein said that she and others had heard from a constituent who was concerned that the new polling times had not been posted on the State web site, but that was beyond the Town's control. Councilor Weinstein wanted to ensure that there was enough publicity on the closing time of 7:00 p.m. rather than 8:00 p.m. Town Administrator Fournier said that they would begin highlighting the change and in addition to the newsletter, website and Channel 13, the times would be posted on the temporary sign before the election. Councilor Weinstein said she felt it was very important that the poll times remain consistent and she hoped they would keep the closing time at 7:00 for all elections. Councilor Bentley said he agreed with the 7:00 closing. Chair Levy added that the last election should have been held at the High School where there was more space and parking rather than the Town Hall, and this should be taken into account for future elections.

Councilor Nazzaro stated that the Council had expressed the opinion that it wanted more people involved, and notwithstanding that he felt Ms. Kwaks would do a good job on the CIP, the reason given for the vote was past experience. He felt they should not be voting against applicants because of lack of experience as that prevented them from getting experience. Chair Levy said a vote was a personal decision and cited the recent open seat on the Council when they had voted to approve an experienced Councilor for the position. Councilor Carmichael said it was not a vote against a person, but he felt the CIP was an important position and one he felt would be difficult for a new person to step into. He had voted for Councilor Bentley for the same reason and said that as his term ended in March anyone could run for the position.

Chair Levy asked about the documents for the joint Council and School Board meeting to be held the following evening. There had been some updates to the proposal, and he questioned whether all the Councilors had received the new draft. He said that there could be other changes made at the meeting. Town Administrator Fournier said he had hard copies of the most recent draft and distributed them to the Councilors. Councilor Weinstein said the agenda for the meeting stated that action would be taken by the 2 boards, and she wondered what that action could be. Chair Levy said he thought the meeting would give both boards the opportunity to discuss the pros and cons of the proposal and add or delete sections. He said he couldn't predict what would happen, but felt the action could be to proceed if both boards thought it was a good idea to work in conjunction with one another.

Councilor Wright personally thanked the Newmarket Police Department and Fire and Rescue Department for the first-class assistance they had provided at his residence over the past weekend.

ADJOURNMENT

Vice Chair Pike moved to adjourn and Councilor Bentley seconded. Motion carried unanimously and the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary

Draft

STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

sfournier@newmarketnh.gov
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TOWN HALL
186 MAIN STREET
NEWMARKET, NH 03857

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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 **September 3, 2014**

Capital Reserve Funds Charter Amendment: On Tonight's agenda, you have the approval for the amendment for a second reading. I am asking that the Council have some discussion on this topic this evening to determine what they would like to do. If the council wants to move forward with an amendment prior to the Town Meeting, then we would need to hold a special Tuesday November 18. If not, then we would kill this resolution and move it forward to the March Town Meeting.

Poll Workers: Just a reminder that we will need a quorum of the Town Council to be present at the closing of the polls for the Primary on September 9.

FY2014 Audit: As of Tuesday, August 26, Plodzik and Sanders, the Town's Auditors are onsite conducting the annual audit. So far, there are no issues.

FY16 Budget Workshops: Just a reminder that with the fall fast approaching, it means we will begin reviewing the budget shortly. Just a reminder that we will be meeting Saturday October 25; Wednesday October 29 and November 1 as tentative dates for budget workshops.

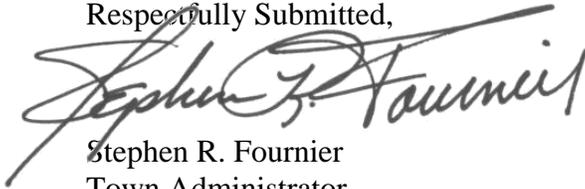
Budget Law Workshop: On Monday September 8 at 6:30PM, here in Town Council Chambers the Newmarket Budget Committee is hosting Town Attorney John Ratigan who will be presenting a Municipal Budget Law workshop. He will present budget principles and concepts including: Key Budget Principles, Purpose and Role of the Budget Committee, Relationship of

the Budget Committee to Town Council, School Board, Town Charter, Default Budgets, Warrant Articles, Types of Funds, and the Right to Know Law.

This workshop is a great way for all of us, to better understand the budget process and the law. The workshop allows plenty of time for questions and discussion.

Out of Office: I will be out of the Office September 15 – 19 attending the International City/County Managers conference in Charlotte.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stephen R. Fournier". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen R. Fournier
Town Administrator

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution #2014-2015-04
Increase of Sewer Rates

WHEREAS, the Newmarket Town Council has adopted a rate structure which is reviewed yearly in order to assure adequate funds to operate and maintain the systems and fund future projects, and

WHEREAS, the Newmarket Town Council has committed to level yearly sewer rate increases to cover the costs associated with the design, construction, and operation of the new wastewater treatment facility, and

WHEREAS, the Sewer Department has entered into agreement with the EPA to design, construct and operate a new wastewater treatment facility to low nitrogen limits.

NOW, THEREFORE, LET IT BE RESOLVED, the Town Council does hereby approve the following sewer rates to be effective September 1, 2014: Sewer users will be billed \$8.22 per 100 cubic feet of water consumed, plus \$6.00 per unit per quarter system charge.

First Reading: August 20, 2014

Second Reading:

Approval:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

ENVIRONMENTAL SERVICES
A DEPARTMENT OF
PUBLICS WORKS



INCORPERATED
DECEMBER 15, 1727
CHARTER JANUARY 1, 1991

To: Steve Fournier, Town Administrator
From: Sean T. Greig, Supt. Water/Sewer
Date: July 29, 2014
Re: Rate Increase for the New Wastewater Treatment Facility

Previously, I presented to the town's people and Town Council that the design, construction, and operation and maintenance of the new Wastewater Treatment Facility would cause the sewer rates to more than double. The Town Council was presented the option of having several yearly level sewer rate increases, or a one-time large sewer rate increase. The Town Council chose to go with the level yearly sewer rate increases. Attached is the sewer rate increase spreadsheet.

