



Town of Newmarket, New Hampshire  
Town Council Business Meeting  
April 3, 2013 7:00 p.m.  
Council Chambers

**6:30 p.m. NON-PUBLIC RSA 91-A:3 II**

**AGENDA:**

1. Pledge of Allegiance
2. Presentation of Plaque
3. Public Forum
4. **Public Hearing** – *Item(s) before the Town Council this evening for action*
  - a. **Ordinance #2012/2013-03 Purchasing Policy**
  - b. **Resolution #2012/2013-48 Approving the Community Revitalization Tax Relief Incentive (RSA 79E) for the Redevelopment of the Lang Blacksmith Shop**
5. **Town Council to Consider Acceptance of Minutes**
  - a. March 18, 2013 Organizational Meeting
  - b. March 20, 2013 Workshop
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. Ordinance #2012/2013-03 Purchasing Policy
    - ii. Resolution #2012/2013-48 Revitalization Tax Relief Incentive RSA 79E for Redevelopment of Lang Blacksmith Shop
    - iii. Resolution #2012/2013-49 Withdrawal of \$11,500 from Building Improvement Capital Reserve Fund for the Painting of Town Hall

**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. Town Council to Consider Appointments to Committees/Commissions**

- |   |             |              |
|---|-------------|--------------|
| a. Advisory Heritage Committee:           | 3 Vacancies | 3 Alternates |
| b. Cemetery Trustee Committee:            | 2 Vacancies |              |
| c. Conservation Commission:               | 2 Vacancies |              |
| d. Economic Development:                  | 1 Vacancy   |              |
| e. Housing Authority:                     | 1 Vacancy   |              |
| f. Trustees of the Library:               | 2 Vacancies |              |
| g. Veterans Memorial Trust:               | 3 Vacancies |              |
| h. Zoning Board of Adjustment:            | 3 Vacancies | 2 Alternates |
| i. Strafford Regional Planning Commission | 1 Vacancy   |              |

**9. New Business/Correspondence**

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

**i. Review of Standing Committees and Council Representatives**

- a. Highway Safety
- b. Conservation Commission
- c. CIP
- d. Efficiency Committee
- e. Advisory Heritage Commission

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

- i. Resolution #2012/2013-51 Withdrawal of \$26,730 Replacement of Waterline at North Main Street
- ii. Resolution #2012/2013-52 Building Permit Fee Schedule
- iii. Resolution #2012/2013-53 Submission of Application to the NH Drinking Water SRF for \$2,502,600 Development of MacIntosh Well (TA Request Suspend Rules)

- iv. Resolution #012/2013-54 Submission Application NH Clean Water SRF \$14,100,000 Upgrading Wastewater Treatment Plant (TA Request Suspend Rules)
- v. 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

**c. Correspondence to the Town Council**

**d. Closing Comments by Town Councilors**

**10. 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.*



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
April 3, 2013 7:00 p.m.  
Council Chambers**

**6:30 NON-PUBLIC RSA 91-A:3 II**

- 1. Pledge of Allegiance**
- 2. Presentation of Plaque**
- 3. Public Forum**



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Town Council Business Meeting  
April 3, 2013 7:00 p.m.  
Council Chambers**

**4. Public Hearing** – *Item(s) before the Town Council this evening for action*

**a. Ordinance #2012/2013-03 Purchasing Policy**

**b. Resolution #2012/2013-48 Approving the Community  
Revitalization Tax Relief Incentive (RSA 79E) for the  
Redevelopment of the Lang Blacksmith Shop**

OFFICE OF THE  
TOWN ADMINISTRATOR  
E-Mail - Townadmin@newmarketnh.gov  
Website - www.newmarketnh.gov



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
LEGAL NOTICE – PUBLIC HEARING**

The Newmarket Town Council will hold a Public Hearing on Wednesday, April 3, 2013 at 7:00 pm at the Newmarket Town Hall, 186 Main Street, Newmarket, New Hampshire to provide information on and hear public comments regarding the following ordinance:

1. Ordinance, #2012/2013-03 Purchasing Policy Purpose: To procure materials, supplies, equipment and services best suited to the job which operating units are to perform, correct quantities of items required, goods and services are in the hands of operating units when and where needed, obtain goods, services and equipment at the lowest total price, obtain critical materials when required to meet emergencies, and to dispose of unneeded real property.

Those persons who are unable to attend the Public Hearing on April 3, 2013 are urged to provide their comments in writing no later than Monday, April 1, 2013 to:

Newmarket Town Administrator  
Newmarket Town Hall  
186 Main Street  
Newmarket, NH 03857

OFFICE OF THE  
TOWN ADMINISTRATOR  
E-Mail - [Townadmin@newmarketnh.gov](mailto:Townadmin@newmarketnh.gov)  
Website - [www.newmarketnh.gov](http://www.newmarketnh.gov)



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

## TOWN OF NEWMARKET, NEW HAMPSHIRE LEGAL-PUBLIC HEARING

The Newmarket Town Council will hold a Public Hearing on Wednesday, April 3, 2013 7:00 pm at the Newmarket Town Hall, 186 Main Street, Newmarket, New Hampshire to provide information on and hear public comments regarding the following:

1. Approval of the Community Revitalization Tax Relief Incentive (RSA 79E) for the Redevelopment of the Lang Blacksmith Shop

Those persons who are unable to attend the Public Hearing on April 3, 2013 are urged to provide their comments in writing no later than Tuesday, April 2, 2013 to:

Newmarket Town Administrator  
Newmarket Town Hall  
186 Main Street  
Newmarket, NH 03857



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
April 3, 2013 7:00 p.m.  
Council Chambers**

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

a. March 18, 2013 Organizational Meeting

b. March 20, 2013 Workshop



**TOWN OF NEWMARKET, NEW HAMPSHIRE  
ORGANIZATIONAL MEETING  
MARCH 18, 2013      6:00 P.M.**

**PRESENT:**

Council Chairman Phil Nazzaro, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Gary Levy, Councilor Mike LaBranche, Councilor Al Zink, Councilor Ed Carmichael

**TERMS ENDING:** Councilor Mike LaBranche, Councilor Al Zink

**SWORN IN:** Councilor Larry Pickering, Councilor Dale Pike

Town Administrator Steve Fournier

Council Chairman Phil Nazzaro opened the meeting at 6:00 p.m., followed by the Pledge of Allegiance.

**DEDICATION OF THE ANNUAL REPORTS FOR THE TOWN OF NEWMARKET AND NEWMARKET SCHOOL DISTRICT**

Council Chairman Nazzaro announced that the 2012 Annual Report had been dedicated to Don Small and Tidoe Beaulieu as a testament to their service to the community.

Council Vice Chairman Bentley read the dedication statement about Mr. Beaulieu, citing his service as an employee and volunteer in the community. Starting as a volunteer firefighter, he became the Fire Chief for many years. He was instrumental in establishing an emergency dispatch center, developing building fire and safety codes and working in forest fire prevention. He established the Fire Department's Senior Center Christmas party, an event that still continues. The Annual Report was presented to his wife, Sue Beaulieu.

Council Chairman Nazzaro read the dedication statement about Mr. Small, citing his life as one of service to the community, state and nation. After being discharged from the Air Force, Mr. Small worked with the American Legion Post for 40 years, serving as an officer for much of that time. He was a supporter of children and youth programs, and was the driving force in establishing the Memorial Day Parade in Newmarket. The Annual Report was presented to his family.

**OATH OF OFFICE**

Town Clerk Becky Benvenuti administered the oath of office to Larry Pickering and Dale Pike, who then took their seats at the Council table.

**APPOINTMENT OF CHAIR AND VICE CHAIR**

Councilor Wright moved to nominate Councilor Levy as Chairman of Town Council. Council Vice Chairman Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed 6 – 1, with Councilors Wright, Levy, Pickering, Pike, Carmichael and Council Vice Chairman Bentley in favor and Council Chairman Nazzaro opposed.

Council Chairman Levy took his seat.

Councilor Wright moved to nominate Council Vice Chairman Bentley to a second term as Vice Chairman. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

#### **PRESENTATION OF PLAQUES**

Council Chairman Levy presented plaques to outgoing Councilors LaBranche and Zinc, thanking them for their service to the community. Councilor Zinc said he felt although the Council had gone through some rocky moments, they were good for the Council. He felt they had developed into an excellent Council and it was his pleasure to have served. He thanked Councilor LaBranche for helping him and being his mentor when he first joined the Council.

#### **RESOLUTION IN THE FIRST READING – Resolution 2012/2013-50 Scheduling a Special Election for the Charter Commission**

Town Administrator Fournier had asked that the Council suspend the rules and vote on the Resolution at the meeting.

Councilor Nazzaro moved to suspend the rules. Councilor Carmichael seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7-0.

Council Chairman Levy read the Resolution in full.

Councilor Nazzaro moved to adopt Resolution 2012/2013-50 Scheduling a Special Election for the Charter Commission. Council Vice Chairman Bentley seconded.

Discussion: Councilor Nazzaro asked for a clarification of the wording that a first and second reading would be held at the same meeting, asking if the intent of the motion to suspend the rules was to hold a vote during a non-business meeting or to vote after only one reading. Town Administrator Fournier said he felt the intent was to hold a vote on the Resolution at the meeting, but would check into it. He added that two readings were not necessary prior to the vote.

The Charter Commission will conduct public hearings and the town will vote on its recommendations in March, 2014. Council Vice Chairman Bentley asked if the vote would be on the entire Charter or each item. Town Administrator Fournier said his understanding was that the vote would be on the overall charter unless there were only changes in some items, but he would check into it. Council Chairman Levy asked if there would be an opportunity for voters to tweak parts of the Charter if they had concerns with some of the recommendations. Town Administrator Fournier said that if the Charter failed overall because of concerns with an item, the Council could vote itself to recommend amendments to items within the Charter for the following year's election. The Commission gave the opportunity for an outside body to look at the overall Charter. During Public Hearings citizens may give their input to the Commission, which will then consider whether or not to include those ideas as part of its recommendations.

The filing period for those interested in serving on the Commission will be March 27<sup>th</sup> through April 5<sup>th</sup>. There was a discussion of the make-up of the Commission. Town Administrator Fournier had said at an earlier meeting that Council members were not eligible to run. Councilor Carmichael asked if the same rule applied to members of other town boards. Town Administrator Fournier said members of other boards could be candidates for the Commission. He was looking into whether Council members could be on the Charter Commission, would have

the information for the March 20<sup>th</sup> meeting. Council Vice Chairman Bentley asked if the voting machine would be used for the special election. Town Clerk Benvenuti said this was optional, but to save the expense, she felt the votes would be hand counted. She expected the turnout would be less than the 20% that had voted in the town election. There was no further discussion.

Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

#### **REVIEW FOR DISCUSSIONS OF THE ESTABLISHMENT OF RULES FOR COUNCIL PROCEDURES – Resolution #2012/2013-17**

Council Chairman Levy asked that he not read the rules in their entirety because of their length. He said the Council could either discuss the rules at this meeting or table discussion until the next meeting. He said there had not been any changes in the rules. Town Administrator Fournier said these were the rules that the Council had voted in October, and if there were any amendments proposed, they could be voted on at a future meeting. Council Chairman Levy asked if all the Councilors had the opportunity to read the rules. Council Chairman Bentley said he had not as he was out of town, but if there were no changes for the rules he had supported in October, he would agree to the Resolution. Council Chairman Levy said they could discuss and vote on the Resolution at this meeting.

Discussion: Council Chairman Levy suggested that Public Forums be expanded to include citizen input of 5 minutes each on agenda, not just non-agenda items so that people would not have to wait until the item came up. He felt this would speed up the meetings and give the Council more opportunities to hear from the public. Currently, citizens can speak on agenda items when they come up if there is no objection from the Council. Councilor Nazzaro pointed out that the rules allow for Public Forums but do not specify non-agenda items only. Town Administrator Fournier said the limitation to non-agenda items was past practice. Council Chairman Levy said he had brought this up to the Town Administrator to see if the rules needed to be changed to include agenda items in the Public Forum. Councilor Pike asked about the 5 minute limitation. Councilor Levy said that seemed like a reasonable limit to him, although he wondered if that should also be included in the rules for Public Forums. Councilor Nazzaro said he felt the 5 minute limit suggested during Public Forums was based on past practice. The 5 minutes limitation is included in Section 12, covering input during discussion outside Public Forums. Town Administrator Fournier said the Council could amend the rules to eliminate the phrase “outside Public Forums.” Councilor Nazzaro said he did not like the idea of limiting public input in Public Forums, but felt it should be at the Chairman’s discretion to ask for a conclusion if the comment seemed to be unnecessarily long and repetitive. However, during non-public discussions, he felt there should be a limit so the Council could give a citizen the opportunity to speak.

Council Chairman Levy said his intent was to still allow that, but to allow the public to speak at the beginning of a meeting also, rather than having to wait. He felt that the Council could benefit from public input prior to its discussion of an agenda item. He felt 5 minutes was a reasonable amount of time for someone to make a point or add further information. Council Vice Chairman Bentley said the Council had come a long way in the past year and commended Councilor Nazzaro and Town Administrator Fournier for their impact on the meetings. He said he was sympathetic to anyone who had to wait to make a comment. However, he was concerned that with certain controversial subjects, allowing public input on agenda items during Public Forums would lengthen the amount of time until the Council could address agenda items. He asked Town Administrator if he had experience with this type of format. Town Administrator Fournier said that he seemed to be suggesting that agenda items be moved, but in his experience this could actually prolong the meeting. He said that people who

wait for an agenda item to come up might not be aware that others were there to make the same point, while if all comment is consolidated, there could be less repetition.

Council Chairman Levy said in his experience, having public comment before deliberations helped move a meeting along. He said it was difficult for some to wait for an hour or two to give input and he felt often that input would have been helpful to the Council. He said he would like to try this, and if it was decided that it did not work, they could change direction. Councilor Nazzaro said if there was nothing in the Resolution to preclude adding input on agenda items to the Public Forum, there should be no need to change the rules. He felt this could be done at the Chairman's discretion and be revisited if it was felt to be non-effective. Council Chairman Levy asked if they had to change anything. He said this was his preference, but he did not want to do this without first discussing it with the Council. He said if the rules did not have to be changed, he wanted the public to know that they could attend a Council meeting and speak on agenda as well as non-agenda items. He said he would like to limit comments to 5 minutes unless there were extenuating circumstances. Council Vice Chairman Bentley said that the Chairman could also state at the beginning of the meeting that certain agenda items would be moved ahead in deference to groups such as Linked Together Kids. This had been done in the past. Councilor Pickering asked why the agenda could not be prepared so that those who should speak first would be on the agenda first, adding that no matter who went first, someone would have to wait. Town Administrator Fournier said that he looks at the ordering of the agenda, and has presentations at the beginning and more routine business at the end. There have been times when the agenda items have been moved to accommodate those attending to make presentations or receive awards. Council Chairman Levy said his main goal was to not stifle what the public could speak to. He said since they were not going to change the rules he would like to try this new format and see if it worked. He asked Council members if they wanted to vote on the rules or review them at the next meeting. Town Administrator Fournier said there had been quite a few revisions to the rules in October. He said these rules could be voted on as the standing rules for the Town Council, so that they would not have to be voted on every year, but could be amended when necessary. He said that language could be included in the motion.

Councilor Pike moved to adopt Resolution #2012/2013-17 as standing rules for the Town Council. Councilor Nazzaro seconded. There was no further discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

## **TOWN COUNCIL TO APPOINT TOWN COUNCIL REPRESENTATIVES TO PLANNING BOARD AND BUDGET COMMITTEE**

### **PLANNING BOARD AND ALTERNATE:**

Councilor Carmichael moved to nominate Councilor Wright as Council Representative to the Planning Board. Council Vice Chairman Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

### **BUDGET COMMITTEE:**

Councilor Carmichael moved to nominate Councilor Pickering as Council Representative to the Budget Committee. Councilor Wright seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

## **ADJOURNMENT**

Town Council Organizational Meeting  
March 18, 2013

Council Vice Chairman Bentley moved to adjourn. Councilor Pike seconded. Motion carried unanimously, and the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Ellen Adlington,

Recording Secretary

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL WORKSHOP  
MARCH 20, 2013      7:00 PM  
TOWN COUNCIL CHAMBERS**

**PRESENT:**

Council Chairman Gary Levy, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Larry Pickering, Councilor Ed Carmichael

On speaker phone: Councilor Dale Pike

Town Administrator Steve Fournier

Council Chairman Levy opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance. He stated that, if there was no objection, Councilor Pike would be participating by speaker phone. There was no objection, and Councilor Pike stated there was no one in the room with him.

**PUBLIC FORUM:** As there was no one present for the Public Forum, Council Chairman Levy closed the Public Forum at 7:03.

**PUBLIC HEARING:** There were no items for a Public Hearing.

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES – March 6, 2013 Business Meeting**

Councilor Nazzaro moved to accept the minutes of March 6, 2013. Council Vice Chairman Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed 4 - 0 - 3, with Councilors Carmichael, Pickering and Pike abstaining as they had not attended the meeting.

**REVIEW OF DEPARTMENT REPORTS**

Town Administrator Fournier gave an outline of his report. He welcomed Councilors Pickering and Pike, and said he would be scheduling a short orientation session and tour of town facilities and departments in the near future. He said that he and Water/Wastewater Superintendent would be very busy preparing for the new facility. They, along with the Town Contracted Engineer will meet with the US Dept. of Agriculture to finalize details for the Rural Development Grant. He had met with 2 of the firms that had responded to the RFP for a change in auditors every 6 years as required by section 4.15 of the Town Charter. He said there would be a recommendation soon, probably by the first meeting in April. He had met with DOT to move the Bridge Project and Bike Path Project forward. He will be submitting a letter concerning the latter. He had asked the Town Planner to call a meeting of the Bridge Committee.

**Council Questions and Discussion:**

Councilor Carmichael asked for an update on the hiring of a Financial Officer. Town Administrator Fournier said an ad would go out shortly, and he was determining whether this would be a full-time or part-time position. He was looking at the time frame, and thought that with a new auditing firm being selected, there should be some overlap between the Interim Finance Director and the new person.

Councilor Pickering asked how many auditing firms were available for auditing. Town Administrator Fournier said that 5 had responded to the RFP, and they had been narrowed down by their experience with municipalities. They had done some reference checks before bringing in the 2 firms. He said he wanted a firm with fresh eyes and one that would be tough on the town, looking for issues. Councilor Pickering felt that would be important, and said he felt past mistakes should have been found by auditors which would have prevented some adverse fiscal situations.

Councilor Nazzaro said that looking through the department reports, and considering that they were roughly 75% through the fiscal year, it appeared that many were under budget. He thanked the Department Heads and their staff for their work in making this happen. He asked when they could expect resolutions for redistributing funds. Town Administrator Fournier said there had been some resolutions 2 months ago, but he wanted to wait until the snow stopped, and probably would prepare resolutions as a package closer to the end of the fiscal year. Councilor Nazzaro asked for an update on the IT collaboration between the town and the school. Town Administrator Fournier said the attempt had not worked very well, partly because of staffing levels, and he now has Doug Poulin working only for the town. The town projects had suffered, and he said if they try this again, it will not be during the school year. He will be getting Mr. Poulin's input on the project, and have a final report soon. Councilor Nazzaro said it would be helpful if they knew why this had not been successful, and how the issues could be addressed in the future.

Council Chairman Levy, referring to page 13 of the packet, agreed that they would be busy meeting the time lines for the wastewater treatment facility, and asked when the RFP for engineering firms would be put out. Town Administrator Fournier said there was a signed agreement dated approximately 18 months prior with Underwood Engineering for the project, and he had to determine if there was an end date in the contract, if it was an overlapping contract or if it was just for the initial consultation. Council Chairman Levy doubted that it was an all encompassing contract as it had been agreed to before the town knew what it was going to build under EPA mandates. He then asked if the town had a contractual agreement to put in 10% of the amount for the Sky Bridge to get the grant funding or if that was a separate deal. Town Administrator Fournier said that was a separate deal, and the funds could come from another source, if one could be found.

Council Chairman Levy asked about page 14 of the packet which reported that police activity was up. He asked the reason for this. Town Administrator Fournier will get more details. He then referred to page 15, covering the police budget, which stated that the department had expended 59% of its budget. He asked if there might be a small surplus due to excellent management. Town Administrator Fournier said he would speak with Chief Cyr. Council Chairman Levy said to Councilor Nazzaro's point that he felt this was the time to start looking at areas for savings. Town Administrator Fournier said he would check with all the departments. Council Chairman Levy asked that the reports include last year's expenditures for the same period next to those of this year so that they were better able to make comparisons.