Scheduled Rate Increases for the
Wastewater Treatment Plant
Improvements

Fical Year	Increase	Sewer Rate
2012-2013	\$0.00	\$6.70
2013-2014	\$0.76	\$7.46
2014-2015	\$0.76	\$8.22
2015-2016	\$0.76	\$8.98
2016-2017	\$0.76	\$9.74
2017-2018	\$0.76	\$10.50
2018-2019	\$0.76	\$11.26
2019-2020	\$0.76	\$12.02
2020-2021	\$0.70	\$12.72
2021-2022	\$0.70	\$13.42
2022-2023	\$0.15	\$13.57
2023-2024	\$0.15	\$13.72
2024-2025	\$0.15	\$13.87
2025-2026	\$0.10	\$13.97
2026-2027	\$0.10	\$14.07
2027-2028	\$0.10	\$14.17
2028-2029	\$0.10	\$14.27
2029-2030	\$0.10	\$14.37

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution #2014/2015-06

Relating to Hazardous Household Waste

WHEREAS, The Town of Newmarket solicited proposals for Hazardous Household Waste, and

WHEREAS, two companies submitted proposals, and

WHEREAS, Care Environmental Corp was the low-cost per unit bidder.

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council does authorize the Town Administrator to enter into an agreement with Care Environmental Corp. for Hazardous Household Waste.

First Reading: August 20, 2014

Second Reading: September 3, 2014

Approval: September 3, 2014

Approved: _____

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Terri Littlefield, Town Clerk

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2014/2015-07

**Proposing an Amendment to the Town Charter Relative to Appropriating Money to
Capital Reserve Funds**

WHEREAS: The Newmarket Town Charter adopted 1990 and amended March 11, 2014 in Section 5.4 I states that *"Operating budget" as used in this section means "budget" as defined in RSA 32:3, III, exclusive of "special warrant articles", as defined in RSA 32:3, VI; and,*

WHEREAS: The Town of Newmarket has proposed contributions to capital reserve funds, expendable trust and other funds in the annual operating budget since the Charter was finally adopted; and,

WHEREAS: The New Hampshire Department of Revenue Administration has recently determined that contributions to such funds should be considered "special warrant article" as defined in RSA 32:3 VI and placed on the annual Town Meeting Warrant as separate articles

NOW, THEREFORE, BE IT RESOLVED, BY THE NEWMARKET TOWN COUNCIL THAT:

Pursuant to RSA 49-B:5, the following amendment to the Newmarket Town Charter is deemed necessary and shall be submitted to the voters by placing it on the ballot at the November 4, 2014 General Election in the manner required by RSA 49-B with the following summary:

Shall the municipality approve the charter amendment as summarized below?

This Amendment would authorize the Town of Newmarket, through its annual budgetary process, to appropriate funds and anticipated revenues to previously established capital reserve funds, expendable trust funds and other funds, as part of the Town's operating budget.

Amend the Town Charter by adding the new underlined language as follows:

5.4. Use of Official Ballot.

I. "Operating budget" as used in this section means "budget" as defined in RSA 32:3, III, exclusive of "special warrant articles", as defined in RSA 32:3, VI(a)(b)(d) and (e). The "Operating budget" may include appropriations and anticipated revenues to funds previously established by the legislative body as defined in RSA 32:3, VI(c).

First Reading: August 20, 2014

Second Reading:

Approval:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
JUSTIN L. PASAY
ERIC A. MAHER
PATRICK O. COLLINS

July 28, 2014

OF COUNSEL
NICHOLAS R. ABSCHLEMAN

RETIRED
ROBERT B. DONOVAN

ROBERT A. BATTLES
(1951-2010)

Stephen Fournier, Town Administrator
Town of Newmarket
186 Main Street
Newmarket, NH 03857

Re: DRA opinion letter/solution by Charter Amendment

Dear Steve:

This letter addresses the issue about the inclusion of capital reserve funds in the Town's operating budget raised by the N.H. Department of Revenue Administration's Jeane Samms in her July 8, 2014 letter to you (copy attached).

In summary, it is my understanding from speaking with you and Ms. Samms that it has been Newmarket's long-standing practice to include capital reserve funds in the Town's annual operating budget in the years following the creation of the capital reserve funds by a separate warrant article and the appropriation of the first year's contribution into the fund.

Ms. Samms points out that the Newmarket Charter at Section 5.4, letter I, defines "operating budget" to mean, as that term is defined by RSA 32:3,III, and exclusive of "special warrant articles", as defined by RSA 32:3, VI. A special warrant article as defined by RSA 32:3, VI is defined to include capital reserve funds. In short, Newmarket's Charter does not allow monies from the operating budget to be expended for capital reserve fund purposes.

I understand the Town Council is likely to want to have the authority to place capital reserve funds into the operating budget, rather than to have the funds set forth in a separate, stand-alone warrant article every year. This problem can be addressed by amending the Charter to expressly authorize the inclusion of capital reserve fund appropriations in the operating budget once the capital reserve fund has been established.