He asked the Council if there were any objections to his continuing with his questions and there were none. He referred to page 16 of the packet which reported that Fire and Rescue was at 63% of budget, but he thought they were actually a little under budget. He said that the figures on page 33 for finance and human resources were upside down, and the percentage should reflect money spent, rather than money remaining. Town Administrator Fournier agreed. Council Chairman Levy then asked if the 79% of the water budget spent thus far should be of concern, and what the year-end projections were. Town Administrator Fournier felt the department would be okay, as they customarily moved funds from the Capital Reserves to cover some expenditures. Later in the discussion he said that for the same period

last year, the department had spent 78% of its budget. He will ask the Department Heads to include last year's figures for the same period in the summary page of this year's expenditures. Councilor Nazzaro said that with ¾ of the fiscal year behind them, he felt they should have year-end projections soon in order for them to make accurate informed decisions. Council Chairman Levy agreed, saying this was the time to start looking for savings or areas that could be used to offset over expenditures, such as salt.

Councilor Pickering, referring to page 16, asked what the yearly inspection of fire apparatus entailed, and if it was conducted by the state. Town Administrator Fournier said the state would inspect hoses, etc. Councilor Pickering commented on the helpfulness of the graphs in the reports. Council Chairman Levy said that this was because Councilor Nazzaro had repeatedly asked for consistency in department reports, and Town Administrator Fournier had insisted that Department Heads prepare reports in similar formats.

### **DISCUSSIONS/PRESENTATIONS – Town Council Orientation**

Town Administrator Fournier presented a power point demonstration on the basics of municipal government as it related to the Council. He said he originally was going to go over the information with the 2 new Councilors, but felt it was important to review the information annually with the full Council. The report was divided into 3 sections: the role of the Town Council, the relation between the Council, Town Administrator and staff, and the Council meetings and the Right to Know Act. He encouraged the Council members to ask questions during the presentation.

The Town Council is the legislative and governing body of the town under the Council/ Administrator form of government by state law. This is unlike the Select Board form of government, as some authority is given to the Town Administrator as the Chief Administrative Officer. The Council, according to the Charter has all the authority of a City Council with the exception of adopting a budget. State law confers the Town Council with all the powers and duties of City Councils, etc., and is empowered to act on all matters are normally addressed at an annual town meeting or special meeting, that are not required to be placed on an official town ballot. Procedural requirements proscribed by law for City Councils also apply to Town Councils. Newmarket has a budgetary town meeting, and any such items, along with the creation of a Charter Commission must go to a town deliberative session and town meeting vote.

The role of the Town Council is in policy making, and the Town Administrator is responsible for administrating the day-to-day operations of the town. This, along with provisions for non-interference with the Administrator's duties, is laid out by state statute. Town Administrator Fournier gave an example of interference as a Councilor going to a staff member and asking him to paint a fence. Rather, the request should go through the Town Administrator and the Department Head. An individual Councilor may not go to the Town Administrator and ask him to do something. The Council acts as a whole, not as individuals, and as a body may direct the Town Administrator to carry out its policies, laws and requests. The Council adopts all laws, ordinances and resolutions, and has authority over the budget while the Budget Committee and town meeting have authority over the bottom line of the budget. The Town Administrator has financial responsibility and must approve all manifests for payments. Town Administrator Fournier said he will be asking a new purchasing policy including limitations on his authority and that of Department Heads.

As a policy making team, the Council should always act in the best interests of the community, act unselfishly and not to benefit as individuals from any actions or to obtain inside information. Town Administrator Fournier said this was a controversial, and a violation, such as releasing non-public information, could be subject a Councilor to removal from office. Councilors in relation to their fellow



Councilors should act as a team to set policy for the government and set short and long term goals. As good team players, members should be good listeners and refrain from making snap judgments. Discussions should be carried out in a manner of disagreeing without being disagreeable and all actions should be carried out in the best interests of the residents. Actions taken at legal meetings are binding, but you can't bind the town to actions outside of such meetings. A Councilor should only make decisions when all the facts have been presented and all discussion on questions is complete. If a Councilor does not feel that enough information has been presented, he should not vote, but may ask that the issue be tabled until more information is made available. A Councilor must respect the confidential information given in non-public sessions until such time as the whole Council votes to release it. In short, Councilors should show respect for fellow members, even when disagreeing.

The Chairman of Town Council has no more authority than other members. His function is to preside at meetings, helping the Council reach decisions, interpreting and clarifying while moving the discussion forward and bringing it to a conclusion. He acts as a liaison between the Town Administrator and Council, ensuring that all are equally informed, and Town Administrator Fournier said that his personal policy was to provide all members with any information requested by one member. The Chairman may help resolve any issues between the Town Administrator and Council. He also functions as the ceremonial head of the town at functions.

The Council's relationship with the staff should follow established protocol and chain of command. The Council should refrain from micro-managing, allowing the Town Administrator and Department Heads to manage staff. The Council should not contact staff directly with requests or with problems, but go through the Town Administrator. Councilors should avoid giving mixed messages to the staff. As an example, if a Councilor asks a staff member directly to do something, the request might interfere with the directions he has been given by his department head. Town Administrator Fournier said that had happened in other communities he worked in, but not in Newmarket. He said the dealings of the Council with the staff and himself had been respectful and professional, and any Council member who had contacted staff had informed him immediately.

The Council should establish clearly defined policies that will direct and support the administration. Town Administrator Fournier said they were doing well with resolutions, but sometimes in implementing policies the direction is not clear. In that case he has to return to the Council for clarification. The Council should recognize that the staff may have a difficult time adjusting diverse Councils and that the Town Administrator's job is to try to adjust to the wishes of the Council as a unit and he has to work with Department Heads with policy changes. He asked that the Council seek responses from him prior to if possible rather than at a public meeting, so that he can be prepared with accurate information.

The role of Council members is to not deal with staff directly except for purposes of inquiry or praise. All complaints should go through the Town Administrator, as ideally should all local government matters. Members should call the Town Administrator for responses to questions, complaints or concerns. Councilors may learn what other municipalities perhaps by asking the Town Administrator for a report on their operations. Town Administrator Fournier said he was a member of 2 municipal professional organizations, and as a matter of ethics, Town Administrators must tell each other if they are contacted by an elected representative from another town and the subject of the inquiry/discussion. He said it was best that Councilors related their intent to contact to him before calling. Councilors should only deal with the Town Attorney through the Town Administrator or the Council Chair if the question concerns the Town Administrator. Members should avoid giving the Town Administrator and Staff mixed signals

from individual members by acting as a body. Councilor Nazzaro said that if they were doing their job correctly, this would take care of itself as they would be acting as a body.

Councilor Pickering asked what was meant by “inquiry” of staff. Town Administrator Fournier gave the example of asking the police why cruisers were in a certain area, but not asking what the department did or why there were so many. He said inquiry would be in the manner of a broad, friendly question. He said he tries to keep the Council informed, especially so that no surprises appear in the newspaper. Councilor Pickering said this had been a gray area in the past.

Council Chairman Levy asked who is in charge when Town Administrator Fournier is away. He answered that he will appoint someone, and in the next few weeks when he goes on vacation, he has asked Chief Cyr to fill in. He said he will give the Council notice prior to leaving any time. The next slide showed the current organizational chart which Town Administrator Fournier said he would like to streamline as he currently has 9 Department Heads reporting to him. The Town Clerk/Tax Collector is a separate entity, as the Town Clerk is an elected position. The staff reports to her although they fall under the town’s personnel policy and receive town benefits. He said the communication between his office and hers is on-going and open. The Library, trust funds and cemeteries are all governed by trustees. The library has its own staff, for which the trustees set benefits. The Cemetery Trustees have buildings and grounds do their work, so they are managed by the town.

The next slide dealt with the structure of Town Council meetings: Council meets the 1<sup>st</sup> Wednesday of each month for a business meeting in which it can votes on ordinances and resolutions and the 3<sup>rd</sup> Wednesday of each month for a workshop session which allows for more in depth discussion and review of 1 or 2 topics. The agenda is set on Wednesday noon prior to a meeting, and all items have to be received before then, unless there is an emergency, to be included. The Council should not accept additional items at its meetings, as the staff and the Council do not have time to review additional information. Packets for each meeting are available on the Friday before. Council Chairman Levy asked when the Council receives the packet on Friday, and a member decides not enough information is included for an item, if it would be allowable for the Chair or Vice Chair to contact the Town Administrator. Town Administrator Fournier said that either he or his Administrative Assistant could be contacted. If the information is readily available, it could be sent to the Council. However, if not, the item could be removed from the agenda or tabled.

Council Chairman Levy said there had been presentations made at meetings for which no one had prior information. To Council Vice Chairman’s question, Town Administrator Fournier said that the requirements for Department Heads also held for outside presenters, and he informs anyone wishing to make a presentation about the deadlines for submission of information. He first asks outside presenters about their subject matter to make sure it is appropriate for the Council. Councilor Nazzaro said if a Councilor wanted to have an item added to the agenda, it would also have to be given to the Town Administrator by noon on the Wednesday preceding a meeting. Council Chairman Levy said he realized it would not be appropriate to bring up a new agenda item under New Business.

At business meetings, the agenda may include ordinances, which are laws to be adopted by the Council. Ordinances require a first reading, after which there can be discussion during a future workshop or a date set for a Public Hearing, required by law for proposed ordinances. After the Public Hearing, the ordinance has a second reading, after which the Council may vote that it be amended or enacted by a majority vote, or be held for a 3<sup>rd</sup> reading. Resolutions are policies or positions adopted by the Council. They do not require a Public Hearing. After the first reading, resolutions may be referred to a workshop

session for discussion or directly to the next business meeting for a vote after a second reading. The Town Council can, by a 2/3 vote, suspend the rules to act on an item.

The final section of the presentation dealt with the Right to Know Law. All meetings are considered open to the public unless they meet certain criteria. Non-Public sessions, by state statute have to concern personnel issues: the dismissal, promotion or compensation of any public employee, unless the employee requests the deliberations occur in public session; the hiring of any person as a public employee, or any situation that would adversely impact the reputation of a person other than a Council member. Non-public sessions are also allowed for the consideration of the acquisition, sale or lease of real or personal property, the discussion of filed litigation or for matters of security. Non-meetings are only allowed when the Council meets with legal counsel to consider matters relating to potential unfiled litigation, on the basis of attorney client privilege. There are no minutes recorded for those meetings. The Council first meets in open session and votes to enter a non-meeting; the attorney must be physically present. The state is still deciding whether the attorney can be considered present by using speaker phone.

Council Chairman Levy said he had been asked on what basis the Council would have a non-meeting rather than a non-public session. He referenced the discussions about the EPA, as the Council had been trying to reconstruct any votes that impacted attorney fees. Town Administrator Fournier said that one of the criteria was the discussion of legal strategy prior to a lawsuit being filed. Once a lawsuit has been filed, it comes under the RSA 91 criteria. Council Chairman Levy asked if Coalition litigation had been filed at that point, and Town Administrator Fournier said he was checking on that. He added that legal strategy was one point that was allowed. Posting of a meeting differed for non-public sessions versus non-meetings. He said that litigation was not with an agency, but with the courts, and that deliberations were not the same as litigation. Councilor Nazzaro stated that if they were speaking of litigation, it was different from proposing to enter litigation. Discussions about proposing to enter negotiations with the EPA were different from the actuality, and were appropriate for a non-meeting. Council Chairman Levy said that going forward it would be advantageous to have records and it would be helpful to know the options relating to a non-public session or non-meeting. Town Administrator Fournier said there was one situation that fit both the non-meeting and non-public criteria, as 2 different issues were discussed. Council Vice Chairman Bentley said this had come up before. He added that he had done some research and there was a time factor involved in posting a non-public rather than a non-meeting.

Town Administrator Fournier said it was possible to post an emergency meeting fewer than 24 hours before its occurrence. Non-meetings have to be posted as the Council first opens in public session and then votes to enter a non-meeting and at its conclusion returns to public session for adjournment. Councilor Nazzaro asked what would qualify as an emergency. He also said that security is a broad term and wondered if there was a definition in an RSA. Town Administrator Fournier said there was a definition, and it covered among other things, specific locations of security apparatus and plans and responses to threats. He gave examples of emergencies as the demise of the Town Administrator or natural disasters. He said there was not a black and white definition in the RSA and sometimes a municipality would not know that there had been an emergency until it was sued. Councilor Nazzaro said that if the RSA was not clear on this he felt the Council should try at some point to establish a better understanding of what would constitute an emergency and develop some criteria for Newmarket before it was sued. Council Chairman Levy said he thought the purpose of a non-public or non-meeting should be published in advance.

The Right to Know Law prohibits a majority of Councilors discussing issues outside of a meeting. It is acceptable for a Councilor to ask the Town Administrator to place discussion of an item on the agenda, but not to suggest that the Administrator or Department Head take specific action. It is not acceptable for a majority (4) Councilors to meet outside a public meeting to discuss a topic. This includes serial telephoning, texting and emailing. The only acceptable conditions in which this can happen are to schedule a meeting or to establish a time for non-meetings with legal counsel. Town Administrator Fournier said he would never send confidential information by email or text because it is hard to know where the information would go.

There are various misconceptions associated with the open meeting law: the public has the right to speak at a Town Council meeting and it is permissible to "poll" the Council. Town Administrator Fournier said the public does not have the right to speak at Council meetings, as the meetings were open for viewing only. The Council establishes Public Forums and Public Hearings during which the public may speak. The public also may speak at Town Meetings. Councilor Nazzaro asked for a definition of "poll" and said that many times he had polled the Council members to get a sense of their feelings on an issue. Town Administrator Fournier said that was fine in a public meeting, but Councilors could not call him and ask him to poll the Council on an issue. Councilor Wright asked if first sending an email to 3 Councilors and then sending the same email to the other 3 Councilors would circumvent the law. Town Administrator Fournier said he would be broaching that subject later in the presentation.

Under the Right to Know Law a governmental record is any information created, accepted or obtained by, or on behalf of, any public body, or a quorum thereof, of any public agency in furtherance of its official function. These records may be written or other information whether in paper, electronic or other physical form. The general criteria for a governmental record for the Council is defined as information that that is created, accepted or obtained by a majority of the Council by any manner. Any memos, emails etc. from the Town Administrator or anyone acting on behalf of a public agency or to another person acting on behalf of a public agency is a government record. The only exception would be if the information does not pertain to work. Government records must be filed and available upon request under the law. Town Administrator Fournier suggested that emails the Council creates or receives be sent to him so that he can save them on his server.

Council Chairman Levy asked, as an example, if it was inappropriate for one Councilor to download a Durham Council meeting and forward it to the other Council members. Town Administrator said this would be a government record and should also be sent to him to file. Council Chairman Levy asked if this would be considered a meeting. Town Administrator Fournier said the sending of an email was not the issue, but forwarding was and hitting "reply all" was a violation of the law as it constituted having a conversation outside of a public meeting. Council Chairman Levy said his understanding was the law pertained to conducting business with a quorum outside of a public meeting, and wanted a clarification of emails that could be sent to other Councilors if they perhaps did not relate to business. He gave as an example, sending a message saying he likes Labrador retrievers and enclosing a picture. Town Administrator Fournier said the law pertains to messages that further the political function of the Council. While the message in the example would be fine, sending an article to a Councilor about the police department and not expecting, but receiving a reply, made the article a government record and should be filed.

Council Vice Chairman Bentley said there were emails to get input on names for the dedication of the Annual Report, and he could not see that this was wrong doing. Town Administrator Fournier said this was difficult as they wanted to keep the selection as a surprise for the official announcement, however

the emails should be sent to him for filing. He said this did not necessarily constitute wrong doing, but a copy should be kept. He said anything sent from his office was considered a government record. Two Councilors may have a conversation, but if he sends an email to a Councilor, that is considered a government record. He added that all Councilors can be contacted to schedule a meeting time. Council Vice Chairman Bentley said they had all been in contact to schedule the times they would work at the polls. Town Administrator Fournier said he should have been copied on those and there was nothing in this that constituting wrong doing. Council Vice Chairman Bentley said the messages had been sent c.c. to him. Councilor Nazzaro cautioned about over-complicating the issue. He said they should focus on the intent of the law as it covered business conducted in an official capacity and was not meant to prevent conversations about the dedication or working at the polls. However, sending an article to all about Durham's zoning, pointing out articles that could also apply to Newmarket, would constitute having a conversation outside of a public meeting and could not be classified as a 91-A.

Council Chairman Levy said there was an article in the newspaper, which is a public document, and someone sent the article to a Councilor, who, finding it interesting, forwarded it to other Councilors. There was no discussion among the Councilors, but if there was, he could see this would be a violation, but he could not think that sending a public document would be. Town Administrator Fournier said the article should be sent c.c. to him also so it could be filed. He said this was clarified in the Attorney General's memo which he will distribute to the Council. Councilor Nazzaro said this could open up a situation if one Councilor hit "reply all", and he felt they should err on the side of caution.

Town Administrator Fournier said there was a gray area now concerning social media, and Town Councilors cannot respond to any comments they find about the town. If a majority of the Council replies to a comment, this could violate the Right to Know law. Also, he said the newspaper now has public comments on articles printed at the bottom of the article. If a majority of the Council replies to a comment, this could also violate the law. Councilor Nazzaro said that many officials and municipalities have Facebook/Twitter accounts to distribute information. He asked if he could express his personal views of water on social media. Town Administrator Fournier said the problem would arise if there was a response. He said the Right to Know Law applies only to municipalities, schools and counties, and not to the State Legislature, the Governor's office, the President's office or Congress. Any email sent from a constituent to all of the Councilors should be sent to the Town Administrator by the Council Chair.

Town Administrator Fournier said it is permissible to send personal emails, not relating to business to Councilors. At social occasions or at a chance meeting they should refrain from discussions of business matters. Should a majority of the Council carpool to an event or conference, a record should be kept of the conversation. Council Vice Chairman Bentley said there have been occasions when 3 or 4 Councilors have been together, say at the Heritage Festival, and he said some in the public have the misperception that they should not appear together outside a public meeting. He said they could talk about anything in these circumstances, just not business. Council Chairman Levy said he did not believe this presentation was being made because of misdeeds by the Council. Town Administrator Fournier agreed, saying this was for informational purposes, and he hoped other boards and commissions in town would have the same information presented. The final slide of the program was a flow chart with questions to ask about the Right to Know Law in relation to determining if a meeting is within the law.

#### **NEW BUSINESS** – Closing Comments by Councilors

Councilor Pickering said he had 9 questions, none of which had to be answered at the meeting.

1. Had they considered trying a part-time Finance Director or hiring someone who would share the job with another town?
2. Were they going to do mileage and hour reporting for town vehicles for an audit? He felt this would be important in determining the need for replacement. Town Administrator Fournier said he had asked the Department Heads to do this.
3. Could John Brackett from the Planning Board attend the tour of town facilities with him and Councilor Pike? He will give the Town Administrator Mr. Brackett's cell phone number.
4. Would the town be sending out insurance bids for town employees soon to try to get lower rates? Town Administrator Fournier said they were in the middle of a multi-year contract, and he would have to find out about any penalties associated with breaking the contract.
5. Would it be possible to handle car registrations through email to the town? Town Administrator Fournier will look into this.
6. Had they looked into repairing or purchasing a monitor for the speaker system in Council Chambers? Town Administrator Fournier said the monitor had been built for them, and the company had not returned his phone calls. He was trying to find someone who could repair it.
7. Was the panic safety switch in Chambers working and could it be tested? Town Administrator Fournier said it was working and was tested periodically.
8. He complimented the staff who had painted the offices in the Town Hall.
9. He and Councilor Nazzaro had ridden with Meals on Wheels and the experience was eye-opening and rewarding.

Councilor Carmichael said someone had asked at the previous meeting who was eligible to run for the Charter Commission. Town Administrator Fournier said any resident of Newmarket could run including Councilors. The filing period is March 27th through April 5<sup>th</sup>.

Council Vice Chairman Bentley said that he and Council Chairman Levy had finished their review of the bids for Town Attorney. They had narrowed the field to 4 applicants and wondered what the next step should be, and if they should start calling references. He wanted some direction from the Council. Council Chairman asked Town Administrator Fournier if he would like himself and Council Vice Chairman Bentley to vet them, and if he would want to schedule interviews with the whole Council. He asked if the Council should vote on this. Town Administrator Fournier said there was no need. Council Chairman Levy asked the Council if anyone objected to their proceeding with the reference checks. There was no objection. Once this has been completed, interviews can be scheduled. Town Administrator Fournier asked said he would like to see the proposals as he might have some input. Interviews will be conducted in non-public session.

Council Vice Chairman Bentley said that they were going to ask IT Director Doug Poulin to update the list of Council members. He said he had always used/supplied his work email address in the past, but Town Administrator Fournier had explained to him that there had been cases when work email was subpoenaed, and asked that all Councilors supply personal, rather the work email addresses.

Councilor Nazzaro asked the Chairman what the process would be for setting goals this year and when these would be discussed. Council Chairman Levy said he had just mentioned this to the Town Administrator, and his choice would be to have this discussed at the 2<sup>nd</sup> meeting in April, and perhaps schedule a second business meeting for action. He asked that Councilors start preparing their ideas and priority for goals. Councilor Nazzaro asked what the status was of the questions they had submitted on the proposed zoning ordinance. Town Administrator Fournier said the questions had been given to

Town Council Workshop  
March 20, 2013

Bruce Mayberry. He expected to have his report in late April or early May. Councilor Nazzaro echoed what Councilor Pickering had said about the Meals and Wheels experience. He said it was an opportunity to see some of the great work being done in the community.

Councilor Wright asked if there would be a Candidates Night for the Charter Commission. Since this should be run by a non-government group to avoid any perception of favoritism, Town Administrator Fournier will contact the Newmarket Business Association to see if they are interested.

Council Vice Chairman Bentley congratulated Water/Wastewater Superintendent Sean Greig on the great job he had done to educate the town on the wastewater facility and Macallen Dam. He said that these were both Council goals the previous year, and he appreciated Mr. Greig's diligence and the town's understanding of their importance.

Council Chairman Levy said he did not want to over-schedule the meeting when they discussed goals, and they would be discussing the purchasing policy at their next meeting. He said he believed the electric contract was for 3 years and the gross amount was approximately \$150,000. He said he would like to know what other offers were out there and said the Town Administrator was going to look into any costs associated with breaking the present contract. He said he wanted to know what rates the town was paying versus the best rates available. He said he assumed that the person who had signed the contract was the previous Town Administrator, and it bothered him and some others that this was done for such an amount. He felt they should meet with the contract holder and at least do a cost benefit analysis.

Council Chairman Levy thanked and commended Fire Chief Malasky and his staff for their generosity and professionalism in helping his mother when she had a car accident.

Councilor Carmichael asked if Town Administrator Fournier had been able to find information on attorney payments for the Coalition. He replied that he was still looking and had some information, but wanted to make sure he had everything before he made a report. He hoped to have all the information for the next business meeting or at least the next workshop.

#### **ADJOURNMENT**

Council Vice Chairman Bentley moved to adjourn. Councilor Carmichael seconded. Motion carried unanimously and the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
April 3, 2013 7:00 p.m.  
Council Chambers**

**6. Report of the Town Administrator**



STEPHEN R. FOURNIER  
TOWN ADMINISTRATOR

sfournier@newmarketnh.gov  
www.newmarketnh.gov



TOWN HALL  
186 MAIN STREET  
NEWMARKET, NH 03857

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

FOUNDED DECEMBER 15, 1727  
CHARTERED JANUARY 1, 1991

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

REPORT OF THE TOWN ADMINISTRATOR

April 3, 2013

**Waste Water Treatment Facility:** We are moving forward with the preparations for the Waste Water Treatment Facility. I would like to remind the Council that this project is a marathon and not a sprint. We are currently working with the consulting engineers Underwood Engineering, on preliminary designs and funding. The Town Council approved Underwood Engineering in 2010 to assist the Town in the preliminary designs and working to get through the technical aspects of the first phase of this project. Any contracts for the actual final design and construction stage will come before the Council for approval.

On March 26, we met with representatives from the US Department of Agriculture's Rural Development Agency. The purpose of this agency is to promote economic development and to improve the quality of life in rural areas. One of the largest areas is to provide rural communities with funding for wastewater and water upgrades. Up until 2010, Newmarket was considered a rural community under their guideline. After the 2010 census, we no longer complied with these guidelines. However, we were allowed to remain in the program for the Waste Water Treatment Facility project.

The meeting was very positive. We took a number of representatives from the agency, including the director for New Hampshire and Vermont on a tour of the facility, as well as explaining our situation in having to upgrade our facility. They will be reviewing their funding levels and sources and contacting us again in the coming weeks to work with us to try to secure funding for the project. Any funding we receive will go towards lowering the \$14.1m authorization to lessen the impact on the ratepayers.

We are also working with the State Revolving Loan Fund to secure monies from them as well. This will provide us with a lower interest rate when we need to borrow funds, as well as some loan forgiveness for this project.

**Finance Director Recruitment:** We will begin recruiting a replacement Finance Director in the coming week. We hope to have someone on board around the beginning

of the fiscal year. I am reviewing the job description and duties with the Interim Director to make sure it reflects what is currently being done.

While I will be advertising this position as fulltime, I am going to make it clear that we will encourage and accept resumes from individuals that may be interested in filling the role part-time. If there is a retired individual who may have the complete skill sets necessary, then we will entertain that individual.

**Email for Town Councilors:** We are setting up the Town email system to have official email addresses for Councilors. When this is set up, we will provide you with the sign in information for the website and ways you can set up the account on your devices. When it is set up, we will be using this as your official email address and emails will be sent to this address only. This will assist the Town in case of any right to know requests as well as security.

**Health Care Rates:** We received the actual health care rates for the coming fiscal year. We were previously informed that our rates were going to increase 6%. This actually came to fruition. Therefore, we are seeing an increase cost of about \$32,000 over the current fiscal year. Dental saw an increase of 1.7%. We did budget this number as the worst-case scenario, so it will not affect our FY14 operating budget. However, this will not allow us to contribute funds to the established Health Care Stabilization fund.

I will be securing proposals for coverage in this area, as well as Property and Liability Coverage, Worker's Compensation and Unemployment. We have been with the current provider for a number of years, and a multiyear agreement was entered into a short time ago. The Property Liability coverage agreement will expire 12/31/13. The Worker's Comp will expire on 6/30/14. I am planning on seeing if we can get these coverage on the same schedule, since most providers offer a discount if you have both coverage with one company. I will keep the Council informed and the Council will have to approve any agreement.

**FY13 Budget Forecast:** I have asked the Finance Director to provide me with a budget forecast for FY13. I am very conservative when forecasting for the end of any fiscal year, so please consider those with some of these topics. First, revenues are coming in at budget. Motor vehicle registrations have seen an uptick of \$50,000 over last year. Building permits are also coming in higher than predicted. Two areas that are not coming in as predicted are current use penalties and recreation funds. We will be working with the Recreation Director to make up that difference and to determine why the funds were so low.

As for expenditures, as of now we are estimating about \$125,000 in unspent appropriations at year-end. There are some areas that will be overspent; they include legal, Channel 13 and Snow Removal. Notable areas that will be under expended will be Auditors, Welfare, Assessing and Code Enforcement. We also feel that Vehicle Maintenance may, but we are now in the process of having vehicles inspected and this may drive this cost up.

So with that being said, it is our belief as of today, there will be ample funds to ensure the tax rate will be flat for the coming year. In addition, it will allow for the increase of the unreserved fund balance to healthier levels.

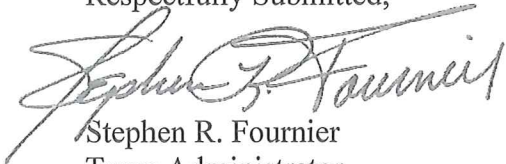
**Schedule:**

Vacation

April 4-15

Out of Office

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Stephen R. Fournier". The signature is written in dark ink and is positioned above the printed name and title.

Stephen R. Fournier  
Town Administrator

# Underwood Engineers, Inc.

DESIGN  
PHASE  
APPROVED  
9/15/10

rental

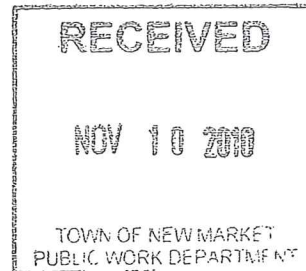
25 Vaughan Mall, Unit 1, Portsmouth, New Hampshire 03801-4012

Tel: 603-436-6192 Fax: 603-431-4733

1607-06

November 8, 2010

Mr. Sean Greig  
Water and Wastewater Superintendent  
Town of Newmarket  
Department of Public Works  
4 Young Lane  
Newmarket, NH 03857



Re: Newmarket, New Hampshire  
WWTF Upgrade

Dear Mr. Greig:

Enclosed is a **fully executed copy** of the Design Phase Engineering Contract for the above-referenced project for your records.

Please contact me if you have any questions.

Very truly yours,

UNDERWOOD ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "David J. Mercier".

David J. Mercier, P.E.  
Senior Project Engineer

Enclosures

cc: Edward Wojnowski, Town of Newmarket (with Original)  
Ed Rushbrook, Steve Clifton, UEI  
Frank Underwood, UEI (with Original)

**ENGINEERING DESIGN PHASE  
CONTRACT FOR PROFESSIONAL SERVICES  
FOR  
TREATMENT WORKS**

CITY/TOWN OF NEWMARKET, NEW HAMPSHIRE

This AGREEMENT made and entered into at Rockingham County, New Hampshire, this 19<sup>th</sup> day of October 20 10, by and between Newmarket, NH hereinafter called the OWNER, and Underwood Engineers, Inc. hereinafter called the ENGINEER.

WITNESSETH:

WHEREAS, the OWNER intends to construct Treatment Works consisting of: Preliminary Design Phase Services for the WWTF Upgrade (See Scope of Services – Attachment "A")

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

hereinafter called the PROJECT, and

WHEREAS, professional sanitary engineering services will be required for the preparation of plans and specifications and contract documents, and

WHEREAS, such services are of a distinct professional nature and hence not subject to the bidding process,

NOW THEREFORE, in consideration of these premises and of the mutual covenants herein set forth, the OWNER hereby employs the ENGINEER to furnish the following engineering services in connection with the proposed PROJECT; and it is agreed by and between the OWNER and the ENGINEER as follows:

RECEIVED  
OCT 22 2010  
DES:WES

**I. Services to be Performed by the ENGINEER**

A. Upon execution of this AGREEMENT, the ENGINEER agrees to proceed with all engineering, surveying, drafting, calculations, borings, and other work as required and necessary to develop and produce final plans, specifications, and associated contract documents involved in the construction of treatment works for

WWTF Upgrade

as recommended in an Engineering Report dated September 2010 and/or modified by a Report dated N/A. The ENGINEER further agrees that said services shall include, but shall not necessarily be limited to:

1. Plans, Specifications, and Contract Documents

a. The preparation of detailed plans, specifications, and contract documents in accordance with the rules and regulations of the New Hampshire Department of Environmental Services, Water Division, hereinafter called the DIVISION, ready for the receipt of bids and the award of construction contracts for said construction; the work shall also include the preparation of estimates of the cost of construction based on the contract documents. Prepare applications with supporting and associated documents for Federal, State and other grant or loan programs. Assists the OWNER in securing grants or loans by State, Federal and other agency.

b. The furnishing of all the necessary subsurface investigations and field surveys required for the preparation and completion of approved plans, specifications, and contract documents.

c. The furnishing of ten (10) copies of the final plans, specifications, and contract documents to the OWNER; three (3) copies of which are to be submitted to the DIVISION. Additional copies to be available at cost to the OWNER.

2. Site Acquisitions

a. Assistance to the OWNER including preparation of documents for the acquisition of lands, easements, and rights-of-way essential to the construction of the PROJECT.

**II. The OWNER'S Responsibilities**

A. Assist the ENGINEER by placing at his disposal all available information pertinent to the PROJECT, including previous reports and other data relative to the reports.

B. Make provisions for the ENGINEER to enter upon public and private lands, municipal facilities and industrial establishments as required to perform work under this AGREEMENT.

C. The OWNER also agrees to comply with DIVISION and Federal requirements (where applicable) and further agrees to acquire with the assistance of the ENGINEER all the necessary easements, options or outright purchases of land for the locations of said treatment works as shown on the contract plans. The provisions of this section shall be satisfied prior to submission of documents referred to in III (A) below. It is also understood that no approvals of reports or plans and specifications or other associated documents will be made by the DIVISION without fulfillment of this requirement.

**III. Time Of Completion**

A. The ENGINEER agrees that he will submit to the DIVISION for approval after modification or revision as recommended by the DIVISION and agreed to by the ENGINEER, the completed final plans, specifications, contract, and associated documents in compliance with the current issue of the DIVISION's standards of design within 60 consecutive calendar days following the execution of this AGREEMENT, and deliver same to the OWNER within 30 calendar days following the date of final approval by the DIVISION.

B. It is agreed by the parties to this contract that failure by the ENGINEER to complete the work within the time stipulated under III, A, above may be considered sufficient basis for the debarment of the ENGINEER from the DIVISION'S Roster of Prequalified Engineers as provided for under New Hampshire Code of Administrative Rules Env-Ws 601.08, or the Assessment of liquidated damages as provided for under RSA 485-A: 4, XII.

IV. Compensation to be Paid the ENGINEER

A. Method of Payments - Amounts of Fees

1. Payment to the ENGINEER, for services rendered, shall be according to the following schedule:

Monthly billing based on hours and rates by labor category with mark-up and incidental expenses in accordance with the attached fee schedule.

2. The OWNER agrees to pay and the ENGINEER agrees to accept for all services under this AGREEMENT, a fee not to exceed

Twenty-Four Thousand, Three Hundred Ninety-Four and 00/100 Dollars  
(\$24,394.00).

3. If separate documents are required for additional construction contracts on this PROJECT, an additional fee as approved by the DIVISION shall be paid to the ENGINEER.

4. Prior to formal approval of contract documents by the DIVISION, the ENGINEER shall make such revisions in them as recommended by the DIVISION and agreed to by the ENGINEER without additional compensation. After formal approval, if it becomes necessary to revise the contract documents for reasons beyond the control of the ENGINEER, payment for such revision or revisions shall be made to the ENGINEER subject to approval by the DIVISION.

B. Limits of All Payments

1. The ENGINEER hereby assures the OWNER and agrees that the following fee for his services (exclusive of surveys, borings, and certain special services which follow) in connection with the preparation of final plans, specifications, and contract documents and other work as generally described under I(A) is adequate to complete the assignment and shall not exceed

Eleven Thousand, Six Hundred Twenty and 00/100 Dollars  
(\$11,620.00).

2. It is also agreed that payment to the ENGINEER for services in relation to engineering surveys, including layout and logging of borings, probings or seismic surveys, together with plats and project related special services shall be at actual cost. Actual cost shall include compensation to the ENGINEER for his work performed on these services. The ENGINEER further agrees that the work proposed under this item is enough to satisfactorily complete the contract documents and that the moneys to be paid under this item are adequate for the work proposed and shall not exceed

N/A Dollars  
(\$ N/A ).

3. It is again agreed that payment to the ENGINEER for services in relation to subsurface exploration, including borings, probings or seismic surveys, shall be at actual cost as defined in IV (B) 2. The ENGINEER further agrees that the work proposed under this item is enough to satisfactorily complete the contract documents and that the moneys to be paid under this item are adequate for the work proposed and shall not exceed

Twelve Thousand, Seven Hundred Seventy-Four and 00/100 Dollars  
(\$12,774.00).

4. It is also agreed that payment to the ENGINEER for services in relation to cadastral surveys and other work associated with the acquisition of lands, easements, and rights-of-way essential to the construction of the PROJECT shall be at actual cost as defined in IV (B) 2. The ENGINEER further agrees that the work proposed under this item is enough to provide adequate sites, easements, and rights-of-way to permit the unencumbered construction, operation, and maintenance of the completed project without interference in any way. The ENGINEER also assures the OWNER that the moneys to be paid under this item are adequate for the work proposed and shall not exceed

N/A Dollars  
(\$ N/A ).

V. Additional Covenants

A. The ENGINEER agrees to provide in active charge of this PROJECT for the life of the contract a Project Engineer who is a permanent employee of the ENGINEER and who is a "qualified sanitary engineer" as defined under the DIVISION'S "Rules and Regulations for the Prequalification of Consulting Engineers." The Project Engineer shall be\*

W. Steven Clifton, P.E.

(name and address)

22 Vaughan Mall, Portsmouth, NH 03801

\* *Resume clearly describing the candidate's qualifications for the assignment is appended for convenience of reference.*

Any proposed change in identity of the Project Engineer on the PROJECT shall first be approved by the DIVISION before transfer of responsibility is made. Failure of the ENGINEER to abide by the above covenant may be considered basis for debarment of the ENGINEER from the DIVISION'S Roster of Prequalified Consulting Engineers as provided for under New Hampshire Code of Administrative Rules Env-Ws 601.08.

B. The ENGINEER agrees to be solely responsible for all bills or claims for payment for services rendered by others and for all services and materials employed in his work, and to indemnify and save harmless the OWNER, and all of the OWNER'S officers, agents and employees against all suits, claims or liability of every name and nature arising out of or in consequence of the negligent acts or failures to act of the ENGINEER or others employed by him in the performance of the work covered by this AGREEMENT.

C. The ENGINEER further agrees to procure and maintain at his expense such workmen's compensation insurance as is required by the statutes and public liability insurance in amounts adequate to provide reasonable protection from claims for bodily injury, death or property damage which may result from his performance and the performance of his employees under this AGREEMENT.

D. All documents, including original drawings, design calculations, work sheets, field notes, estimates, and other data shall remain the property of the OWNER, and shall be transmitted to the OWNER in clean and orderly condition on demand; however, these may be left in the possession of the ENGINEER at the OWNER'S discretion.

E. The ENGINEER shall not sublet, assign or transfer any part of the ENGINEER'S services or obligations (except surveys and borings and other special services) under this AGREEMENT without the prior approval and written consent of the OWNER.

F. It is further agreed that the ENGINEER will assist the OWNER or his authorized agent in providing the DIVISION with clear documentation certifying that the necessary easements, options or outright purchases of land have been secured to provide for location of treatment works and other associated structures and equipment as shown on the contract plans or described in the specifications. Similar documentation will be submitted on approvals from the State Department of Transportation and/or other state agencies regarding location of treatment works within rights-of-way and other lands under their jurisdiction.

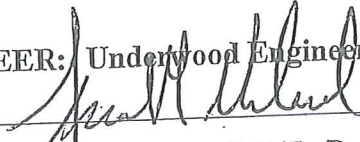
VI. Termination

A. The OWNER shall have the right at any time for any reason whatsoever to interrupt or terminate any part of or all of the work required of the ENGINEER under this AGREEMENT, with a seven (7) day written notice of such interruption or termination transmitted to the ENGINEER by the OWNER. In the event of termination of any part of or all of this AGREEMENT, without fault on the part of the ENGINEER, the ENGINEER shall be entitled to compensation for all work performed to the satisfaction of the DIVISION and the OWNER, and pursuant to this AGREEMENT. In order that the ENGINEER shall receive payment under termination notice of any part of the work, all plans, drawings, tracings, field notes, estimates, specifications, proposals, sketches, diagrams, and calculations, together with all other materials and data collected or prepared in connection with the PROJECT shall be transmitted to the OWNER in a form acceptable to the OWNER and DIVISION.



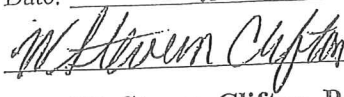
ENGINEERING DESIGN PHASE CONTRACT  
For Professional Services for Treatment Works

IN WITNESS WHEREOF, the parties hereto have affixed their hand and seals at Rockingham County, New Hampshire, the day, month, and year first above written.

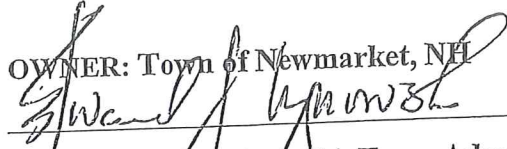
ENGINEER: Underwood Engineers, Inc.  


By: Frank G. Underwood, P.E., President  
(Authorized Representative\*)

Date: 10-19-10

  
By: W. Steven Clifton, P.E., Vice President  
(Authorized Representative\*)

Date: 10-18-10


OWNER: Town of Newmarket, NH  


By: Edward Wojnowski, Town Administrator  
(Authorized Representative\*)

Date: 10.15.2010

APPROVED:\*\*

DEPARTMENT OF ENVIRONMENTAL SERVICES  
Water Division

By:   
Paul L. Heirtzler, P.E., Administrator  
(Authorized Representative)

Date: 10/25/10

\* Signatures should be supported by appropriate document.  
\*\* It is agreed that as an act in furtherance of its statutory authority to approve engineering agreements for treatment works, the DIVISION's approval does not impose any contractual obligation or liability on the State of New Hampshire, the Department of Environmental Services or the Division.

ENGINEERING DESIGN PHASE CONTRACT  
For Professional Services for Treatment Works

Approved as to form:

\_\_\_\_\_  
Town Counsel

At a meeting of the Partners/Directors of Underwood Engineers, Inc., held on May 7, 2010, at which all the Partners/Directors were present, except \_\_\_\_\_, it was

VOTES: That all contracts may be signed by either of the following combinations:

1. Frank G. Underwood, President and W. Steven Clifton, Vice President, or

2. Frank G. Underwood, President and Keith A. Pratt, Vice President

A true copy

*Colleen A. Morrow*

Attest: Colleen A. Morrow, Secretary

Place of Business: 25 Vaughan Mall, Unit 1, Portsmouth, NH 03801-4012

Date of this Contract: \_\_\_\_\_

I hereby certify that I, Colleen A. Morrow, am the Secretary of Underwood Engineers, Inc., that Frank G. Underwood is the duly elected President, W. Steven Clifton and Keith A. Pratt are duly elected Vice Presidents, and that the above vote has not been amended or rescinded and remains in full force and effect as of this date.