DONAHUE, TUCKER & CIANDELLA, PLLC
Exeter Office: 225 Water Street, P.O. Box 630, Exeter, NH 03833, 603-778-0686
Portsmouth Office: 111 Maplewood Avenue, Suite D, Portsmouth, NH 03801, 603-766-1686
Meredith Office: 56 NH Route 25, P.O. Box 214, Meredith, NH 03253, 603-279-4158
www.dtclawyers.com

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC



John J. Ratigan
jratigan@dtclawyers.com

JJR:nes
Enclosure

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State of New Hampshire
Department of Revenue Administration

109 Pleasant Street
PO Box 487, Concord, NH 03302-0487
Telephone (603) 230-5000
www.revenue.nh.gov



John T. Beardmore
Commissioner

Kathryn E. Skouteris
Assistant Commissioner

July 8, 2014

MUNICIPAL AND PROPERTY
DIVISION
Stephan W. Hamilton
Director

David M. Cornell
Assistant Director

Board of Selectmen
Town of Newmarket
186 Main Street
Newmarket, NH 03857

RECEIVED

JUL 10 2014

Re: Technical Assistance
• Miscellaneous

TOWN OF NEW-MARKET
ADMINISTRATOR'S OFFICE

Dear Governing Body:

The Municipal and Property Division is required by RSA 21-J:35 to review estimated revenues, voted appropriations and the manner in which appropriations are voted. During this review, we attempt to determine whether the voted appropriations comply with various RSA's. As a result of our review, we have discovered the following:

ISSUE: The MS 737 was not completed properly.

Pages 2 through 10 are for the operating budget warrant article which for Newmarket was warrant article 21 in the amount of \$9,060,199. Pages 11 & 12 are specifically for any special and/or individual warrant articles which in this case were warrant articles 2 and 22 - 25.

The Operating Budget Total on page 10 should have been \$9,060,199 not \$8,810,822. The special warrant articles that should have been reported on page 11 were article 2, 22 - 24 with the remaining article 25 to be reported as an individual warrant article. Upon my review I noted that article 25 was included in the operating budget in acct #4589 and \$255,000 in funding for capital reserve funds was reported in the special warrant section on page 11.

Per Newmarket's charter, Article 5 Section 5.4, I, "Operating budget" as used in this section means "budget" as defined in RSA 32:3, III, exclusive of "special warrant articles", as defined in RSA 32:3, VI. The \$255,000 proposed appropriation for deposit into various capital reserve funds should not have been included in the operating budget warrant article as appropriations into and out of capital reserve funds are special by definition. The appropriation should have been contained in a separate article(s).

Warrant article 25 was posted as a separate article this year and should have been reported in the Individual Warrant article section on page 12. It was revealed in the deliberative minutes that any appropriation proposed next year for the Rockingham Nutrition and Meals on Wheels program would be contained in the operating budget article.

TDD Access: Relay NH 1-800-735-2964

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.

Page 2 of 2
Town of Newmarket
July 8, 2014

Lastly, the warrant article reference numbers listed on the posted warrant did not correspond to the final warrant article numbers on the posted budget making it difficult to locate where the articles were reported. The purpose of the posted budget is to make the budgeting process transparent. I found the posted MS 737, while reporting the correct bottom line gross appropriation, to be difficult to follow and review. Perhaps the taxpayers found the same to be true.

SOLUTION: Nothing needs to be done this year, but next year the department's municipal advisor for Newmarket will gladly review the warrant and the corresponding budget form prior to posting. I may be reached at 230-5096 or by email to jean.samms@dra.nh.gov if you have any questions or concerns.

Sincerely,



Jeane Samms
Municipal Accounts Advisor

Steve Fournier

From: David Scanlan <David.Scanlan@SOS.NH.GOV>
Sent: Monday, August 18, 2014 11:06 AM
To: 'Steve Fournier'
Subject: RE: Newmarket Charter Amendment

Hi Steve:

Up until the most recent changes to RSA 49-B, the only exception to the prohibition against having local questions submitted to voters on the day of the biennial election were cities that had their own biennial municipal elections in odd numbered years. The most recent legislative change prohibits the submission of any charter questions at the state biennial election. This office does not grant permission to conduct local elections or meetings on the day of the state biennial election, nor does the statute permit that type of discretion.

Sincerely,
Dave

From: Steve Fournier [<mailto:sfournier@newmarketnh.gov>]
Sent: Thursday, August 14, 2014 3:19 PM
To: David Scanlan
Subject: Newmarket Charter Amendment

Hi David:

I left a message for you in the office. DRA found an issue in our Town Charter. Since we were chartered, we have included appropriations to our capital reserve funds in our operating budget. After 20+ years, DRA found that we cannot do this by our charter, and they would all need to be voted on separately. We are trying to correct this prior to the next municipal election as not to complicate the process for voters. We are going to propose a Charter amendment to correct this and would like to do so at the General Election in November in order to make it easier for the voters so they don't have to come out twice.

DRA has already reviewed the amendment and are okay with it, they and the Attorney General's office said we need to receive permission from the Secretary of State's office to be able to have a municipal question asked at the State Election, and it's not unusual. I was looking to see if we can.

If you want to give me a call or email me with what we need to do, that would be great. Thanks.

Steve

Steve Fournier
Town Administrator
Town of Newmarket, NH
186 Main Street
Newmarket NH 03857
sfournier@newmarketnh.gov
(603)659-3617 Facsimile: (603)659-8508
www.newmarketnh.gov
Follow us on Twitter [@TownofNewmrktNH](https://twitter.com/TownofNewmrktNH) and [Facebook](#)

Do you really need a hard copy? Please consider conserving our environment before printing this e-mail and/or any attachments.

This electronic message and any attachments may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material. Do not print, deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains unless authorized to do so. Thank you

[Spam](#)

[Not spam](#)

[Forget previous vote](#)

Steve Fournier

From: Dale Pike <dalepike52@gmail.com>
Sent: Friday, August 22, 2014 9:41 AM
To: Steve Fournier
Subject: Fwd: FW: LRAC term expiring soon

Hi Steve,

Could you forward to the council please? Michelle Daley sent us an e-mail on August 5 asking for support from councilors for reappointment to the Lamprey River Advisory Committee. I confirmed that a simple e-mail stating support is sufficient (rather than using the form).