*Colleen A. Morrow*

Colleen A. Morrow, Secretary

1607-05

## ATTACHMENT "A"

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
WASTEWATER TREATMENT FACILITY UPGRADE  
DESIGN SUPPORT SERVICES****SCOPE OF WORK**

The following Scope of Services will be provided as part of the design support services for the upgrade of the Newmarket Wastewater Treatment Facility (WWTF).

**Task No. 1 – Subsurface Investigation**

Subsurface investigations in the form of soil borings and ledge probes will be performed on the existing treatment facility site for the purpose of identifying subsurface conditions such as the depth of ledge, which is known to exist at the Newmarket WWTF site. The purpose of the borings and probes will be to provide information to allow the quantity of ledge removal required for implementation of the upgrade to be approximated and, therefore, increase the level of accuracy of ledge removal estimates and construction costs as part of the preliminary design process.

Underwood Engineers will retain a geotechnical consultant for implementation of a boring program and geotechnical interpretation of the results of the borings for use in the development of construction drawings and specifications for the WWTF Upgrade.

- Deliverables:**
- 1) Boring Logs
  - 2) Site Plan showing Boring Locations
  - 3) Geotechnical Report assessing soil conditions and recommending appropriate dewatering and/or support measures for those conditions during construction

**Task No. 2 – Future Growth and Flow Projections**

Underwood Engineers will meet with appropriate Town of Newmarket Planning and Zoning representatives to discuss the probable future growth within the current residential, commercial, and industrial zones within the Town of Newmarket over the next 20 years utilizing OEP and Strafford Regional Commission figures as a start point, adjusted by Newmarket Planning and Zoning. The areas of expected growth will be identified and displayed on an overlay exhibit of the Town. The growth will be used to project increases in residential flow and loads. Commercial/industrial areas available for growth will be examined and combined with actual gpad figures from existing commercial/industrial to project future commercial/industrial flows and loads.

The purpose of this task will be to obtain information to serve as a basis for projecting probable future wastewater flows from anticipated residential, commercial, and industrial activities to serve as a basis for the WWTF upgrade. This information will be used to update the design flows projected in the 2002 Facilities Plan and 2004 A.O. Report.

This task will include up to three (3) meetings with Town officials, projections of flows from resultant discussions of commercial and industrial activities, with the final result being the projection of a future Average Daily Flow (ADF) for the Year 2030 for the WWTF upgrade design.

- Deliverables:**
- 1) 2004 Flow/Load Projection Breakdown
  - 2) Detailed Adjustments to Flows & Loads
  - 3) Recommended Future Flow & Load Summary Table

ATTACHMENT "B"

ADDENDUM TO  
ENGINEERING DESIGN PHASE CONTRACT FOR  
PROFESSIONAL SERVICES FOR TREATMENT WORKS

*WWTF Upgrade*

BETWEEN THE  
TOWN OF NEWMARKET, NH  
AND  
UNDERWOOD ENGINEERS, INC.

September 16, 2010

THIS ADDENDUM to the ENGINEERING DESIGN PHASE CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS (the "Agreement") made effective this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the Town of Newmarket, New Hampshire, hereinafter referred to as the "Owner", and UNDERWOOD ENGINEERS, INC. hereinafter referred to as the "Engineer", a New Hampshire corporation with its principal place of business at 25 Vaughan Mall, Portsmouth, New Hampshire 03801-4012.

-- WITNESSETH --

RECITALS

WHEREAS, the Owner requires, and the Engineer agrees to provide certain professional engineering services (the "Services") in connection with the design of a WWTF Upgrade (hereinafter referred to interchangeably as the "Project") in the Town of Newmarket;

WHEREAS, the Owner and the Engineer have entered into an Engineering Design Phase Contract dated \_\_\_\_\_, 2010 (the "Agreement") whereby the Engineer shall perform the Services, more particularly described in the Scope of Services, attached to the Agreement as Attachment A;

WHEREAS, the Owner intends to finance the Project by any or all of the following: (1) borrowing from the State Revolving Fund, provided by funds from the United States Environmental Protection Agency administered by the New Hampshire Department of Environmental Services (hereinafter the NHDES), (2) a grant from the NHDES State Aid Grant (SAG) Program, (3) a grant and loan from Rural Development (RD), and (4) interest reimbursement through the Federal Build America Bonds Program;

WHEREAS, the Addendum is incorporated into the Agreement by reference herein and made part thereof.

NOW THEREFORE, in consideration of the undertakings of the parties hereinafter set forth, the **Owner** and the **Engineer**, agree as follows:

- Part 1 - The **Engineer** will attend conferences with the **Owner**, representatives of RD, or other interested parties as may be reasonably necessary.
- Part 2 - The contract documents furnished by the **Engineer** shall utilize RD-endorsed construction contract documents, including RD Supplemental General Conditions, Contract Change Orders, and partial payment estimates. All of these documents shall be subject to RD approval. Copies of guide contract documents may be obtained from RD.
- Part 3 - The **Engineer** will cooperate and work closely with RD representatives.
- Part 4 - Payments are due within 30 days of invoice. If **Owner** fails to make any payment due **Engineer** within 60 days for services and expenses and funds are available for the project then the **Engineer** shall be entitled to interest at the rate of 12 percent per annum from said 60th day, not to exceed an annual rate of 12 percent.
- Part 5 - Seismic provisions will be used in the design and will be based on either the
1. 2009 International Code Council (ICC) International Building Code or
  2. 2010 American Society of Civil Engineers/Structural Engineering Institute (ASCE/SEI) 7-10, *Minimum Design Loads for Buildings and Other Structures*.

This Agreement shall not become effective until approved by RD. Such approval shall be evidenced by the signature of a duly authorized representative of RD in the space provided at the end of this Agreement. The approval so evidenced by RD shall in no way commit RD to render financial assistance to the **Owner** and is without liability for any payment hereunder, but in the event such assistance is provided, the approval shall signify that the provisions of this Agreement are consistent with the requirements of RD.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement on the respective dates indicated below.

(SEAL)

OWNER: Town of Newmarket, NH

By *Edward Wojnowski*

Type Name: Edward Wojnowski

Title: Town Administrator

Date 10.15.2010

ATTEST:

ENGINEER: Underwood Engineers, Inc.

By *Frank G. Underwood*

Type Name Frank G. Underwood

Title President

Type Name \_\_\_\_\_

Date 10-19-10

Title \_\_\_\_\_

APPROVED:

**RURAL DEVELOPMENT**

By *Jonathan Harries*

Type Name: Jonathan Harries

Title: State Engineer

Date 11/4/10

**COST OR PRICE SUMMARY FORMAT FOR SUBAGREEMENTS UNDER NH SAG & SRF**

Form Approved  
DES 11/00

**PART I - GENERAL**

1. GRANTEE / LOANEE Town of Newmarket, New Hampshire		2. GRANT/LOAN NO.
3. NAME OF CONTRACTOR OR SUBCONTRACTOR Underwood Engineers, Inc.		4. DATE OF PROPOSAL September 16, 2010
5. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR (Include ZIP) 99 North State Steet, Concord, New Hampshire 03301		6. TYPE OF SERVICE TO BE FURNISHED Engineering Services - Design - WWTF Upgrade

**PART II - COST SUMMARY**

7. DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Principal	0	\$60.00	\$0.00	
Senior Project Manager	54	\$55.00	\$2,970.00	
Project Manager	40	\$45.00	\$1,800.00	
Senior Project Engineer	0	\$40.00	\$0.00	
Project Engineer	0	\$35.00	\$0.00	
Technician	34	\$25.00	\$850.00	
Resident Engineer	0	\$30.00	\$0.00	
Clerical	22	\$19.00	\$418.00	
<b>DIRECT LABOR TOTAL:</b>				<b>\$6,038.00</b>
8. INDIRECT COSTS (Specify indirect cost pools)	RATE	x BASE =	ESTIMATED COST	
	1.76	\$6,038.00	\$10,626.88	
<b>INDIRECT COST TOTAL:</b>				<b>\$10,626.88</b>
9. OTHER DIRECT COSTS			ESTIMATED COST	
a. TRAVEL			\$220.00	
(1) TRANSPORTATION			\$0.00	
(2) PER DIEM			\$220.00	
<b>TRAVEL COSTS TOTAL:</b>				
b. EQUIPMENT, MATERIALS, SUPPLIES (Specify categories)			ESTIMATED COST	
phone, fax, postage, misc. (allowance)			\$259.90	
<b>EQUIPMENT SUBTOTAL:</b>			<b>\$259.90</b>	
c. SUBCONTRACTS			ESTIMATED COST	
Subsurface Exploration			\$4,500.00	
			\$0.00	
			\$0.00	
<b>SUBCONTRACTS SUBTOTAL:</b>			<b>\$4,500.00</b>	
d. OTHER (Specify categories)			ESTIMATED COST	
copies, prints			\$92.50	
			\$0.00	
<b>OTHER SUBTOTAL:</b>			<b>\$92.50</b>	
e. <b>OTHER DIRECT COSTS TOTAL:</b>				<b>\$5,072.40</b>
<b>10. TOTAL ESTIMATED COST</b>				<b>\$21,737.28</b>
<b>11. PROFIT</b>				<b>\$2,656.72</b>
<b>12. TOTAL PRICE</b>				<b>\$24,394.00</b>





*Dean*

**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**By the Newmarket Town Council**

**Resolution #20102011-07**

**Withdrawal of Funds (\$24,394) from Sewer Capital Reserve Fund for Subsurface Investigations and Projects as to Future Growth and Flow Projections**

**WHEREAS**, The Town of Newmarket is under an Administrative Order, issued by the Environmental Protection Agency (EPA) which, in part, requires the future upgrade of the Wastewater Treatment Facility; and

**WHEREAS**, work is currently underway to define the size and maximum daily and peak flows to the facility, in addition to the proposed location of the new facility; and

**WHEREAS**, there is a need to undertake a Subsurface Investigation to determine if there is ledge and the potential quantity to be removed and to estimate the probable cost for removal during construction for a not to exceed price of \$12,774; and

**WHEREAS**, there is a need to undertake a Future Growth and Flow Projection to obtain information to serve as a basis for projecting probable future wastewater flows from anticipated residential, commercial and industrial activities for a cost not to exceed \$11,620; and

**WHEREAS**, the Sewer Capital Reserve Fund currently has a balance of \$390,607.

**NOW THEREFORE, BE IT RESOLVE** that the Newmarket Town Council does hereby approve the withdrawal of \$24,394 for the Subsurface Investigation and Future Growth and Flow Projection projects from the Sewer Capital Reserve Fund.

Given at the Town Council Chambers this 15<sup>th</sup> day of September in the year of Our Lord Two Thousand Ten.

*Eric W. Botterman*  
Eric W. Botterman, Chair

*Michael LaBranche*  
Michael LaBranche, Vice-Chair

James W. Bergeron

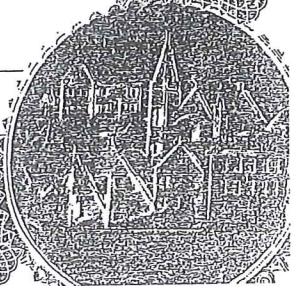
*Steven J. Minutelli*  
Steven J. Minutelli

*Al Zink*  
Al Zink

*Judith Carr*  
Judith Carr

*John Bentley*  
John Bentley

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



# Underwood Engineers, Inc.

Civil-Environmental

25 Vaughan Mall, Unit 1, Portsmouth, New Hampshire 03801-4012

Tel: 603-436-6192 Fax: 603-431-4733

1607-01

July 27, 2010

Mr. Sean Greig  
Water and Wastewater Superintendent  
Town of Newmarket  
Department of Public Works  
4 Young Lane  
Newmarket, NH 03857

JUN 23 2010  
PUBLIC WORKS

REPORTING  
PHASE  
approved  
4/24/10

Re: Newmarket, New Hampshire  
WWTF 201 Facilities Plan Update


Dear Mr. Greig:

Enclosed is a **fully executed copy** of the Report Phase Engineering Contract as well as the Report Phase Engineering Contract Amendment No. 1 for the above-referenced project for your records.

Please contact me if you have any questions.

Very truly yours,

UNDERWOOD ENGINEERS, INC.



David J. Mercier, P.E.  
Senior Project Engineer

Enclosures

cc: Edward Wojnowski, Town of Newmarket (with Original)  
Ed Rushbrook, Steve Clifton, UEI  
Frank Underwood, UEI (with Original)

**ENGINEERING REPORT PHASE  
CONTRACT FOR PROFESSIONAL SERVICES  
FOR  
TREATMENT WORKS**

**RECEIVED  
MAY 10 2010  
DES-WEB**

CITY/TOWN OF NEWMARKET, NEW HAMPSHIRE

This AGREEMENT made and entered into at Rockingham County, New Hampshire, this <sup>5<sup>th</sup></sup> day of ~~April~~ <sup>May</sup> 20 <sup>10<sup>th</sup></sup> 10, by and between City/Town of NEWMARKET hereinafter called the OWNER, and Underwood Engineers, Inc. hereinafter called the ENGINEER.

WITNESSETH:

WHEREAS, the OWNER intends to examine the need, alternatives and cost of constructing Treatment Works including \_\_\_\_\_ **evaluating wastewater treatment processes to upgrade the existing wastewater treatment facility to meet a potential future Total Nitrogen discharge limit of approximately 3 to 5 mg/L to be incorporated into an update of Sections 7 and 8 of the 201 Facilities Plan Update prepared in 2002.**

hereinafter called the PROJECT, and

WHEREAS, professional sanitary engineering services are required to prepare an engineering report, and

WHEREAS, such services are of a distinct professional nature and hence not subject to the bidding process,

NOW THEREFORE, in consideration of these premises and of the mutual covenants herein set forth, the OWNER hereby retains the ENGINEER to furnish the following engineering services in connection with the proposed PROJECT; and it is agreed by and between the OWNER and the ENGINEER as follows:

**I. Services to be performed by the ENGINEER**

A. The ENGINEER agrees to produce a complete and definitive Engineering Report to meet current division requirements and to perform any and all engineering incidental thereto. The detailed scope of the work is as outlined in the attached Plan of Study.

B. Furnish to the OWNER two (2) copies of information needed for the acquisition of easements, site options for treatment plant and pump stations and route options for interceptor sewers within 30 calendar days after the Engineering Report has been approved by the New Hampshire Department of Environmental Services, Water Division, hereinafter called the DIVISION.

C. Furnish 3 copies of the Engineering Report to the OWNER and two (2) copies to the DIVISION. Additional copies to be available at cost.

D. Prepare applications with supporting and associated documents for Federal, State and other grant or loan programs.

1. Assists the OWNER in securing grants or loans by State, Federal and other grant or loan agencies.

E. Provide the DIVISION with one copy of design calculations, work sheets, field notes, estimates and other data generated in preparing the Engineering Report in a form satisfactory to the DIVISION.

**II. The OWNER'S Responsibilities**

A. Assist the ENGINEER by placing at his disposal all available information pertinent to the PROJECT, including previous reports and other data relative to the reports.

B. Make provisions for the ENGINEER to enter upon public and private lands, municipal facilities and industrial establishments as required to perform work under this AGREEMENT.

**III. Time Of Completion**

A. The ENGINEER agrees that he will submit to the DIVISION and the OWNER for approval after modification or revision as recommended by the DIVISION and agreed to by the ENGINEER the completed report within 90 consecutive calendar days following the

acceptance of the contract by the OWNER, and deliver same to the OWNER within 14 calendar days following the date of final approval by the DIVISION.

B. It is agreed by the parties to this contract that failure by the ENGINEER to complete the work within the time stipulated under III, A, above may be considered sufficient basis for the debarment of the ENGINEER from the DIVISION'S Roster of Prequalified Engineers as provided for under New Hampshire Code of Administrative Rules Env-Ws 601.08, or the Assessment of liquidated damages as provided for under RSA 485-A:4, XII.

**IV. Compensation to be Paid the ENGINEER**

A. Method of Payment - Amount of Fee

1. Payment to the ENGINEER, for services rendered, shall be according to the following schedule:

Monthly billing based on hours and rates by labor category with mark-up and incidental expenses in accordance with the attached fee schedule.

2. The OWNER agrees to pay and the ENGINEER agrees to accept for all services under this AGREEMENT, a fee not to exceed

Ninety-Eight Thousand, Six Hundred and  
00/100

Dollars (\$98,600.00),

and the ENGINEER agrees that the work proposed is sufficient to satisfactorily complete the study and that the monies to be paid are adequate. The attached fee schedule with labor category, hours, hourly rate, markup, incidental expenses, and fees for special services, shall be the basis for billing for engineering services.

a. The ENGINEER agrees that prior to submitting the report to the DIVISION for formal approval he shall make revisions in the report as recommended by the DIVISION and agreed to by the ENGINEER without additional compensation. After formal approval if it becomes necessary to update the report for reasons beyond the

control of the ENGINEER, payment for such revision or revisions shall be made to the ENGINEER on a basis to be negotiated with the DIVISION.

V. Additional Covenants

A. The ENGINEER agrees to assign in active charge of this PROJECT for the life of the contract a Project Engineer who is a permanent employee of the ENGINEER and who is a "qualified sanitary engineer" as defined under the DIVISION'S "Rules and Regulations for the Prequalification of Consulting Engineers." The Project Engineer shall be\*  
W. Steven Clifton, P.E., PE 6432, Underwood Engineers, Portsmouth, NH

\* See appended resume describing the candidate's qualifications for the assignment.

Any proposed change in identity of the Project Engineer on the PROJECT shall first be approved by the DIVISION before transfer of responsibility is made. Failure of the ENGINEER to abide by the above covenant is agreed to be sufficient basis for debarment of the ENGINEER from the DIVISION'S Roster of Prequalified Consulting Engineers as provided for under New Hampshire Code of Administrative Rules Env-Ws 601.08.

B. The ENGINEER agrees to be solely responsible for all bills or claims for payment for services rendered by others and for all services and materials employed in his work, and to indemnify and save harmless the OWNER, and all of the OWNER'S officers, agents and employees against all suits, claims or liability of every name and nature arising out of or in consequence of the negligent acts or failures to act of the ENGINEER or others employed by him in the performance of the work covered by this AGREEMENT.


C. The ENGINEER further agrees to procure and maintain at his expense such workmen's compensation insurance as is required by the statutes and public liability insurance in amounts adequate to provide reasonable protection from claims for bodily injury, death or property damage which may result from his performance and the performance of his employees under this AGREEMENT.

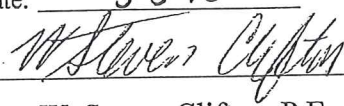
D. All documents, including original drawings, design calculations, work sheets, field notes, estimates,

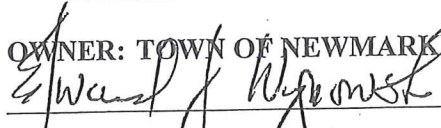
and other data shall remain the property of the OWNER and shall be transmitted to the OWNER in clean and orderly condition on demand; however, these may be left in the possession of the ENGINEER at the OWNER'S discretion.

E. The ENGINEER shall not sublet, assign or transfer any part of the ENGINEER'S services or obligations under this AGREEMENT without the prior approval and written consent of the OWNER and the DIVISION, and the contract shall be binding upon and inure to the benefit of the parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have affixed their hand and seals at Rockingham County, New Hampshire, the day, month, and year first above written.

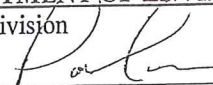
ENGINEER: UNDERWOOD ENGINEERS, INC.  
  
By: Frank G. Underwood, P.E., President  
(Authorized Representative\*)

Date: 5-5-10  
  
By: W. Steven Clifton, P.E., Vice President  
(Authorized Representative\*)

Date: 5-5-10  
OWNER: TOWN OF NEWMARKET, NH  
  
By: Edward Wojnowski, Town Administrator  
(Authorized Representative\*)  
Date: 4-29-2010

APPROVED: \*\*

DEPARTMENT OF ENVIRONMENTAL SERVICES  
Water Division

  
By: Paul L. Heirtzler, P.E., Administrator  
(Authorized Representative)  
Date: 5/10/10

ENGINEERING REPORT PHASE CONTRACT  
For Professional Services for Treatment Works

---

- \* *Signatures should be supported by appropriate document.*
- \*\* *It is agreed that as an act in furtherance of its statutory authority to approve engineering agreements for treatment works, the DIVISION's approval does not impose any contractual obligation or liability on the State of New Hampshire, the Department of Environmental Services or the Division.*

Approved as to form:

\_\_\_\_\_  
Town Counsel

At a meeting of the Partners/Directors of Underwood Engineers, Inc., held on May 8, 2009, at which all the Partners/Directors were present, except \_\_\_\_\_, it was

VOTES: That all contracts may be signed by either of the following combinations:

1. Frank G. Underwood, President and W. Steven Clifton, Vice President, or

2. Frank G. Underwood, President and Keith A. Pratt, Vice President

A true copy

*Colleen A. Morrow*

Attest: Colleen A. Morrow, Secretary

Place of Business: 25 Vaughan Mall, Unit 1, Portsmouth, NH 03801-4012

Date of this Contract: \_\_\_\_\_

I hereby certify that I, Colleen A. Morrow, am the Secretary of Underwood Engineers, Inc., that Frank G. Underwood is the duly elected President, W. Steven Clifton and Keith A. Pratt are duly elected Vice Presidents, and that the above vote has not been amended or rescinded and remains in full force and effect as of this date.

*Colleen A. Morrow*

\_\_\_\_\_  
Colleen A. Morrow, Secretary



**ADDENDUM  
TO  
PROFESSIONAL ENGINEERING SERVICES CONTRACT  
FOR  
TREATMENT WORKS**

THIS ADDENDUM to the ENGINEERING CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS (the "Agreement") made effective this \_\_\_ day of April, 20 10, by the Town of Newmarket, New Hampshire, hereinafter referred to as the "**Owner**", and UNDERWOOD ENGINEERS, INC. hereinafter referred to as the "**Engineer**", a New Hampshire corporation with its principal place of business at 25 Vaughan Mall, Portsmouth, New Hampshire 03801-4012.

-- WITNESSETH --

RECITALS

WHEREAS, the **Owner** requires, and the **Engineer** agrees to provide certain professional engineering services (the "Services") in connection with engineering design of treatment works (hereinafter referred to as the "Project") at Newmarket, New Hampshire;

WHEREAS, the Addendum is incorporated into the Agreement by reference herein and made part thereof.

NOW THEREFORE, in consideration of the undertakings of the parties hereinafter set forth, the **Owner** and the **Engineer**, agree as follows:

**Limitation of Liability**

**Owner** agrees to limit the liability of **Engineer** to **Owner** and to all construction Contractors or Subcontractors on the project, due to negligent acts, errors or omissions by **Engineer**, such that the total aggregate liability to all those named shall not exceed \$50,000 or the total fee for services rendered on this project by **Engineer**, whichever is the greater.

ADDENDUM "B"

TO ENGINEERING REPORT PHASE CONTRACT FOR  
PROFESSIONAL SERVICES FOR TREATMENT WORKS

*FACILITY PLAN REPORT UPDATE*

BETWEEN THE  
TOWN OF NEWMARKET, NEW HAMPSHIRE  
AND  
UNDERWOOD ENGINEERS, INC.

THIS ADDENDUM to the ENGINEERING REPORT PHASE CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS (the "Agreement") made effective this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Town of Newmarket, New Hampshire, hereinafter referred to as the "Owner", and UNDERWOOD ENGINEERS, INC. hereinafter referred to as the "Engineer", a New Hampshire corporation with its principal place of business at 25 Vaughan Mall, Portsmouth, New Hampshire 03801-4012.

-- WITNESSETH --

RECITALS

WHEREAS, the **Owner** requires, and the **Engineer** agrees to provide certain professional engineering services (the "Services") in connection with the professional services for a Facility Plan Report Update (hereinafter referred to interchangeably as the "Project") in the Town of Newmarket;

WHEREAS, the **Owner** and the **Engineer** have entered into an Engineering Report Phase Contract dated \_\_\_\_\_, 20\_\_\_\_ (the "Agreement") whereby the **Engineer** shall perform the Services, more particularly described in the Scope of Services, attached to the Agreement;

WHEREAS, the **Owner** intends to finance the Project by any or all of the following: (1) borrowing from the State Revolving Fund, provided by funds from the United States Environmental Protection Agency administered by the New Hampshire Department of Environmental Services (hereinafter the NHDES), (2) a grant from the NHDES State Aid Grant (SAG) Program, (3) a grant and loan from Rural Development (RD), and (4) interest reimbursement through the federal Build America Bonds Program;

WHEREAS, the Addendum is incorporated into the Agreement by reference herein and made part thereof.

NOW THEREFORE, in consideration of the undertakings of the parties hereinafter set forth, the **Owner** and the **Engineer**, agree as follows:

- Part 1 - The **Engineer** will attend conferences with the **Owner**, representatives of RD, or other interested parties as may be reasonably necessary.
- Part 2 - The contract documents furnished by the **Engineer** shall utilize RD-endorsed construction contract documents, including RD Supplemental General Conditions, Contract Change Orders, and partial payment estimates. All of these documents shall be subject to RD approval. Copies of guide contract documents may be obtained from RD.
- Part 3 - The **Engineer** will cooperate and work closely with RD representatives.
- Part 4 - Payments are due within 30 days of invoice. If **Owner** fails to make any payment due **Engineer** within 60 days for services and expenses and funds are available for the project then the **Engineer** shall be entitled to interest at the rate of 12 percent per annum from said 60th day, not to exceed an annual rate of 12 percent.
- Part 5 - Seismic provisions will be used in the design and will be based on either the
1. 2009 International Code Council (ICC) International Building Code or
  2. 2010 American Society of Civil Engineers/Structural Engineering Institute (ASCE/SEI) 7-10, *Minimum Design Loads for Buildings and Other Structures*.

This Agreement shall not become effective until approved by RD. Such approval shall be evidenced by the signature of a duly authorized representative of RD in the space provided at the end of this Agreement. The approval so evidenced by RD shall in no way commit RD to render financial assistance to the **Owner** and is without liability for any payment hereunder, but in the event such assistance is provided, the approval shall signify that the provisions of this Agreement are consistent with the requirements of RD.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement on the respective dates indicated below.

(SEAL)

OWNER: TOWN OF NEWMARKET, NH

By Edward Wojnowski  
Type Name: Edward Wojnowski  
Title: Town Administrator

Date 4.29.2010

ATTEST:

ENGINEER: Underwood Engineers, Inc.

By Frank G. Underwood  
Type Name: Frank G. Underwood  
Title: President

Type Name \_\_\_\_\_

Title \_\_\_\_\_

Date 5-5-10

APPROVED:

**RURAL DEVELOPMENT**

By Jonathan Harris  
Type Name Jonathan Harris  
Title STATE ENGINEER

Date 7/23/10

# **TOWN OF NEWMARKET**

## **SCOPE OF SERVICES**

---

### **REPORT PHASE ENGINEERING SERVICES**

#### **201 FACILITIES PLAN REVISION**

The goal of this project will be to update Sections 7 and 8 of the Year 2002 Facilities Plan for the Newmarket Wastewater Treatment Facility to reflect modifications required to meet a Total Nitrogen effluent limit of 3 to 5 mg/L to serve as a Preliminary Engineering Report submittal to Rural Development as part of a grant application package and to NHDES for treatment process modification approval.

#### **PHASE I**

##### **Task 1 – Project Program Development, Data Collection, and Regulatory and Funding Agency Coordination**

Meet with Newmarket staff to obtain data and discuss the project's objectives, scope, and schedule, and meet with Rural Development and NHDES to discuss grant and loan options.

##### **Task 2 – Design Concept Process Screening Workshop**

Recent plant data will be gathered and reviewed in order to establish current flow and loadings. Flow and loads for the design year will be approximated based on discussions with Town representatives on the 2002 report projections.

As the first step in the process of identifying applicable treatment processes for the Newmarket upgrade, a Process Screening Workshop will be held (see attached workshop procedure). The participants in the workshop will include Newmarket's WWTF staff and Town representatives, Wes Ripple of NHDES, three members of Underwood Engineers' staff with extensive wastewater treatment expertise, and Dr. Clifford Randall, a national expert on Biological Nutrient Removal.

Previous alternatives developed for the 201 Facility Plan included upgrading the trickling filters, the conventional activated sludge process and Sequencing Batch Reactors (SBR). These alternatives will be reviewed as part of the screening process.

<b><u>Task 2 – Design Concept Review Workshop</u></b>
• Prepare pre-Workshop information package
• Meet with Town staff and representatives, NHDES, Underwood Engineers and Dr. Randall to review concepts in a work session meeting
• Provide a ranking system for selecting feasible alternatives for further review
• Review advantages and disadvantages of conceptual alternatives and rank alternatives

# TOWN OF NEWMARKET

## SCOPE OF SERVICES

- |  |
|--|
| • Select top three alternatives for further evaluation in Task 3 |
| • Prepare report from workshop activities                        |
| • Submit report to Newmarket for review and comment              |
| • Submit Progress Report to EPA                                  |

### Task 3 – Development of Detailed Evaluations of Alternatives

The existing wastewater facility will be evaluated to determine those unit processes that should be replaced or enhanced, if appropriate, in order to meet the new NPDES permit limits for total nitrogen based on the three most feasible alternatives to be evaluated.

The three (3) most feasible alternative process flow trains identified in the Process Screening Workshop will be evaluated and preliminary sizing of new processes will be prepared with hydraulic profiles and site layouts presented to determine the most feasible option.

Each alternative will be based on the twenty year flow and load projections established.

As part of this task, a review of potential modifications of the solids handling processes will be performed. If appropriate, recommendations for modifications and the associated costs will be prepared.

A cost effective analysis will be performed that includes the estimated construction costs, engineering costs, and annual power and staffing, sludge disposal, and chemical costs if applicable. The total annual costs in design year or the total present worth of the capital and operating and maintenance costs will be established for each alternative to estimate which alternative is the most cost effective.

The results of this task will be an update of Sections 7 and 8 of the 2002 Facility Plan Report, to be submitted with the original report to RD and NHDES.

- |  |
|--|
| <u>Task 3 – Development of Detailed Evaluations of Alternatives</u>  |
| • Evaluate top three alternatives to meet the proposed NPDES permit conditions   |
| • Perform process unit sizing calculations for each alternative based on a twenty-year design basis. Preliminary BioWin computer modeling will be performed to obtain the preliminary process unit sizing. |
| • Prepare preliminary site layout for each alternative on the WWTF site plan to show major upgrade components and prepare preliminary hydraulic profiles   |
| • Estimate the total project costs including design engineering, construction costs, and annual operating and maintenance costs in design year   |
| • Present the advantages and disadvantages of each alternative   |

# TOWN OF NEWMARKET

## SCOPE OF SERVICES

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Recommend alternative considered most feasible for implementation in order to meet the Town's discharge permit requirements</li> </ul> |
| <ul style="list-style-type: none"> <li>• Meet with Newmarket to discuss recommendations</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Prepare draft supplemental report Sections 7 and 8</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Address review comments and prepare final document</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Submit 12 copies of final document to Town</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Present report recommendations to Town Council</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Submit report to RD, NHDES, and EPA for review and approval</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Submit Progress Report to EPA</li> </ul>   |

Deliverables will include a process sizing criteria and a flow diagram and preliminary hydraulic profile and layout for each option, estimated performance, estimated project total costs and the advantages and disadvantages of each option.

### Task 4 – NHDES SRF and RD Applications and Coordination

Under this Task, Underwood Engineers will coordinate with NHDES and RD to communicate the funding needs of Newmarket on this project and support Newmarket in efforts to obtain funding assistance on this project, including meetings with those agencies.

- |   |
|---|
| <p align="center"><b><u>Task 4 – NHDES SRF and RD Applications and Coordination</u></b></p>   |
| <ul style="list-style-type: none"> <li>• Prepare SRF Application</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Prepare preliminary assessment of probable User Rate impacts of the selected alternative and preliminary approximation of grant funding</li> </ul> |
| <ul style="list-style-type: none"> <li>• Prepare RD Environmental Report and assist Town with preparing the RD Financial Application package</li> </ul>                                     |
| <ul style="list-style-type: none"> <li>• Prepare CDBG Grant Application (upon request)</li> </ul>   |
| <ul style="list-style-type: none"> <li>• STAG Pre-application submittal</li> </ul>  |

### Task 5 – EPA and NHDES Regulatory Coordination

Meet with EPA and NHDES to discuss permit conditions and negotiate new terms for the Administrative Order.

- |   |
|---|
| <p align="center"><b><u>Task 5 – EPA and NHDES Regulatory Coordination</u></b></p>  |
| <ul style="list-style-type: none"> <li>• Meet with EPA for permit negotiations and to obtain AO status report.</li> </ul> |
| <ul style="list-style-type: none"> <li>• Submit Progress Report to EPA</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Obtain NHDES Design Concept Approval</li> </ul>                                  |

# ***TOWN OF NEWMARKET***

## ***SCOPE OF SERVICES***

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### ***PHASE II – Treatment Process Basis of Design Confirmation***

Phase II will consist of additional waste characterization sampling and detailed computer modeling to optimize the process unit sizing and configuration of the treatment process selected as a result of the detailed evaluations to confirm the Basis of Design/process unit sizing. This will be necessary to serve as a basis for development of a refined construction cost estimate for the upgrade.

### ***PHASE III – Treatment Facility Upgrade Design Phase***

To be determined based on Phase II completion.



**COST OR PRICE SUMMARY FORMAT FOR SUBAGREEMENTS UNDER NH SAG & SRF**

Form Approved  
DES 11/00

**PART I - GENERAL**

1. GRANTEE / LOANEE Town of Newmarket, NH		2. GRANT/LOAN NO.
3. NAME OF CONTRACTOR OR SUBCONTRACTOR Underwood Engineers, Inc.		4. DATE OF PROPOSAL March 24, 2010
5. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR (Include ZIP) 99 North State Steet, Concord, New Hampshire 03301		6. TYPE OF SERVICE TO BE FURNISHED Engineering Services - Design Phase

**PART II - COST SUMMARY**

7. DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTALS	
Principal	53	\$55.00	\$2,915.00		
Senior Project Manager	138	\$55.00	\$7,590.00		
Project Manager	271	\$40.00	\$10,840.00		
Senior Project Engineer	32	\$36.00	\$1,152.00		
Project Engineer	136	\$30.00	\$4,080.00		
Technician	50	\$24.00	\$1,200.00		
Sr. Resident Engineer		\$35.00	\$0.00		
Clerical	92	\$19.00	\$1,748.00		
<b>DIRECT LABOR TOTAL:</b>					<b>\$29,525.00</b>
8. INDIRECT COSTS (Specify indirect cost pools)	RATE	x BASE =	ESTIMATED COST		
	1.76	\$29,525.00	\$51,964.00		
<b>INDIRECT COST TOTAL:</b>				<b>\$51,964.00</b>	
9. OTHER DIRECT COSTS			ESTIMATED COST		
a. TRAVEL					
(1) TRANSPORTATION			\$550.00		
(2) PER DIEM			\$0.00		
<b>TRAVEL COSTS TOTAL:</b>			<b>\$550.00</b>		
b. EQUIPMENT, MATERIALS, SUPPLIES (Specify categories)			ESTIMATED COST		
phone, fax, postage, misc. (allowance)			\$1,273.00		
<b>EQUIPMENT SUBTOTAL:</b>			<b>\$1,273.00</b>		
c. SUBCONTRACTS			ESTIMATED COST		
Process Specialist Consultant			\$5,000.00		
			\$0.00		
			\$0.00		
<b>SUBCONTRACTS SUBTOTAL:</b>			<b>\$5,000.00</b>		
d. OTHER (Specify categories)			ESTIMATED COST		
copies, prints			\$240.00		
			\$0.00		
<b>OTHER SUBTOTAL:</b>			<b>\$240.00</b>		
<b>e. OTHER DIRECT COSTS TOTAL:</b>				<b>\$7,063.00</b>	
<b>10. TOTAL ESTIMATED COST</b>				<b>\$88,552.00</b>	
<b>11. PROFIT</b>				<b>\$10,048.00</b>	
<b>12. TOTAL PRICE</b>				<b>\$98,600.00</b>	



AMENDMENT NO. 1  
TO  
REPORT PHASE CONTRACT  
FOR PROFESSIONAL SERVICES  
FOR  
TREATMENT WORKS

RECEIVED  
JUL - 9 2010  
DES-WEB

TOWN OF NEWMARKET, NEW HAMPSHIRE  
WWTF FACILITIES PLAN UPDATE  
DES Project # R-162-05

This AMENDMENT NO. 1 is hereby made a part of the original contract entitled "CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS" dated May 10, 2010.

Changes are identified as *bold italicized text*.

*WHEREAS, the Limitation of Liability was executed by the Owner and the Engineer, and*

*WHEREAS, Rural Development does not allow Limitations of Liability in Rural Development funded projects at this time, and*

*WHEREAS, Rural Development has requested that the Limitation of Liability be removed from the contract by amendment,*

*NOW, THEREFORE, this Amendment is offered to fulfill the request of Rural Development:*

*This Amendment removes the Addendum To Professional Engineering Services Contract For Treatment Works (Limitation of Liability – 2 pages) from Contract.*

I. SERVICES TO BE PERFORMED BY THE ENGINEER

No change.

II. THE OWNER'S RESPONSIBILITIES

No change.

III. TIME OF COMPLETION

No change.

IV. COMPENSATION TO BE PAID THE ENGINEER

No change.

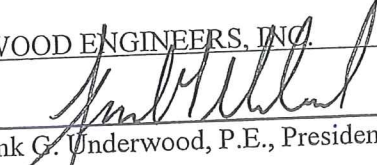
V. ADDITIONAL COVENANTS

None.

IN WITNESS WHEREOF, the parties hereto have affixed their hand and seals at Rockingham County, New Hampshire, the day, month, and year first above written.

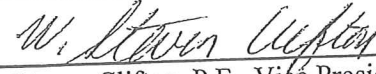
ENGINEER:

UNDERWOOD ENGINEERS, INC.

By:   
Frank G. Underwood, P.E., President

Date: 7-7-10

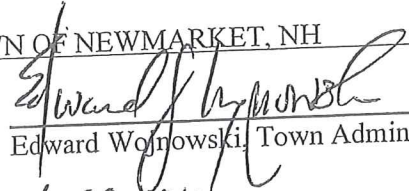
UNDERWOOD ENGINEERS, INC.

By:   
W. Steven Clifton, P.E., Vice President

Date: 7-7-10

OWNER:

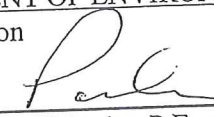
TOWN OF NEWMARKET, NH

By:   
Edward Wojrowski, Town Administrator

Date: 6-23-2010

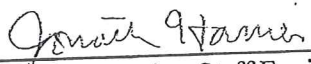
APPROVED: \*\*

DEPARTMENT OF ENVIRONMENTAL SERVICES  
Water Division

By:   
Paul L. Heirtzler, P.E., Administrator

Date: 7/13/10

USDA RURAL DEVELOPMENT

By:   
Jonathan Harries, Staff Engineer

Date: 7/23/10

\* Signatures should be supported by appropriate document.

\*\* It is agreed that as an act in furtherance of its statutory authority to approve engineering agreements for treatment works, the DIVISION's approval does not impose any contractual obligation or liability on the State of New Hampshire, the Department of Environmental Services or the Division.

Town of Newmarket, New Hampshire  
By the Newmarket Town Council  
Resolution #2009/2010-34

30-600-000-4003

**A Resolution to Award Engineering Services to Underwood Engineers to Update Facilities 201 Plan for the Wastewater Treatment Facility**

**WHEREAS**, the Town of Newmarket is under an Administrative Order from the EPA to design improvements to the Wastewater treatment Facility in 2011; and

**WHEREAS**, the Town under the Administrative Order is required to begin waste water treatment plant improvements construction in 2012, and complete construction by 2014; and

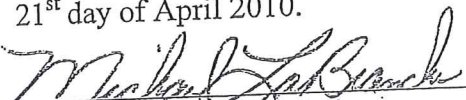
**WHEREAS**, after interviews and discussions with several firms, the committee recommends the award to be given to Underwood Engineers for \$98,600; and

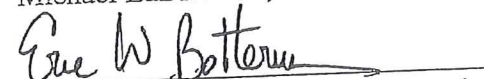
**WHEREAS**, the Sewer Capital Improvement Fund balance is \$488,945.

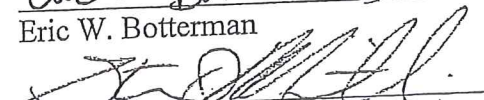
**NOW, THEREFORE, BE IT RESOLVED**, that the Newmarket Town Council does hereby award the engineering services to update Section 7 and 8 of the year 2002 Facilities 201 Plan to Underwood Engineers of Portsmouth, NH for a price not to exceed \$98,600.

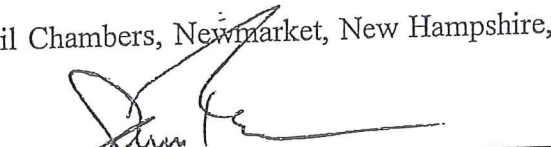
**FUTHER RESOLVES**, that \$98,600 be withdrawn from the Sewer Capital Improvements Fund for this project.

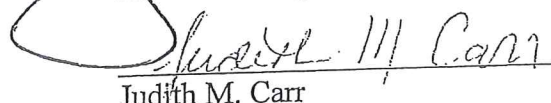
Given at the Newmarket Town Council Chambers, Newmarket, New Hampshire, this 21<sup>st</sup> day of April 2010.