I attended a LRAC meeting as part of my "dam" activities and it's a good group. You can see from the UNH positions Michelle holds that she is very qualified.

Jacque Colburn from NH DES states below that nominees generally get support from a majority of the council.

Thanks,
Dale

----- Forwarded message -----

From: Dale Pike <dalepike52@gmail.com>
Date: Fri, Aug 22, 2014 at 9:30 AM
Subject: Re: FW: LRAC term expiring soon
To: "Colburn, Jacque" <Jacque.Colburn@des.nh.gov>
Cc: "Daley, Michelle" <michelle.daley@unh.edu>, Richard Snow <rherbertsnow@netscape.net>

Thank you Jacque.

I'll send a reminder to the rest of the council and also let them know they can respond by e-mail.

Dale

On Fri, Aug 22, 2014 at 9:21 AM, Colburn, Jacque <Jacque.Colburn@des.nh.gov> wrote:

> Good morning Michelle and Dale -
> Yes, we will accept your email as an "e-signature" and will record this email along with Michelle's form so we have a record of Dale's support of your appointment.
>
> Michelle - Do you anticipate getting signatures from the other Councilmen? We typically get all or at least a majority of the members of a select board or council to sign the nomination form.
>
> In the interim, we will start the appointment letter for the Commissioner's signature.
>
> Thank you,
> - Jacque
>
> Jacque Colburn, Coordinator

> NH Rivers Management and Protection Program NH Lakes Management and
> Protection Program NH Department of Environmental Services
> 29 Hazen Drive, P.O. Box 95
> Concord, NH 03302-0095
> Phone: 603-271-2959
> Fax: 603-271-7894
> jacquie.colburn@des.nh.gov
> <http://www.des.nh.gov/organization/divisions/water/wmb/rivers/index.htm>
> m
> <http://www.des.nh.gov/organization/divisions/water/wmb/lakes/index.htm>

> -----Original Message-----

> From: Daley, Michelle [mailto:michelle.daley@unh.edu]
> Sent: Thursday, August 21, 2014 2:31 PM
> To: Dale Pike; Colburn, Jacquie
> Subject: RE: FW: LRAC term expiring soon

> Hi Dale,

> Thank you for supporting my reappointment to the LRAC. I am not sure if email is accepted as an e-signature so I am copying Jacqui Colburn here to find out.

> Thanks,
> Michelle

> *****
> *****

> Michelle L. Daley
> Research Scientist
> Acting Director NH Water Resources Research Center
> (<http://www.wrrc.unh.edu/>) Acting Director and Manager Northeastern
> States Research Cooperative Theme 2 (<http://www.uvm.edu/envnr/nsrc/>)
> Department of Natural Resources and the Environment, University of New
> Hampshire
> (603) 862-2341 Michelle.Daley@unh.edu

> -----Original Message-----

> From: Dale Pike [mailto:dalepike52@gmail.com]
> Sent: Thursday, August 21, 2014 2:19 PM
> To: Daley, Michelle
> Subject: Re: FW: LRAC term expiring soon

> Hi Michelle,

> I would be happy to support your reappointment to the LRAC. Can this e-mail be accepted as an e-signature of support or do you need a different format?

> Thanks,
> Dale Pike

> Vice-Chair, Newmarket Town Council

>
> On Tue, Aug 5, 2014 at 1:40 PM, Daley, Michelle <michelle.daley@unh.edu> wrote:
>> Dear Mr. Levy and other members of the Council,
>>
>>
>> I have been serving as Newmarket's representative on the Lamprey
>> Rivers Advisory Committee (LRAC) for the past 3 years and my term is
>> about to expire. I would like to be renominated to the committee and
>> am hopeful you will support me in this by signing the attached
>> nomination form. The completed nomination form should be sent to
>> Jacqui Colburn at riversprogram@des.nh.gov or mail to Rivers
>> Coordinator, NH DES, 29 Hazen Drive, P.O. Box 95, Concord, NH
>> 03302-0095. I would also be happy to submit the completed form for you, whichever you prefer.
>>
>>
>>
>> If you have any questions at all about the LRAC or the Lamprey River
>> in general, I'd be happy to speak to you about those. If you happen
>> to know of someone else who would be a good candidate for the LRAC,
>> we are always looking for new members as towns can have multiple representatives.
>>
>>
>>
>> Thanks you,
>> Michelle
>>
>>
>>
>> *****
>> *
>> *****
>>
>> Michelle L. Daley
>>
>> Research Scientist
>>
>> Acting Director NH Water Resources Research Center
>> (<http://www.wrrc.unh.edu/>)
>>
>> Acting Director and Manager Northeastern States Research Cooperative
>> Theme 2
>> (<http://www.uvm.edu/envnr/nsrc/>)
>>
>> Department of Natural Resources and the Environment, University of
>> New Hampshire
>>
>> (603) 862-2341 Michelle.Daley@unh.edu
>>
>>
>>
>> From: spetersen.lrac@comcast.net [mailto:spetersen.lrac@comcast.net]
>> Sent: Tuesday, August 05, 2014 10:40 AM

>> To: Foley, Joe; rowden, jenn; Daley, Michelle; Ted Janusz; Kathleen

>> Hoelzel

>> Cc: Snow, Dick; Ann R Welsh

>> Subject: LRAC term expiring soon

>>

>>

>>

>>

>> Hi, Joe, Jenn, Michelle, Ted, and Kathy,

>>

>>

>>

>> According to records with the NH Rivers Program, your terms on LRAC

>> will expire on September 7, 2014. To continue as official, voting

>> members, please complete the attached form, take it to the selectmen

>> for their signatures, and make sure the form is sent to Jacquie

>> Colburn at the address listed on the form. If you have any questions, please let me or Jacquie know.

>>

>>

>>

>> Thank you!

>>

>>

>>

>> Suzanne

>

>

>

> --

> Dale Pike

> 30 Smith Garrison Road

> Newmarket, NH 03857

--

Dale Pike

30 Smith Garrison Road

Newmarket, NH 03857

--

Dale Pike

30 Smith Garrison Road

Newmarket, NH 03857

--

BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 09MFNFfdl) is spam:

Spam: <https://antispam.roaringpenguin.com/canit/b.php?i=09MFNFfdl&m=de69e9042520&t=20140822&c=s>
Not spam: <https://antispam.roaringpenguin.com/canit/b.php?i=09MFNFfdl&m=de69e9042520&t=20140822&c=n>
Forget vote: <https://antispam.roaringpenguin.com/canit/b.php?i=09MFNFfdl&m=de69e9042520&t=20140822&c=f>

END-ANTISPAM-VOTING-LINKS

Resolution 2014/15 - 08
Amending the Town Personnel Policy Prohibiting the Use of Mobile Communications
Devices While Driving

WHEREAS: The State of New Hampshire has adopted House Bill 1360 prohibiting the use of certain electronic devices while driving, and

WHEREAS: The Town of Newmarket wished to amend its personnel policy to prohibit the use of these mobile devices sooner.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

It hereby amends the following portions of the Town's Personnel Policy as Follows:

Note: Items removed from the current policy appear ~~struck through~~. New items appear *italicized*.

Section 6.09 Cellular Phones

Safety issues for cellular phone use

~~Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands free options, refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.~~

The use of hand held mobile telephones or other communication devices while driving on Town business, whether in a Town owned or private vehicle is prohibited, except when using a device that requires only a single touch to answer or initiate a call provided that the device is not being held in the driver's hand.

~~In situations where job responsibilities include regular driving and accepting of business calls, hands free equipment will be provided to facilitate the provisions of this policy. Hands free equipment will be provided to facilitate the provisions of this policy for individuals to receive business calls while operating a Town vehicle. This shall apply only to those vehicles in which it is determined that it is necessary to receive calls during business operations.~~

~~Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.~~

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of discipline, including *suspension or* termination.

LET IT FURTHER BE RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

This amendment shall take effect November 1, 2014

First Reading: September 3, 2014

Second Reading:

Approval:

Approved: _____

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Terri Littlefield, Town Clerk

Resolution 2014/15 - 09

Resolution Relating to Withdrawal of \$2,140 From the Cemetery Capital Reserve Fund

WHEREAS: The Cemetery Trustees have planned the installation of a wooden gate for the Old Town Graveyard on Terrace Way , and

WHEREAS: The Trustees have solicited quotes, where Julien Jalbert was selected for a total cost of \$2,140, and

WHEREAS: The Cemetery Capital Reserve Fund has \$8,140 prior to the expenditure.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

That the Newmarket Town Council does hereby approve a withdrawal of \$2,140 from the Cemetery Capital Reserve Fund for the construction of a new wooden gate for the Old Town Graveyard.

First Reading: September 3, 2014

Second Reading:

Approval:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

Cemetery Trustees
Town of Newmarket

August 20, 2014

Steve Fournier
Town Administrator
Town of Newmarket, NH
186 Main Street
Newmarket, NH 03857

RE: Resolution to withdraw Capital Reserve funds

Dear Steve,

Per our recent conversation I am requesting that the Town Office draft a Resolution to withdraw up to \$2,140.00 from the Town Cemeteries Capital Reserve account #031509 to be used by the Cemetery Trustees for the building and installation of a wooden gate for the Old Town Graveyard on Terrace Way. Once written we ask that you submit it to the Town Council for approval. The Cemetery Trustees have been working on this project for some time and I have enclosed a written quote and picture of the gate.

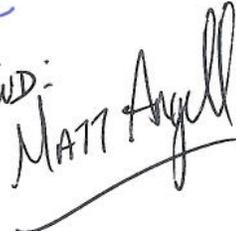
Facts:

- As of June 30, 2014 there is a balance of \$8,140.40 in this capital reserve account.
- We are requesting \$140.00 more than the original quote (dated 7/1/14) of \$2,000.00 because we are considering increasing the size of the sonotubes for more strength to support the fence. This should more than cover the additional cost.
- When requested, checks will be made out to Julien Jalbert unless otherwise stipulated.

Thank you for your help with this and please contact me if you need any additional information.

Sincerely,


Edward Pelczar
Cemetery Trustee, Chair

Fwd:

MATT Angell



Resolution 2014/15 - 10

Withdrawing an amount not to exceed \$10,000 to Replace the Carpeting in the Town Hall Auditorium

WHEREAS: The Town has been improving various rooms and facilities in the Town Hall, and

WHEREAS: The Town Hall Auditorium carpeting has not been replaced since moving into this facility in over two decades ago, and

WHEREAS: The Building and Grounds Supervisor has three quotes, and

WHEREAS: The Building Improvement Capital Reserve Fund has \$309,663 in it as of August 27, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

The Town Council authorizes the withdrawal of an amount not to exceed \$10,000 from the Building Capital Reserve Fund to replace the carpeting in the Town Hall auditorium.

First Reading: September 3, 2014

Second Reading:

Approval:

Approved: _____

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Terri Littlefield, Town Clerk



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

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: STEVE FOURNIER, TOWN ADMINISTRATOR 
SUBJECT: WITHDRAWAL OF FUNDS FROM CAPITAL RESERVE TO REPLACE CARPETING IN TOWN HALL AUDITORIUM
DATE: 8/28/2014
CC: DPW DIRECTOR, FINANCE

I have before the Council for action on September 17 a resolution to withdraw an amount not to exceed \$10,000 to replace the carpeting in the Town Hall Auditorium. I would not normally request a resolution with an amount “not to exceed,” however we will be painting the auditorium shortly after the September 9 primary election and we would like to replace the carpeting in conjunction with that project. This would allow us to limit the disruption of not being able to use the auditorium.