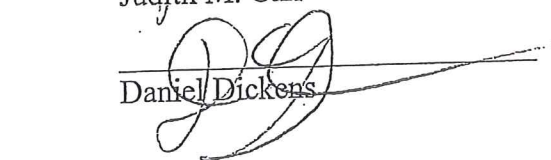
  
Michael LaBranche, Chair

  
Eric W. Botterman

  
Steven J. Minutelli

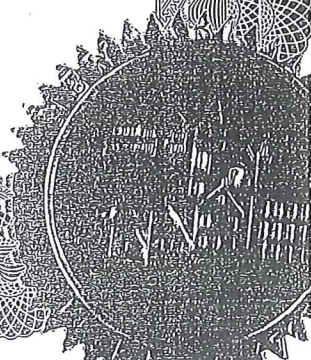
  
James W. Bergeron, Vice-Chair

  
Judith M. Carr

  
Daniel Dickens

\_\_\_\_\_  
Rose-Anne Kwaks

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



*Health Care Rates*



*Town of Newmarket  
Under 100 Pool*

**Current Benefit Renewal:**

Coverage Type	Contract Type	Employee Counts	7/12 Rates	7/13 RV Rates	% Change
BC3T20(07)-RX10/20/45	1 Per	2	\$760.58	\$782.86	2.9%
	2 Per	0	\$1,521.17	\$1,565.73	2.9%
	Family	0	\$2,053.57	\$2,113.73	2.9%
MTB10IPDED(07)-RX10/20/45	1 Per	16	\$684.14	\$725.31	6.0%
	2 Per	7	\$1,368.28	\$1,450.61	6.0%
	Family	17	\$1,847.18	\$1,958.33	6.0%
MC3(07)-RX10/20/45	1 Per	12	\$509.27	\$526.79	3.4%
<b>Monthly Total</b>		54	\$59,558.66	\$62,938.04	5.7%

**Benefit Options for Consideration:**

We have reviewed your current plan offerings and enrollment. Below are some lower cost alternative options available for your consideration. If you are interested in learning more about these plans or other plans offered by HealthTrust, please contact your Benefits Advisor.

Coverage Type	Contract Type	7/13 RV Rates
BC3T20(07)-R10/25/40M10/40/70	1 Per	\$757.25
	2 Per	\$1,514.49
	Family	\$2,044.56
MTB15IPDED(07)-R10/25/40M10/40/70	1 Per	\$665.97
	2 Per	\$1,331.95
	Family	\$1,798.13
MC3(07)-R10/25/40M10/40/70	1 Per	\$509.60

*Dental Rates*



*Town of Newmarket*

**Current Dental Benefit Renewal:**

Coverage Type	Contract Type	Employee Counts	7/12 Rates	7/13 Rates	% Change
Option 1J	1 Per	17	\$43.63	\$44.15	1.2%
	2 Per	10	\$84.32	\$85.33	1.2%
	Family	18	\$151.19	\$153.00	1.2%
<b>Monthly Total</b>		45	\$4,306.33	\$4,357.85	1.2%

Memorandum

Date: March 28, 2013

To: Steve Fournier, Town Administrator

From: Matt Angell, Interim Finance Director 

Re: Project fiscal 2013 year-end

Steve,

I have projected revenues and expenditures through to the end of the fiscal year, but only for funds that have an appropriation from Town Meeting.

**Revenues:**

For the most part, revenues will come in at budget. However, highlights are that motor vehicle permit revenue is performing better than expected. We expect to collect \$50,000 greater than our proposed budget. Additionally, building permit revenue is performing greater than our proposed budget; however, it will not translate into immediate revenue. Building permits will translate into strong assessed value growth and signal a possible economic turnaround in Newmarket. Current use revenue is the only general fund revenue that is not performing. I have spoken with the Tax Collector and Code Enforcement Officer and none believe the Town will see any current use revenue in the near future.

For none-general fund revenue, Water and Sewer are coming in as expected. Sewer is seeing increased revenues as a result of a rate increase.

**Expenditures:**

My conservative estimate of unspent appropriations at year-end is \$125,000.

Notable areas where that I expect to be overspent are FICA/Medicare costs by \$9,000 (the budget was cut in half), Legal by \$30,000, Channel 13 by \$9,000, and Snow Removal by \$19,000.

Notable areas where we may be underspent are Audit Services by \$8,500, Welfare Assistance by \$65,000, Assessing by \$15,000, and Code Enforcement by \$10,000. Vehicle maintenance is a mentionable area; however, we are currently having our fleet inspected which may drive up costs.

**Going forward:**

Simply, the budget is tight and we are on track to provide expected services at expected budget levels.

If the Town continues to move in its current direction, we can nearly guarantee that the tax rate will be flat for the next tax rate setting. This is due to the fact that we have available fund balance that was not spent to reduce the tax rate from last tax rate setting, plus the surplus funds that will be transferred from the Parking Fund to the General Fund, which may be used to reduce the tax rate. As a result, our attention should shift from this fall's tax rate setting to stabilize the tax rate that will be set in



November/December 2014. To accomplish this, we should look at current year purchases, such as topping off our heating oil tanks, purchasing a police car, and other large operational and capital needs prior to year-end (but only after stabilizing the recreation fund). Through these strategic purchases, we may be able to have turnback of appropriation in FY 2014 that can be used to reduce the tax rate.

**Recommendations:**

We should consider strategic purchases that will not only benefit the current budget cycle, but also the next budget cycle; such as vehicle purchases and heating oil.

I will make myself available to discuss this memo to you and to the Council.

Regards,

Matt



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
April 3, 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. Ordinance #2012/2013-03 Purchasing Policy
- ii. Resolution #2012/2013-48 Revitalization Tax Relief Incentive RSA 79E for Redevelopment of Lang Blacksmith Shop
- iii. Resolution #2012/2013-49 Withdrawal of \$11,500 from Building Improvement Capital Reserve Fund for the Painting of Town Hall

**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  
ORDINANCE #2012/2013-03  
Purchasing Policy

*The Town of Newmarket Ordains:*

**1. Purpose**

- 1.1. Pursuant to Section 5.12 of the Newmarket Town Charter the purpose of this purchasing ordinance is:
- To procure materials, supplies, equipment and services best suited to the job which operating units are to perform.
  - To procure the correct quantities of items required.
  - To insure goods and services are in the hands of operating units when and where needed.
  - To obtain goods, services and equipment at the lowest total price.
  - To obtain critical materials when required to meet emergencies.
  - To dispose of unneeded real property.

**2. Definitions**

2.1. Competitive Procurement

Any process for acquiring goods or services in which more than one individual is solicited to propose price and delivery terms in such a manner as to encourage competition between prospective suppliers.

2.2. Sealed Bid

A form of competitive procurement in which sealed proposals are solicited which are opened and read at a specific time and place and in which the purchaser has no knowledge of the specific price and delivery proposal in the bid until the opening.

2.3. Negotiated Procurement

A process for acquiring goods and services in which the purchaser and seller negotiate any and all parts of the price and delivery terms. Negotiations may be a part of the procurement process along with bidding.

#### 2.4. Specification

A description of the goods and services to be procured. For the purposes of this Administrative Code, a specification shall be as general as possible and shall describe the performance of the good or service as much as possible. Where a specification contains a reference to a specific product or firm, it shall be interpreted as being functionally equivalent to that firm or product unless explicitly stated otherwise.

#### 2.5. Solicitation

Solicitation is the process by which vendors are requested to propose terms and conditions for an item or service which is proposed to be purchased.

#### 2.6. Informal Procurement

Informal procurement is the process in which verbal quotations, proposals or bids are solicited for relatively small purchases. A written record shall be kept of such procurements consisting as a minimum of the names, dates and prices received as well as any other information required to document the competitive aspects of the purchase.

#### 2.7. Formal Procurement

Formal procurement is characterized by written requests for prices and terms with written responses. The most formal procurement includes advertisement in appropriate publications, requirements for submission for sealed bids and public bid openings.

#### 2.8. Best Knowledge Procurement

Purchases of small quantities of inexpensive materials or services may be made based on the department's knowledge of the best sources for such purchases when other forms of competitive procurement are not cost effective.

### 3. General Procedure

#### 3.1. Specifications Required

Specifications will be prepared for all purchases whenever possible and in all cases where any single item in the purchase is estimated to have a cost in excess of \$10,000 or a total purchase in excess of \$20,000. Specifications shall be in writing for formally advertised bids.

### 3.2. Advertisement

Solicitations shall be given the widest advertisement appropriate for the proposed purchase. Due consideration shall be given to the nature of the item or service and the media which probable vendors might be expected to read or be exposed to. Advertisement over bidding or buying networks is encouraged. Advertisements shall contain a succinct summary of the item or service, the location of detailed specifications, if any, and the requirements for bid submittal.

### 3.3. Bid Opening and Tabulation

Bids shall be opened at the time and place designated in the solicitation and the bids shall become public record. Whenever advantageous to the Town, summaries of bids shall be prepared and circulated to the bidders. All bids shall be public record unless specified otherwise prior to the bid opening.

### 3.4. Sole Source

If the procedure for procuring more than one potential bidder for an item does not exist, the Town Administrator shall document the sole source procurement, specifying the vendor's name, amount and type of contract, list of supplies or services procured, and a determination that the vendor is the only practicable source for the required supply or service.

## 4. Award

All purchases for which bids have been taken shall be formally awarded by the appropriate individual or governing body. In all cases the Town shall reserve the right to award contracts to vendors whose combination of price, product and performance history are determined to be in the best interests of the Town. The Town may reject all bids at any time for any reason.

## 5. Bid and Performance Bonds

When specified in the solicitation, the successful vendor shall produce an acceptable bid bond at the time of bid opening. If a performance bond or surety is required, it shall be presented prior to execution of any contract.

**6. Requirements for Competitive Procurement**

6.1. Cost Thresholds

Competitive procurement is required for all purchases whenever practical. The table below contains the minimum requirements for complying with the various complexities of the procurement process:

6.1.1. Amount Involved Min. Competition Approval by

To \$250 .....	Best knowledge Department
\$250 to \$1,000 .....	Informal Department
\$1,001 to \$2,500 .....	Informal Town Administrator/Finance Dir.
\$2,501 to \$20,000 .....	Formal Town Administrator or Purchasing Agent
Over \$20,000 .....	Formal Town Council

6.2. Emergency Buying

An emergency purchase is a purchase which is essential to prevent delays in work which might affect the safety, health or convenience of the community. Permission for emergency purchasing shall be obtained from the Town Administrator or his/her designee, if possible, and a written report of such action filed with the Town Administrator within five (5) days of such action.

6.3. Absence of Second Bid

No purchase will be made where there is no competition unless a determination can be made that the terms of purchase are fair, reasonable and in the best interests of the Town. Approval for such purchase must be obtained from the next higher level off approval found in the table in Section 6.1.1.

6.4. Professional Services

Professional services, including engineering, architectural, auditing, and other services commonly considered professional, may be secured through negotiation. Professional service agreements should be on a fixed price basis for a clearly defined scope of work whenever possible.

6.5. Cooperative Purchasing

Where prices on goods or services have been determined by competitive procurement by an agency of the State of New Hampshire or any other entity through which the Town purchases cooperatively, that price shall be considered sufficiently competitive for the purchase of authorized items is obtained as outlined above. This specifically includes equipment and supplies available through bidding of the New Hampshire Department of Transportation and similar agencies for trucks, cars and related equipment.

7. Adoption

Upon adoption of this ordinance, all other purchasing procedures or policies shall hereby be rescinded.

This Ordinance shall become effective upon its passage.

Introduction Date: March 6, 2013

Public Hearing: April 3, 2013

Final Action by Council: April 3, 2013

Approved: \_\_\_\_\_  
Gary Levy, Chairman Newmarket Town Council

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

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**

**Resolution #2012-2013-48**

**Approving the Community Revitalization Tax Relief Incentive (RSA 79E) for the  
Redevelopment of the Lang Blacksmith Shop**

**WHEREAS**, Acadia Engineers and Constructors of 90 Main Street, Newmarket NH has submitted an application for the Community Development Revitalization Tax Relief Incentive for the Lang Blacksmith Shop located at 13 Water Street, and

**WHEREAS**, the developer is proposing \$1,707,390 of construction improvements to 13 Water Street, and

**WHEREAS**, this is over the threshold of 15% of the pre-rehabilitation assessed value or \$75,000 whichever is less, and

**WHEREAS**, the improvements equal more than 50% of the current assessed value allowing three years of tax relief according to Town policy, and

**WHEREAS**, the Town Council determines that this project qualifies for the incentive under RSA 79-E, the project is substantial, and there is a public benefit from this project.

**NOW THEREFORE LET IT BE RESOLVED** that the Newmarket Town Council does hereby approve Acadia Engineers and Constructor of 90 Main Street, Newmarket NH RSA 79-E Community Revitalization Tax Relief Incentive Application in accordance with the previously adopted criteria and authorizes the Town Administrator to execute any associated agreements.

*First Reading: March 6, 2013*

*Second Reading: April 3, 2013*

*Approval: April 3, 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

sfournier@newmarketnh.gov  
www.newmarketnh.gov



TOWN HALL  
186 MAIN STREET  
NEWMARKET, NH 03857

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

FOUNDED DECEMBER 15, 1727  
CHARTERED JANUARY 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE  
OFFICE of the TOWN ADMINISTRATOR


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INTEROFFICE MEMORANDUM

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**TO:** TOWN COUNCIL  
**FROM:** STEVE FOURNIER, TOWN ADMINISTRATOR   
**SUBJECT:** RSA 79-E TAX CREDIT INCENTIVE APPLICATION – WATER STREET  
**DATE:** 2/26/2013  
**CC:** TOWN PLANNER

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In November the Town received a Community Revitalization Tax Relief Incentive Application under RSA 79-E from Acadia Engineering and Contractors for the Land Blacksmith Building located on Water Street. This property is commonly known as Joyce's Kitchen.

The way a 79-E application works is that if it is determined that, the project is a public benefit and that the proposed rehabilitation is substantial, the Town Council can waive any tax increases attributed to the rehabilitation of the project up to 5 years. The Town's previously adopted policy allows for three years if the project equals 50% or more of the current assessed value (according to the application that was previously used.) The Council could add on two additional years if it creates housing units; four more years if the housing units are affordable; and 4 more years if the structure is historically important.

The current assessed value of the property is \$453,100, the rehabilitation costs as estimated by the developer is \$1,707,390. If this were granted the taxes the individual would pay on the project would stay at the \$453,100 level for three years. While we would be losing the tax revenue for those years, we would be encouraging the redevelopment of a historic building in Town, and would be getting the additional tax revenues in the future. The Town Council will have to hold a public hearing on this resolution.

The following chart is a breakdown of the impact of three years:

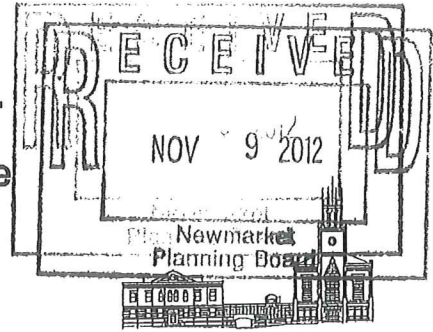
	Tax Rate	Current Value	Tax Bill	Post Rehabilitation Cost	Tax Bill	Difference
Year 1	\$ 23.67	\$453,100.00	\$ 10,724.88	\$1,707,390.00	\$40,413.92	\$ 29,689.04
Year 2 <sup>1</sup>	\$ 24.80	\$453,100.00	\$ 11,236.88	\$1,707,390.00	\$42,343.27	\$ 31,106.39
Year 3	\$ 24.80	\$453,100.00	\$ 11,236.88	\$1,707,390.00	\$42,343.27	\$ 31,106.39

<sup>1</sup> This is an estimate if all articles pass on March 12, 2013



# TOWN OF NEWMARKET

## Economic Development Office



### Community Revitalization Tax Relief Incentive Application

<p><b>Building Name (if any)</b> Lang Blacksmith Shop</p> <p><b>Building Address</b> 13 Water Street Newmarket, NH 03857</p>	<p><b>Owner Name(s)</b> Acadia Engineers &amp; Constructors (or assigned)</p> <p><b>Applicant Name(s) (if different from owner)</b> NA</p>
<p><b>Owner Address (es)</b> 90 Main Street Newmarket, NH 03587</p> <p><b>Phone #</b> 603-200-0096</p> <p><b>Email address</b> tim@aecgr.com</p>	<p><b>Applicant Address (if different from owner)</b> NA</p> <p><b>Phone #</b></p> <p><b>Email address</b></p>
<p><b>Map#</b> U3</p> <p><b>Lot#</b> 4</p>	<p><b>Book#</b> 3140</p> <p><b>Page #</b> 0187</p>
<p><b>Year Built</b> 1891</p> <p><b>Square Footage of Building</b> 4,760</p>	<p><b>Is the building eligible or listed on the State or National Register of Historic Places?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>provide historic district name if applicable) Newmarket downtown urban historic district.</p>
<p><b>Existing Uses (describe number of units by type and size)</b> Abandoned mixed use building. Former restaurant, apartments, and commercial space.</p> <p><b>Proposed Uses (describe number of units by type and size)</b> Mixed use re-development. Residential apartments (~2,640 sf), commercial office space (~2,400 sf).</p>	<p><b>Is there a change of use associated with this project?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If so, please describe: Adding commercial office space to existing residential and retail uses.</p>
<p><b>Will the project include new residential units?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please describe: Three 2 bedroom apartment units.</p>	<p><b>Will the project include new affordable residential units?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, please describe:</p>

**Note:** Application must be accompanied by a \$50 Application Fee made payable to "Town of Newmarket"

**Will any state or federal grants or funds be used in this project? If so, describe and detail any terms of repayment** (if applicable) The owner may apply for a USDA grant to fund a portion of the renewable energy systems.

**Describe the work to be done and estimated cost:** please attach additional sheets if necessary and any written construction estimates Total estimated cost is \$1,707,390. Refer to attached cost estimate (Attachment 1).

Structural:	\$ refer to Attachment 1
Electrical:	\$ refer to Attachment 1
Plumbing/Heating:	\$ refer to Attachment 1
Mechanical:	\$ refer to Attachment 1
Other:	\$ refer to Attachment 1
<b>Total:</b> Note: To qualify for this tax relief incentive, the costs of the project must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less.	\$ 1,707,390

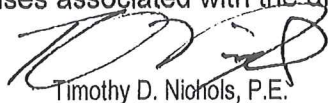
Please attach any plot plans, building plans, sketches, renderings or photographs that would help explain this application.

**APPROVAL BY A MAJORITY OF TOWN COUNCILORS REQUIRED**

I have read and understand the Community Revitalization Tax Relief Incentive RSA Ordinance (see following pages) and am aware that this will be a public process including a public hearing to be held to discuss the merits of this application and the subsequent need to enter into a covenant with the town and pay any reasonable expenses associated with the drafting of the covenant.

**Tim Nichols**

Digitally signed by Tim Nichols  
DN: cn=Tim Nichols, o=Acadia Design-Builders, ou=Engineering,  
email=tnichols@acadia-db.com, c=US  
Date: 2012.03.12 14:35:45 -0400



Timothy D. Nichols, P.E.

October 11, 2012

Applicant: (signed)

(name printed)

Date

Expected project start: February 2013

Expected project completion: August 2013

TITLE V TAXATION

**Section 79-E:14**

**79-E:14 Other Programs.** – The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

Source. 2006, 167:1, eff. April 1, 2006.

**For Planning Department Review**

Does the application meet appropriate tests? **YES** *SEE ATTACHED LETTER. DFH 11/13/2012*

Is it a qualifying structure located in a designated Town Center <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Pre-rehabilitation assessed value (from most recent Town Assessment):	<del>\$577,600</del> <b>\$453,100</b> <i>(TN) (DFH)</i>
Total estimated cost of rehabilitation (from application above):	\$1,707,390
Percentage of rehabilitation costs to assessment valuation:	<b>270</b> <del>66</del> <b>%</b> <i>(TN) (DFH)</i>
Does the estimated cost of rehabilitation exceed 15% of pre-rehabilitation assessed valuation, or \$75,000? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
If the answer is yes, proceed to the next section. If no, the application is denied per RSA threshold requirement.	
Is there public benefit?	
Enhanced business district vitality?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Increases downtown housing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Promotes downtown development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Improvements to a cultural/historic building?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is Application fee of \$50 enclosed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**APPROVAL BY A MAJORITY OF TOWN COUNCILORS REQUIRED**

Suggested Criteria for determination of tax relief periods:

- 1) For the baseline tax relief, improvements must equal 15% of current assessed value or \$75,000 whichever is less. This will net one (1) year of tax relief. If improvements equal 30% of current assessed value, this will net two (2) years of tax relief. If improvements equal 50% or more of current assessed value, this will net the full three (3) years of tax relief.