The Building and Grounds Supervisor has secured a quote of \$9,842, as well as another one. We are in the process of securing the third quote. The Town Council will have them as part of their packets on September 17.

Rideau's Flooring

44 Exeter Rd. Newmarket NH. 03857

Tel: (603) 659-4493 Fax: (603) 659-6693 call for shop hrs.

If mailing payment send to P.O. BOX 440 Newmarket NH 03857

Invoice # 722

Note: Please call Mike Rideau with any questions @ 659-4494 or 235-0470 Thank you

P.O.# 722

Side Mark. "Town hall"

Refs#

from: on //14

Date order was placed //14

Refs #

Coming in from: on / /14

Date order was placed / /14

**Occupied x

All quote pricing good for 30 days

Today's Date 8/ 27/ 14	Day the job will start: / /14	Carpet tile x / Carpet
Bill to : Town Hall of Newmarket		Linoleum / Wood
Street: #186 Main St.		Tile / VCT / Laminate
City, State, Zip Newmarket NH 03857	E-mail jpuchlopek@newmarketnh.gov on 8/27/14	
Public works office 659-3093 " John P	Town office 659-8501	Fax# 659-
Job location: Newmarket town hall "basement level room"		

Description	Amount
Supply & install 408 yds. Com., Carpet tile's by Mohawk Style (Voltage) Color (T, b, d) @ \$24.00 per. yd.	9,792. 00
Including Rip up plus disposal of exciting carpet	
Any unseen floor prep extra	
"The floor makes noise "	
1 extra Box for your stock.	
RECEIVED AUG 28 2014 <i>(Signature)</i>	
Rideau's Flooring Insurance info was sent on 8/27/14 faxed as well e-mailed	
Paid The Deposit on / / 14 with a Check ___ or a Credit card ___ Amount\$	
Paid the balance on / / 14 with a check ___ or a Credit card ___ Amount\$	
Thank you ☺	
Freight	50. 00
Sales tax	.0 00
Balance	9,842. 00
½ Deposit due	
Balance due On day of Installation	

We offer in store financing with up to one yr. interest free . we take.. Visa, Master card & Discover card. "Over 34 yrs. Of Experience Makes the Difference"

Terms & conditions: No goods will be accepted for credit unless returned with our permission 3% per month (25%per annum) delinquency charge on past due account. not responsible for broken baseboards ,& or counter tops , in bathroom's or kitchens. By customer signature below they agree to these terms .

Terms & Conditions: ½ Deposit, Balance payable upon completion. Customer is responsible for providing heat (70 degrees Min.) emptying areas, disconnecting appliances, electronic equipment and plumbing fixtures, cutting doors when necessary., customer agrees to these terms. By signing signature in yellow box.

Customer
Signature _____

Cadieux's Flooring

145 Portsmouth Avenue, Rte. 33
Stratham, New Hampshire 03885

TOWN OF NEWMARKET Tel: (603) 772-2379

Quote: Carpeting for basement of Town Hall

FAX No.: 659-8508

8/28/14

QUANTITY	DESCRIPTION	AMOUNT
	Broadloom Installed	\$ 8,640. ⁰⁰
	Carpet Tile (approx. 2'x2') Installed	\$ 11,500. ⁰⁰
	TOTAL	

Thank You!

Resolution 2014/15 - 11
Relating to HVAC Maintenance Services

WHEREAS: The Town of Newmarket solicited proposals for HVAC Maintenance Services, and

WHEREAS: The three companies submitted proposals, and

WHEREAS: The cost proposals were as follows:

Location	Bidder		
	Granite State	Siemens	Thermo Dynamics
Town Hall	2,410.00	3,100.00	1,370.00
Community Center	1,018.00	1,500.00	897.00
Police Department	1,780.00	1,700.00	1,140.00
Public Works/Fire Station	4,156.00	2,500.00	1,445.00
Library	2,500.00	1,700.00	890.00
	11,864.00	10,500.00	5,742.00

WHEREAS: Thermo Dynamics were the low bidder

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

That the Newmarket Town Council does authorize the Town Administrator to enter into an agreement with Thermo Dynamics, Inc. for HVAC Maintenance Services.

First Reading: September 3, 2014

Second Reading:

Approval:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

Town of Newmarket
Matthew Angell
Interim Finance Director
Town Hall
186 Main Street
Newmarket, NH 03857



603-659-3617 *1304
603-659-3351 (fax)
MAngell@newmarketnh.gov

Memorandum

Date: April 9, 2014
To: Steve Fournier, Town Administrator
From: Matthew Angell, Interim Finance Director
Re: HVAC Services

Steve,
We have received three proposals for HVAC Services. The following are the proposal prices.

Location	Bidder		
	Granite State	Siemens	Thermo Dynamics
Town Hall	2,410.00	3,100.00	1,370.00
Community Center	1,018.00	1,500.00	897.00
Police Department	1,780.00	1,700.00	1,140.00
Public Works/Fire Station	4,156.00	2,500.00	1,445.00
Library	2,500.00	1,700.00	890.00
	11,864.00	10,500.00	5,742.00

Thermo Dynamics is our recent past service provider. I spoke to several key employees within the Town Government regarding Thermo's service, which all have been satisfied.

Since Thermo Dynamics is the low-cost bidder, I recommend Thermo Dynamics.
Thanks,
Matt



Industry

Siemens Industry, Inc.
Building Technologies Division

Two International Drive
Suite 350
Portsmouth, NH 03801

Tel: +1 603 772-1201 Ext. 4111
Fax: +1 877 520-7205
Mobile: +1 207 653-8411
leo.bruyette@siemens.com

Leo Bruyette
Manager
Business Development

PROPOSAL FORM

HVAC Services

in New Hampshire, herein called the Owner.