**ATTACHMENT A  
CONSTRUCTION COST ESTIMATE**

Project: 13 Water Steel Mixed-Use Development

Concept: Restoration of FE Lang Blacksmith Shop

Date: 10/6/2012

Work Item	Design + Engineering	Permits + Fees	Installed Cost				Construction Management (10%)	Contingency (10%)	Total
			Pricing Unit	Price	Qty	Subtotal			
Planning & Concepts	\$ 6,500	\$ 6,800	EA	\$ -	1	\$ -	\$ -	\$ 650	\$ 13,950
Architectural Design	\$ 42,000	\$ -	EA	\$ -	1	\$ -	\$ -	\$ 4,200	\$ 46,200
Interior Design	\$ 8,000	\$ -	EA	\$ -	1	\$ -	\$ -	\$ 800	\$ 8,800
Civil/Site Engineering	\$ 18,000	\$ -	EA	\$ -	1	\$ -	\$ -	\$ 1,800	\$ 19,800
Geotechnical Engineering	\$ 9,600	\$ -	EA	\$ -	1	\$ -	\$ -	\$ 960	\$ 10,560
Structural Engineering	\$ 16,000	\$ -	EA	\$ -	1	\$ -	\$ -	\$ 1,600	\$ 17,600
Mechanical & Plumbing Engineering	\$ 16,000	\$ -	EA	\$ -	1	\$ -	\$ -	\$ 1,600	\$ 17,600
Electrical Engineering	\$ 21,000	\$ -	EA	\$ -	1	\$ -	\$ -	\$ 2,100	\$ 23,100
Building Removals	\$ 1,200	\$ 800	EA	\$ 8,600	1	\$ 8,600	\$ 860	\$ 1,066	\$ 12,526
Site Removals	\$ 1,000	\$ 300	EA	\$ 5,500	1	\$ 5,500	\$ 550	\$ 705	\$ 8,055
Subgrade Utilities	\$ -	\$ 200	EA	\$ 58,000	1	\$ 58,000	\$ 5,800	\$ 6,380	\$ 70,380
Foundation Improvements	\$ -	\$ -	EA	\$ 14,000	1	\$ 14,000	\$ 1,400	\$ 1,540	\$ 16,940
Framing Improvements	\$ -	\$ -	EA	\$ 38,000	1	\$ 38,000	\$ 3,800	\$ 4,180	\$ 45,980
Decks	\$ -	\$ -	EA	\$ 4,700	4	\$ 18,800	\$ 1,880	\$ 2,068	\$ 22,748
Siding (SIP + CB)	\$ -	\$ -	SF	\$ 14.40	4,727	\$ 68,069	\$ 6,807	\$ 7,488	\$ 82,363
Insulation - Walls (2" sprayfoam)	\$ -	\$ -	SF	\$ 2.20	4,727	\$ 10,399	\$ 1,040	\$ 1,144	\$ 12,583
Insulation - Roof (2" sprayfoam)	\$ -	\$ -	SF	\$ 2.20	3,262	\$ 7,176	\$ 718	\$ 789	\$ 8,683
Roofing (SIP + MSS)	\$ -	\$ -	SF	\$ 15.10	3,262	\$ 49,256	\$ 4,926	\$ 5,418	\$ 59,600
Windows	\$ -	\$ -	EA	\$ 820	51	\$ 41,820	\$ 4,182	\$ 4,600	\$ 50,602
Doors + Hardware (ext.)	\$ -	\$ -	EA	\$ 2,410	8	\$ 19,280	\$ 1,928	\$ 2,121	\$ 23,329
Doors + Hardware (int.)	\$ -	\$ -	EA	\$ 760	12	\$ 9,120	\$ 912	\$ 1,003	\$ 11,035
Exterior Trim	\$ -	\$ -	EA	\$ 9,230	1	\$ 9,230	\$ 923	\$ 1,015	\$ 11,168
Plumbing Rough	\$ -	\$ 500	EA	\$ 33,000	1	\$ 33,000	\$ 3,300	\$ 3,630	\$ 40,430
Electrical Rough	\$ -	\$ 500	EA	\$ 51,000	1	\$ 51,000	\$ 5,100	\$ 5,610	\$ 62,210
HVAC (WSHP/air/ERV)	\$ -	\$ 500	EA	\$ 122,000	1	\$ 122,000	\$ 12,200	\$ 13,420	\$ 148,120
Geothermal Wells & Loop (30 ton)	\$ 4,000	\$ 500	EA	\$ 138,000	1	\$ 138,000	\$ 13,800	\$ 15,580	\$ 171,880
Plumbing Fixtures	\$ -	\$ -	EA	\$ 3,960	5	\$ 19,800	\$ 1,980	\$ 2,178	\$ 23,958
Electrical Fixtures & Lighting	\$ -	\$ -	EA	\$ 4,200	5	\$ 21,000	\$ 2,100	\$ 2,310	\$ 25,410
Custom WW (Cabinets, Countertops, BI)	\$ -	\$ -	EA	\$ 4,500	5	\$ 22,500	\$ 2,250	\$ 2,475	\$ 27,225
Flooring	\$ -	\$ -	SF	\$ 6.20	4,760	\$ 29,512	\$ 2,951	\$ 3,246	\$ 35,710
Gyp Walls	\$ -	\$ -	SF	\$ 2.95	7,091	\$ 20,917	\$ 2,092	\$ 2,301	\$ 25,310
Gyp Ceilings	\$ -	\$ -	SF	\$ 3.90	4,760	\$ 18,564	\$ 1,856	\$ 2,042	\$ 22,462
ACT Ceilings	\$ -	\$ -	SF	\$ 5.50	-	\$ -	\$ -	\$ -	\$ -
Interior Trim / Moldings	\$ -	\$ -	EA	\$ 25,000	1	\$ 25,000	\$ 2,500	\$ 2,750	\$ 30,250
Painting - Interior	\$ -	\$ -	SF	\$ 1.96	7,091	\$ 13,897	\$ 1,390	\$ 1,529	\$ 16,816
Painting - Exterior	\$ -	\$ -	SF	\$ 12,000	1	\$ 12,000	\$ 1,200	\$ 1,320	\$ 14,520
Furnishings (common areas)	\$ -	\$ -	EA	\$ 12,300	1	\$ 12,300	\$ 1,230	\$ 1,353	\$ 14,883
Appliances (residential)	\$ -	\$ -	EA	\$ 4,000	3	\$ 12,000	\$ 1,200	\$ 1,320	\$ 14,520
Appliances (commercial)	\$ -	\$ -	EA	\$ 2,500	3	\$ 7,500	\$ 750	\$ 825	\$ 9,075
Fire Suppression Systems	\$ -	\$ -	EA	\$ 34,600	1	\$ 34,600	\$ 3,460	\$ 3,806	\$ 41,866
Fire Det/Notification Systems	\$ -	\$ -	EA	\$ 16,400	1	\$ 16,400	\$ 1,640	\$ 1,804	\$ 19,844
Security Systems	\$ -	\$ -	EA	\$ 5,000	1	\$ 5,000	\$ 500	\$ 550	\$ 6,050
PV Systems	\$ 5,500	\$ 2,300	W	\$ 4.70	30,000	\$ 141,000	\$ 14,100	\$ 16,060	\$ 178,960
Wind Turbine Generators (5kW)	\$ 3,800	\$ -	EA	\$ 27,000	1	\$ 27,000	\$ 2,700	\$ 3,350	\$ 36,850
Site Grading & Prep	\$ -	\$ -	EA	\$ 16,580	1	\$ 16,580	\$ 1,658	\$ 1,824	\$ 20,062
Landscaping	\$ 2,700	\$ -	EA	\$ 21,500	1	\$ 21,500	\$ 2,150	\$ 2,635	\$ 28,985
Hardscaping - Pavers	\$ -	\$ -	SF	\$ 11.20	1,590	\$ 17,808	\$ 1,781	\$ 1,959	\$ 21,548
Hardscaping - VGC	\$ -	\$ -	LF	\$ 18.70	360	\$ 6,732	\$ 673	\$ 741	\$ 8,146
Hardscaping - Gravel/SD	\$ -	\$ -	SF	\$ 2.80	2,600	\$ 7,280	\$ 728	\$ 801	\$ 8,809
Outdoor Lighting	\$ -	\$ -	EA	\$ 2,100	5	\$ 10,500	\$ 1,050	\$ 1,155	\$ 12,705
Retaining Wall	\$ -	\$ -	SF	\$ 12.10	240	\$ 2,904	\$ 290	\$ 319	\$ 3,514
SG Prep & Paving - BC	\$ 1,200	\$ -	SF	\$ 4.00	4,900	\$ 19,600	\$ 1,960	\$ 2,276	\$ 25,036
Masonry - Chimney Repair	\$ -	\$ -	EA	\$ 3,600	1	\$ 3,600	\$ 360	\$ 396	\$ 4,356
Special Finishes	\$ -	\$ -	EA	\$ 11,800	1	\$ 11,800	\$ 1,180	\$ 1,298	\$ 14,278
	\$ 156,500	\$ 12,400				\$ 1,258,545	\$ 125,855	\$ 154,090	\$ 1,707,390

OFFICE OF THE  
PLANNING BOARD



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

November 9, 2012

Timothy D. Nichols, P.E.  
Acadia Engineers and Constructors  
90 Main Street  
Newmarket, NH 03857

Re: Rehabilitation of F.E. Lang Blacksmith Building at 13 Water Street, Newmarket, NH

Dear Mr. Nichols,

Please be advised that we have received your application for Community Revitalization Tax Relief under RSA 79E. It has been determined that your application is complete and meets appropriate public benefit tests to warrant further consideration by the Town of Newmarket.

1. This project will provide public benefits which will enhance the downtown with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.
2. This project encourages the rehabilitation of an underutilized structure in the town's center as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern.
3. This project will enhance and improve a structure that is culturally or historically important on a local, national, state, or regional level. The building possesses significant historical, cultural, and architectural significance. It has been determined to be eligible for listing on the National Register of Historic Places and is currently is a contributing property in the Newmarket Commercial and Industrial District.
4. This project is located in the Town's downtown and community revitalization district, which is recognized, in Chapter 6 "Economic Development" of the Newmarket Master Plan.
5. This project will increase residential housing in an urban and town center.
6. The estimated cost of rehabilitation exceeds 15% of the pre-rehabilitation assessed valuation, or \$75,000.

I have forwarded your application to Steve Fournier, Town Administrator, to schedule your application for review by the Town Council. Please contact me if you have any questions.

Sincerely,

*Diane Hardy*  
Diane Hardy  
Town Planner

TOWN HALL  
186 MAIN STREET, NEWMARKET, NEW HAMPSHIRE 03857  
TELEPHONE (603) 659-3617

Please mail the completed form and required material to:

10/5/12

New Hampshire Division of Historical Resources  
State Historic Preservation Office  
Attention: Review & Compliance  
19 Pillsbury Street, Concord, NH 03301-3570

DHR Use Only	3578 MI
R&C #	4254
Log In Date	___/___/___
Response Date	___/___/___
Sent Date	___/___/___

### Request for Project Review by the New Hampshire Division of Historical Resources

This is a new submittal

This is additional information relating to DHR Review & Compliance (R&C) #: 3578 MI

#### GENERAL PROJECT INFORMATION

Project Title Rehabilitation of Existing Historical Structure with Additional Building for Apartments

Project Location 13 Water Street

City/Town Newmarket

Tax Map U3

Lot 4

NH State Plane - Feet Geographic Coordinates: Easting 1,179,520

Northing 211,565

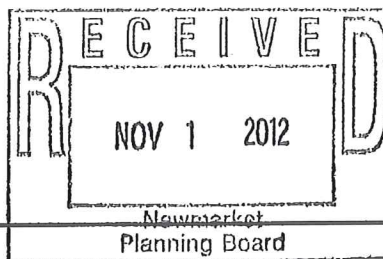
(See RPR Instructions and R&C FAQs for guidance.)

Lead Federal Agency and Contact (if applicable)  
(Agency providing funds, licenses, or permits)

Permit Type and Permit or Job Reference #

State Agency and Contact (if applicable)

Permit Type and Permit or Job Reference #



#### APPLICANT INFORMATION

Applicant Name Timothy Nichols

Mailing Address 90 Main Street

Phone Number (603) 200-0096

City Newmarket

State NH

Zip 03857

Email tim@aeccon.com

#### CONTACT PERSON TO RECEIVE RESPONSE

Name/Company Timothy Nichols / AEC

Mailing Address 90 Main Street

Phone Number (603) 200-0096

City Newmarket

State NH

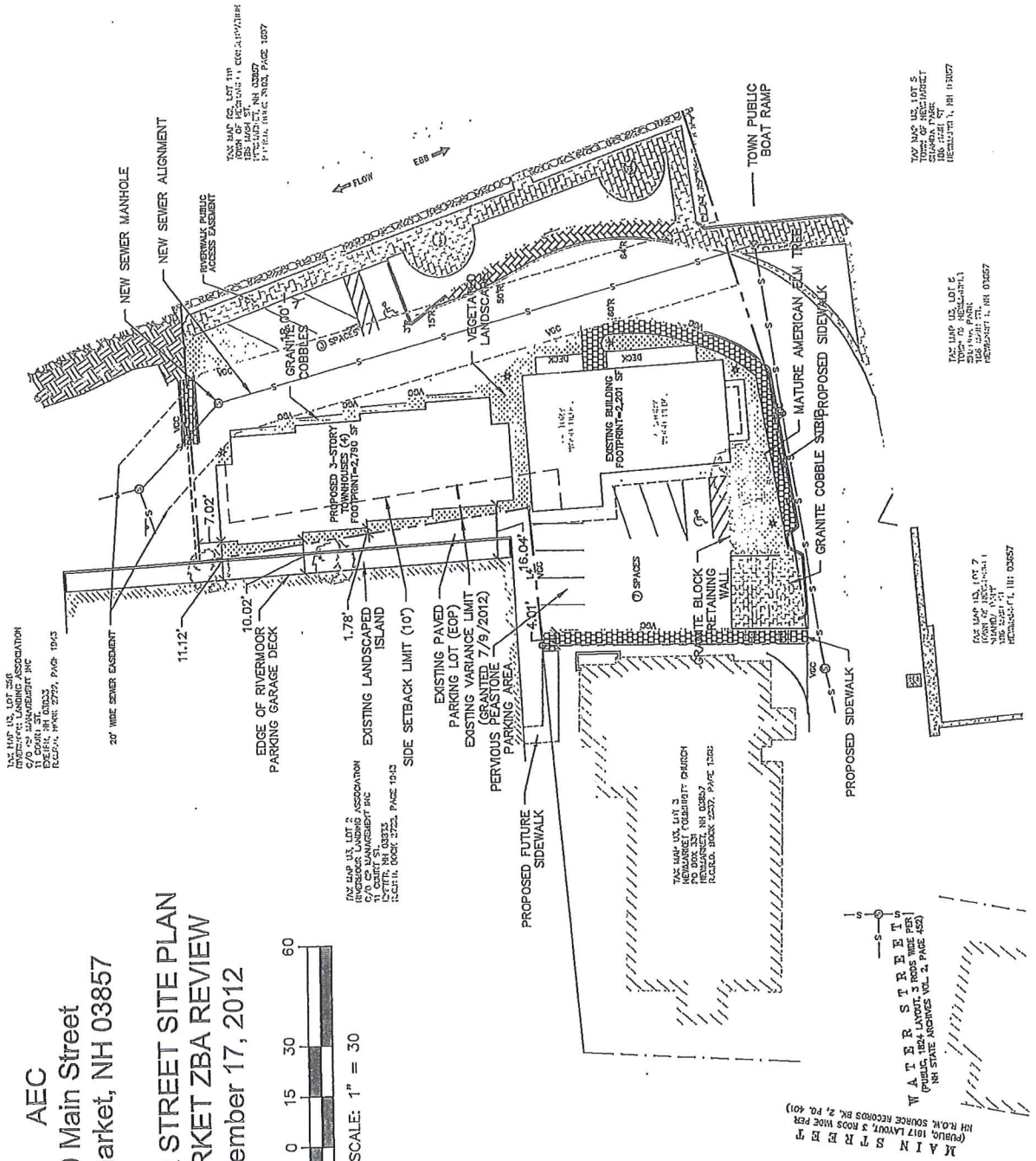
Zip 03857

Email tim@aeccon.com

*This form is updated periodically. Please download the current form at <http://www.nh.gov/DHR/review>. Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: <http://www.nh.gov/DHR/review> or contact the R&C Specialist at [christina.st.louis@dcr.nh.gov](mailto:christina.st.louis@dcr.nh.gov) or 603.271.3558.*

**AEC**  
**90 Main Street**  
**Newmarket, NH 03857**

**13 WATER STREET SITE PLAN**  
**NEWMARKET ZBA REVIEW**  
**September 17, 2012**



THE MAP IS, LOT 256  
 INTEREST: LANDING ASSOCIATION  
 C/O 256 LANDING ASSOCIATION  
 256 LANDING ASSOCIATION  
 EXETER, NH 03833  
 PLAT 2722, PAGE 1943

THE MAP IS, LOT 2  
 INTEREST: LANDING ASSOCIATION  
 C/O 256 LANDING ASSOCIATION  
 256 LANDING ASSOCIATION  
 EXETER, NH 03833  
 PLAT 2722, PAGE 1943

THE MAP IS, LOT 3  
 INTEREST: LANDING ASSOCIATION  
 C/O 256 LANDING ASSOCIATION  
 256 LANDING ASSOCIATION  
 EXETER, NH 03833  
 PLAT 2722, PAGE 1943

THE MAP IS, LOT 5  
 INTEREST: LANDING ASSOCIATION  
 C/O 256 LANDING ASSOCIATION  
 256 LANDING ASSOCIATION  
 EXETER, NH 03833  
 PLAT 2722, PAGE 1943

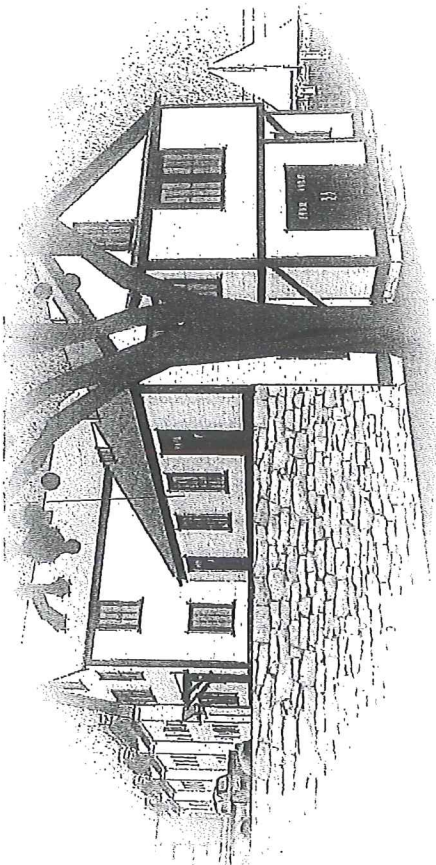
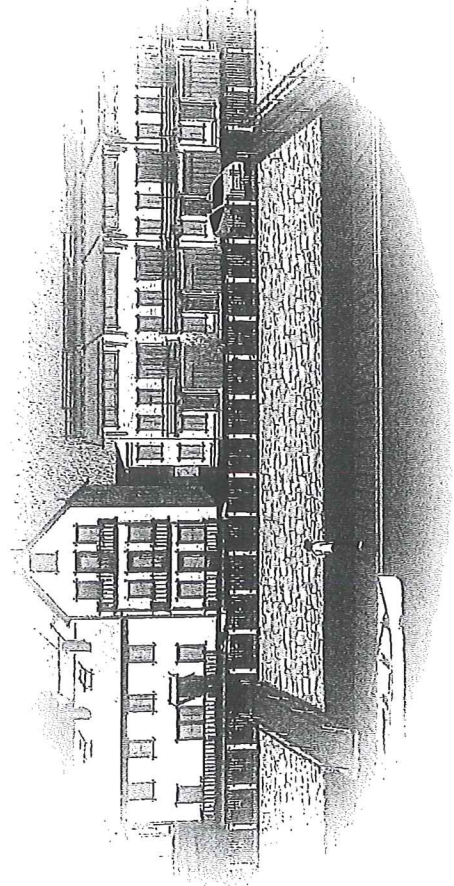
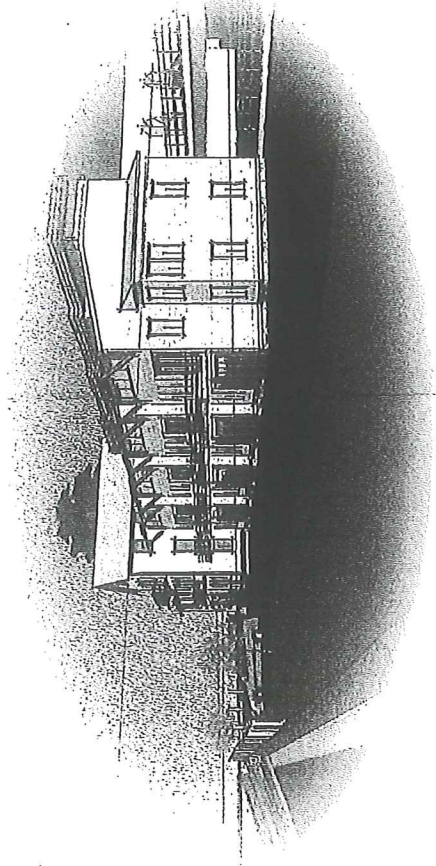
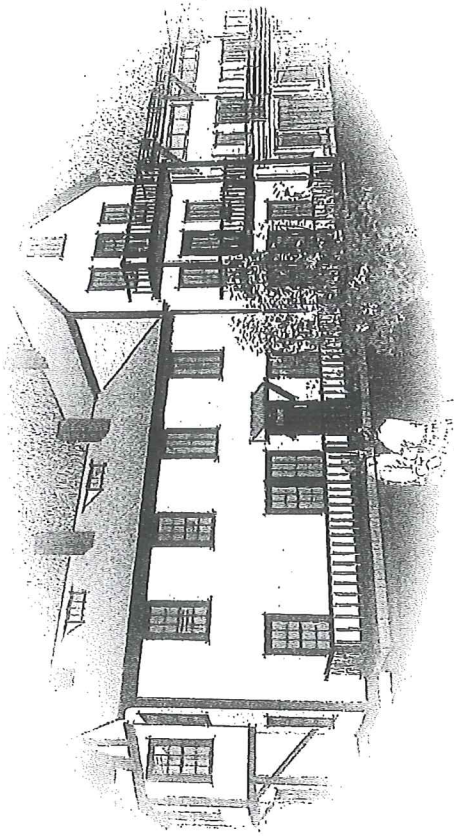
THE MAP IS, LOT 6  
 INTEREST: LANDING ASSOCIATION  
 C/O 256 LANDING ASSOCIATION  
 256 LANDING ASSOCIATION  
 EXETER, NH 03833  
 PLAT 2722, PAGE 1943