The Undersigned, as Bidder, declares as follows:

1. All interested in the Bid as Principals are named herein.
2. This bid is not made jointly, or in conjunction, cooperation or collusion with any other person, firm, corporation, or other legal entity.
3. No officer, agent or employee of the Owner is directly or indirectly interested in this Bid.
4. The Bidder has carefully read and examined the Bid Documents and other Contract Documents and knows and understands the terms and provisions thereof.
5. This Bidder understands that the Bidder will supply or perform all labor, services, plant, machinery, apparatus, appliances, tools, supplies and all other activities required by the Contract Documents in the manner and within the time therein set forth, and that the Bidder will take in full payment for following item prices as set forth below.

The contractor must bid on all of the following items. (Hourly rates are to be total cost).

Town Hall:

Bid Price in Figures: \$ 3,100
Bid Price in Words: THREE THOUSAND ONE HUNDRED

Community Center:

Bid Price in Figures: \$ 1,500
Bid Price in Words: ONE THOUSAND FIVE HUNDRED

Police Station:

Bid Price in Figures: \$ 1,700
Bid Price in Words: ONE THOUSAND SEVEN HUNDRED

Public Works/Fire & Rescue Facility:

Bid Price in Figures: \$ 2,500
Bid Price in Words: TWO THOUSAND FIVE HUNDRED

Library:

Bid Price in Figures: \$ 1,700
Bid Price in Words: ONE THOUSAND SEVEN HUNDRED

Leo Bruyette
SIEMENS INDUSTRY, INC.

THERMO DYNAMICS, INC.

43 Dow Highway, Route 236; P.O. Box 608
Eliot, ME 03903-0608

Phone 207.439.5049

Fax 207.439.5063

PROPOSAL FORM HVAC Maintenance Services TOWN OF NEWMARKET, NH

To the Town of Newmarket, New Hampshire, herein called the Owner.

The undersigned, as Bidder, herein referred to as singular and masculine declares as follows:

1. All interested in the Bid as Principals are named herein.
2. This bid is not made jointly, or in conjunction, cooperation or collusion with any other person, firm, corporation, or other legal entity;
3. No officer, agent or employee of the Owner is directly or indirectly interested in this Bid.
4. The bidder has carefully read and examined the Bid Documents and other Contract Documents and knows and understands the terms and provisions thereof;
5. The bidder understands that the bidder will supply or perform all labor, services, plant, machinery, apparatus, appliances, tools, supplies and all other activities required by the Contract Documents in the manner and within the time therein set forth, and that the bidder will take in full payment the following item prices as set forth below. The contractor must bid on all of the following items. (Hourly rates are to be total cost).

Town Hall

Bid Price in Figures: \$ 1,370.00

Bid Price in Words: *One Thousand Three Hundred Seventy Dollars*

Community Center

Bid Price in Figures: \$ 897.00

Bid Price in Words: *Eight Hundred Ninety Seven Dollars*

Police Station

Bid Price in Figures: \$ 1,140.00

Bid Price in Words: *One Thousand One Hundred Forty Dollars*

Public Works/Fire & Rescue Facility

Bid Price in Figures: \$ 1,445.00

Bid Price in Words: *One Thousand Four Hundred Forty Five Dollars*

Library

Bid Price in Figures: \$ 890.00

Bid Price in Words: *Eight Hundred Ninety Dollars*

GSPoH

PROPOSAL FORM

HVAC Services

To the Town of Newmarket, New Hampshire, herein called the Owner.

The Undersigned, as Bidder, declares as follows:

1. All interested in the Bid as Principals are named herein.
2. This bid is not made jointly, or in conjunction, cooperation or collusion with any other person, firm, corporation, or other legal entity.
3. No officer, agent or employee of the Owner is directly or indirectly interested in this Bid.
4. The Bidder has carefully read and examined the Bid Documents and other Contract Documents and knows and understands the terms and provisions thereof.
5. This Bidder understands that the Bidder will supply or perform all labor, services, plant, machinery, apparatus, appliances, tools, supplies and all other activities required by the Contract Documents in the manner and within the time therein set forth, and that the Bidder will take in full payment for following item prices as set forth below.

The contractor must bid on all of the following items. (Hourly rates are to be total cost).

Town Hall:

Bid Price in Figures: \$

2,410.00

Bid Price in Words:

Two Thousand, Four Hundred and Ten Dollars

Community Center:

Bid Price in Figures: \$

1,018.00

Bid Price in Words:

One Thousand, and Eighteen Dollars

Police Station:

Bid Price in Figures: \$

1,780.00

Bid Price in Words:

One Thousand, Seven Hundred and Eighty Dollars

Public Works/Fire & Rescue Facility:

Bid Price in Figures: \$

4,156.00

Bid Price in Words:

Four Thousand, One Hundred and Fifty Six Dollars

Library:

Bid Price in Figures: \$

2,500.00

Bid Price in Words:

Two Thousand, Five Hundred Dollars

Resolution 2014/15 - 12
Accepting a Emergency Management Performance Grant for School Emergency Management System

WHEREAS: The Town of Newmarket in conjunction with the Newmarket School district has applied for and have been approved for an Emergency Management Performance Grant for School Emergency Management System through the NH Department of Safety, and

WHEREAS: The purpose of the grant is to implement an electronic Emergency Notification system in both of the schools, which will be transmitted to Dispatch Center and Police Vehicles in the fall of 2014, and

WHEREAS: The total cost of the project will be \$4,440, with half paid for by the NH Department of Safety and the School District matching \$1,800 and the Newmarket Police Department matching \$420.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

The Town Council hereby accepts the Emergency Management Performance Grant for School Emergency Management System and authorizes the Town Administrator to execute any and all necessary documents associated with the grant.

First Reading: September 3, 2014

Second Reading:

Approval:

Approved: _____

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Terri Littlefield, Town Clerk

Resolution 2014/15 - 13
Authorizing the Upgrades to the Fleet Fuel Maintenance System

WHEREAS: The Highway Department utilizes a gas pump tracking system, and
WHEREAS: The current system has ceased to function, and
WHEREAS: the three quotes have been solicited to replace the system, which are as follows:

Wildco Petroleum Equipment Sales	\$14,750
Gold Eagle Contracting	\$16,288
Gaftek	\$13,559

WHEREAS: The FY15 Operating Budget has \$16,500 budgeted to replace this system, and
NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

The Newmarket Town Council does hereby authorize the Town Administrator to enter into a contract with Gaftek, not to exceed \$13,559 to upgrade the Fleet Fuel Maintenance System.

First Reading: September 3, 2014

Second Reading:

Approval:

Approved: _____

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Terri Littlefield, Town Clerk



160 Perry Road
 Bangor, Maine 04401
 T-207-217-6515
 T-1-888-485-3829
 FAX 207-217-6520

07/02/14 VOID AFTER 30 DAYS

From:
 Chris Gaudet
 Estimating
 T-207-327-1154
 C-207-944-9887
 E-cgaudet@gaftek.com



QUOTE ACCEPTED

 AUTHORIZED SIGNATURE

 PRINTED NAME

 DATE

To:
 Doug Poulin
 IT Director
 Town of Newmarket NH
 T-603-659-3617
 E-dpoulin@newmarketnh.gov

RE: Pump control system upgrade.

Gaftek is pleased to quote **\$13,559.00** to upgrade the pump control system at the Newmarket, NH DPW.

SCOPE OF WORK:

1. Supply removal of (1) existing **Topkat** pump control system.
2. Supply and install (1) **Petrovend K800 OPW/FMS** two hose system, with printer, modem, mounting pedestal, weather shield, heater, **Phoenix Plus Windows** based software, and (50) encoded chip keys (expandable).
3. Re-use all existing conduit/wiring.
4. Supply and install miscellaneous above grade electrical fittings to make connections.
5. Supply system start-up, programming.
6. Supply **Petrovend** technician, electrician, and all required manpower and equipment to complete the project.

NOTES:

1. Gaftek will require 50% of the total project cost (**\$6,779.50**) to order components, and the remainder including any change orders upon completion. Interest will be calculated at 1.5% interest monthly for invoices over 30 days old.
2. **PC REQUIREMENTS FOR PHOENIX SOFTWARE;**
 Pentium II processor, 500 MHz or higher, 128MB RAM, 250MB minimum hard drive space, CD-ROM drive, Windows (98, 2000, XP, Vista, 7)
3. Modem for the PC accessing the **Petrovend K800** remotely is the responsibility of the owner.

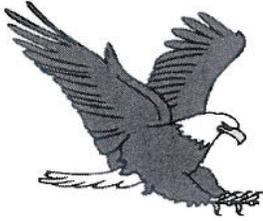
EXCLUSIONS:

1. Any applicable taxes on components.

2. Any out of scope work.
3. Project is priced assuming that the existing wiring is suitable to operate the new system.

Please contact me with any questions.
Chris Gaudet

BG RT JS RL EG JM CJ RD



Gold Eagle Contracting
312 Daniel Webster Highway
Belmont, NH 03220
(603) 524-6983

August 17, 2014

To: Town of Newmarket
186 Main Street
Newmarket NH 03857
Attn: Doug Poulin

Doug,

As we discussed on the phone last week, here is a quote for the replacement of your outdated (and now non-functioning) GasBoy system:

Petrovend K800 OPW/FMS system. Two hoses, one gas, one diesel.
Phoenix plus Windows bases system
Supply and install any ABOVE ground electrical wiring needed.
Provide 50 key cards for end users.
One day of training for DPW secretary.

Your total cost will be \$16,288.

This quote is effective for 60 days.

Regards,

William Darners

Wildco Petroleum Equip. Sa
 CONNECTICUT WAREHOUSE
 52 Main Street
 Manchester, CT 06040
 860-645-7781 Fax 860-645-7867

NORTHERN NEW ENGLAND SALES OFFICE
 David D. Blampied, Territory Manager
 572 Mt Cleveland rd Bethlehem NH 03574
 (603) 869-9993 * Fax (603) 869-9994

QUOTE # 3541

TO Town Of NewMarke
 168 Main st.
 Newmarket NH 03857

Please indicate the above number when ordering

Date: 7/16/2014

Project: K-800

Fuel Mgt sys

Attn: Doug Poulan
 603-292-1225

Estimated Shipping Date Shipped Via F.O.B. Terms

Net 10 days

Quantity	Part #	Description	Price	Amount
1	PV	K-800 Basic system	\$9,850.00	\$9,850.00
		2-hose control, weathershield, PC/CRT cable		
		direct connect, 30 chip keys encoded		
		voltage to current sense		
		pheonix plus software, pc based		
		Factory phone start up		
2		onsite start up and training \$1,200.00/day,	\$1,200.00	\$2,400.00
1		Wildco Delivery	\$75.00	
1		Wiring, additional hardware, testing, troubleshooting	\$2,500.00	\$2,500.00
				\$14,750.00
		No other accessories quoted		

We are pleased to submit the above quotation for your consideration. Should you place an order, be assured it will receive our prompt attention. This quotation is valid for 30 days. Thereafter it is subject to change without notice. The above prices do not include any federal, state or local taxes. Restocking or cancellation charge - 25%.

By David D. Blampied Accepted
 THANK YOU

Date

Resolution 2014/15 - 13
Authorizing the Upgrades to the Fleet Fuel Maintenance System

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First Reading: September 3, 2014

Second Reading:

Approval:

Approved: _____

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Terri Littlefield, Town Clerk