THE MAP IS, LOT 7  
 INTEREST: LANDING ASSOCIATION  
 C/O 256 LANDING ASSOCIATION  
 256 LANDING ASSOCIATION  
 EXETER, NH 03833  
 PLAT 2722, PAGE 1943

MAIN STREET  
 (PLAN, 1917 LAYOUT, 3 ROOMS WIDE PER  
 NH ROW SOURCE RECORDS BK. 2, PG. 401)

WATER STREET  
 (PLAN, 1917 LAYOUT, 3 ROOMS WIDE PER  
 NH STATE ARCHIVES VOL. 24, PAGE 422)





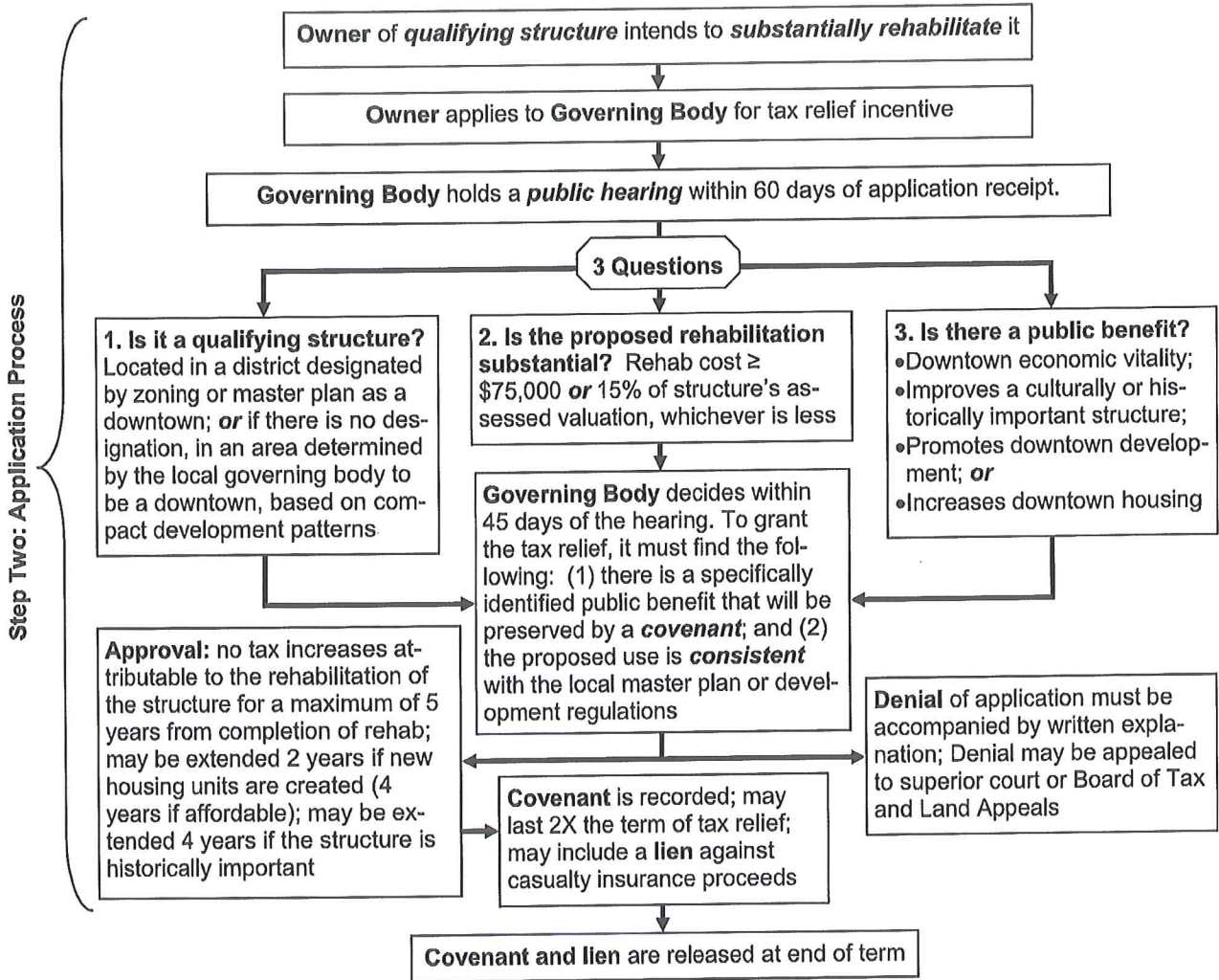
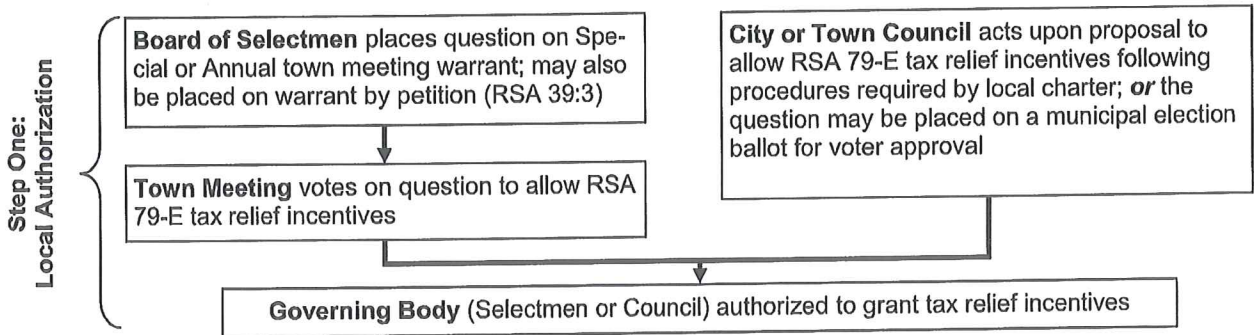
AEC Group  
90 Main Street  
Newmarket, NH 03857  
[www.aecgroup.com](http://www.aecgroup.com)

CONCEPTUAL RENDERINGS  
for  
F.E. Lang Blacksmith Restoration & Redevelopment Project  
13 Water Street  
Newmarket, NH

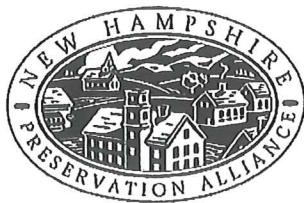




# RSA 79-E Community Revitalization Tax Relief Incentive



**Termination:** the tax relief provided by a municipality may be terminated if the property owner fails to maintain or utilize the property according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction. The Governing Body holds a public hearing to determine the extent of the diminution of the public benefit; the tax relief may be reduced or terminated; if it is terminated, the property owner is liable for back taxes.



## **RSA 79-E, Community Revitalization Tax Relief Incentive: Fact Sheet**

This legislative proposal encourages investment in downtowns and village centers with a new tax incentive modeled on existing New Hampshire statute (the so-called Barn Bill). Its goals are to *encourage the rehabilitation and active use of under-utilized buildings* and, in so doing, to

- **promote strong local economies** and,
- **promote smart, sustainable growth, as an alternative to sprawl, in accordance with the purpose and objectives of RSA Ch. 9-B** (State Economic Growth, Resource Protection, and Planning Policy).

### **How it works:**

- In a town that has adopted the tool created by this legislation, a property owner who wants to substantially rehabilitate a building located downtown, or in a village center, may apply to the local governing body for a period of temporary tax relief.
- The temporary tax relief, if granted, would consist of a finite period of time during which the property tax on the structure would not increase as a result of its substantial rehabilitation. In exchange for the relief, the property owner grants a covenant ensuring there is a public benefit to the rehabilitation.
- Following expiration of the finite tax relief period, the structure would be taxed at its full market value taking into account the rehabilitation.

### **The legislation offers strong community process and discretion:**

- Any city or town may adopt this program with the majority vote of its legislative body.
- Applications by property owners are made to the governing body and are accompanied by a public notice and public hearing.
- The governing body may grant tax relief if the application meets the guidelines and public benefit test.
- The governing body may deny the application in its discretion: “..such denial shall be deemed discretionary and shall not be set aside by the board or tax and land appeals or the superior court except for bad faith or discrimination.” (79-E:4 V)

### **Qualifying properties:**

A property owner can apply for the tax relief only if:

- The building is located in the community’s downtown district (or equivalent), and
- The rehabilitation costs at least 15% of the building’s pre-rehab assessed value, or \$75,000, whichever is less, and
- The rehabilitation is consistent with the municipality’s master plan or development regulations.

*For more information, contact:*

Jennifer Goodman, N.H. Preservation Alliance – 603.224.2281, [jg@nhpreservation.org](mailto:jg@nhpreservation.org)

Kathy La Plante, N.H. Main Street Center – 603.223.9942, [klaplante@nhmainstreet.org](mailto:klaplante@nhmainstreet.org)

# TITLE V TAXATION

## CHAPTER 79-E COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

### Section 79-E:1

#### **79-E:1 Declaration of Public Benefit. –**

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.

II-a. In instances where a qualifying structure is determined to possess no significant historical, cultural, or architectural value and for which the governing body makes a specific finding that rehabilitation would not achieve one or more of the public benefits established in RSA 79-E:7 to the same degree as the replacement of the underutilized structure with a new structure, the tax relief incentives provided under this chapter may be extended to the replacement of an underutilized structure in accordance with the provisions of this chapter.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of a qualifying structure, as defined in this chapter.

**Source.** 2006, 167:1. 2009, 200:3, 4, eff. July 15, 2009.

### Section 79-E:2

#### **79-E:2 Definitions. –** In this chapter:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. Cities or towns may further modify "qualifying structure" to include buildings that have been destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town.

I-a. "Replacement" means the demolition or removal of a qualifying structure and the construction of a new structure on the same lot.

II. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of

the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less. Cities or towns may further limit "substantial rehabilitation" according to the procedure in RSA 79-E:3 as meaning rehabilitation which costs a percentage greater than 15 percent of pre-rehabilitation assessed valuation or an amount greater than \$75,000 based on local economic conditions, community character, and local planning and development goals.

II-a. "Tax increment finance district" means any district established in accordance with the provisions of RSA 162-K.

III. "Tax relief" means:

(a) For a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

(b) For the replacement of a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a replacement structure shall not exceed the property tax on the replaced qualifying structure as a result of the replacement thereof.

(c) For a qualifying structure which is a building destroyed by fire or act of nature, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on such qualifying structure shall not exceed the tax on the assessed value of the structure that would have existed had the structure not been destroyed.

IV. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

**Source.** 2006, 167:1. 2009, 200:5-7. 2010, 329:1, 2. 2011, 237:1, 2, eff. July 5, 2011.

### Section 79-E:3

#### 79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program –

I. Any city or town may adopt or modify the provisions of this chapter by voting whether to accept for consideration or modify requirements for requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote "yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

**Source.** 2006, 167:1. 2010, 329:3, eff. July 20, 2010.

## Section 79-E:4

### 79-E:4 Community Revitalization Tax Relief Incentive. –

I. An owner of a qualifying structure who intends to substantially rehabilitate or replace such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and an application fee.

I-a. In order to assist the governing body with the review and evaluation of an application for replacement of a qualifying structure, an owner shall submit to the governing body as part of the application, a New Hampshire division of historical resources individual resource inventory form, prepared by a qualified architectural historian and a letter issued by the local heritage commission and if the qualifying structure is located within a designated historic district established in accordance with RSA 674:46, a letter from the historic district commission or, if such local commissions are not established, a letter issued by the New Hampshire division of historical resources that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which those structures are located. The application for tax relief shall not be deemed to be complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4, II until the inventory form and the letter, as well as all other required information, have been submitted.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether any proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV. (a) The governing body may grant the tax relief, provided:

(1) The governing body finds a public benefit under RSA 79-E:7; and

(2) The specific public benefit is preserved through a covenant under RSA 79-E:8; and

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations; and

(4) In the case of a replacement, the governing body specifically finds that the local heritage commission or historic district commission or, if such local commissions are not established, the New Hampshire division of historical resources has determined that the replaced qualifying structure does not possess significant historical, cultural, or architectural value, the replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement. In connection with these findings, the governing body may request that the division of historical resources conduct a technical evaluation in order to satisfy the governing body that historical resources will not be adversely affected.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and

shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

VI. Municipalities shall have no obligation to grant an application for tax relief for properties located within tax increment finance districts when the governing body determines, in its sole discretion, that the granting of tax relief will impede, reduce, or negatively affect:

(a) The development program or financing plans for such tax increment finance districts; or

(b) The ability to satisfy or expedite repayment of debt service obligations incurred for a tax increment financing district; or

(c) The ability to satisfy program administration, operating, or maintenance expenses within a tax increment financing district.

Source. 2006, 167:1. 2009, 200:8-11, eff. July 15, 2009.

## Section 79-E:5

### 79-E:5 Duration of Tax Relief Period. –

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

I-a. For the approval of a replacement of a qualifying structure, the governing body may grant such tax assessment relief for a period of up to 5 years, beginning only upon the completion of construction of the replacement structure. The governing body may, in its discretion, extend such additional years of tax relief as provided for under this section, provided that no such additional years of tax relief may be provided prior to the completion of construction of the replacement structure. The municipal tax assessment of the replacement structure and the property on which it is located shall not increase or decrease in the period between the approval by the governing body of tax relief for the replacement structure and the time the owner completes construction of the replacement structure and grants to the municipality the covenant to protect the public benefit as required by this chapter. The governing body may not grant any tax assessment relief under this chapter with respect to property and structures for which an election has been made for property appraisal under RSA 75:1-a.

II. The governing body may, in its discretion, add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.

III. The governing body may, in its discretion, add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

IV. The governing body may adopt local guidelines to assist it in determining the appropriate duration of the tax assessment relief period.

Source. 2006, 167:1. 2009, 200:12. 2010, 329:4, eff. July 20, 2010.

## Section 79-E:6

**79-E:6 Resumption of Full Tax Liability.** – Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

Source. 2006, 167:1, eff. April 1, 2006.

### Section 79-E:7

**79-E:7 Public Benefit.** – In order to qualify for tax relief under this chapter, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
- III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or
- IV. It increases residential housing in urban or town centers.

Source. 2006, 167:1. 2009, 200:13, eff. July 15, 2009.

### Section 79-E:7-a

**79-E:7-a Public Benefit Determinations.** – Cities or towns may adopt according to the procedure in RSA 79-E:3 provisions that further define the public benefits enumerated in RSA 79-E:7 to assist the governing body in evaluating applications made under this chapter based on local economic conditions, community character, and local planning and development goals.

Source. 2010, 329:5, eff. July 20, 2010.

### Section 79-E:8

**79-E:8 Covenant to Protect Public Benefit.** –

I. Tax relief for the substantial rehabilitation or replacement of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and as otherwise provided in this chapter.

II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.

III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition or damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.

IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.

V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review, and/or



execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

**Source.** 2006, 167:1. 2009, 200:14, eff. July 15, 2009.

### Section 79-E:9

#### **79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty. –**

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation or replacement has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

II. Any tax payment required under paragraph I shall be payable according to the following procedure:

(a) The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

**Source.** 2006, 167:1. 2009, 200:15, eff. July 15, 2009.

### Section 79-E:10

**79-E:10 Lien for Unpaid Taxes. –** The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

**Source.** 2006, 167:1, eff. April 1, 2006.

### Section 79-E:11

**79-E:11 Enforcement. –** All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80.

**Source.** 2006, 167:1. 2007, 42:3, eff. July 20, 2007.

### Section 79-E:12

**79-E:12 Rulemaking.** – The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

**Source.** 2006, 167:1, eff. April 1, 2006.

### Section 79-E:13

**79-E:13 Extent of Tax Relief.** –

I. (a) Tax relief granted under this chapter shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

(b) Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter, provided that for a qualifying structure which is a building destroyed by fire or act of nature, original assessed value shall mean the value as of the date of approval of the application for tax relief of the qualifying structure that would have existed had the structure not been destroyed.

II. The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter, provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.

**Source.** 2006, 167:1. 2010, 329:6. 2011, 237:3, eff. July 5, 2011.

### Section 79-E:14

**79-E:14 Other Programs.** – The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

**Source.** 2006, 167:1, eff. April 1, 2006.

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**

**Resolution #2012-2013-49**  
**Authorizing the Withdrawal of \$11,500 from the Building Improvement Capital Reserve Fund for the Painting of Town Hall**

**WHEREAS** the Town Hall hallways and stairwells are in need of paint, and

**WHEREAS** the Director of Public Works solicited bids to paint said hallways, and

**WHEREAS** the Newmarket School Department has agreed to pay for their hallways to be painted at the same time, and

**WHEREAS** the Town of Newmarket has a previously established Building Improvement Capital Reserve Fund containing \$343,723 in it, and

**WHEREAS** the qualifying bid is \$11,500 for the Town portion of the project and \$2,950 for the School project for a total amount of \$14,450.

**NOW THEREFORE LET IT BE RESOLVED** that the Town Council does hereby authorize an amount not to exceed \$11,500 to be withdrawn from the Building Improvement Capital Reserve Fund for the painting of Town Hall.

*First Reading:*                      *March 6, 2013*

*Second Reading:*                      *April 3, 2013*

*Approval:*                              *April 3, 2013*

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Approved: Gary Levy, Chairman Newmarket Town Council

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

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## MEMORANDUM

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**TO:** STEVE FOURNIER, TOWN ADMINISTRATOR  
**FROM:** RICK MALASKY, PUBLIC WORKS DIRECTOR  
**SUBJECT:** TOWN HALL PAINTING BIDS  
**DATE:** 2/27/2013

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After reviewing the five bids received for painting the town hall and SAU I do not recommend the lowest bid, 307 Painting/CW Stripers. The bid they provided for the total project was \$7,181. I am concerned they have under estimated the prep work, materials, and labor this project will require therefore the finished product will reflect. The next three bids, \$14,450-\$18,615, are a more accurate cost for materials and labor required to complete this project.

When 307 Painting/CW Stripers briefly attended the walk through I do not feel they were able to adequately assess the amount of prep work, materials and finish work needed. The stairwells are labor intensive due to their condition, size and layout. I am concerned that the drastically low bid will impact the quality of work performed.

After a request for references from the two lowest bids, I received two written references for 307 Painting/CW Stripers. I followed up with phone calls to both. The first was from Marc DeFilippo, DeFilippo Company, who also attended the walk through, but did not submit a final bid. Marc said 307 Painting/ CW Stripers has done a lot of residential work and a few commercial buildings. The second reference, James Keravich, did not return my phone call.

After reviewing all the bids and references I do not believe 307 Painting/ CW Stripers is qualified to complete the project, to the towns standards, within the cost provided in the bid. I am sure his work is professional but I do not believe he is experienced with commercial/municipal bids and projects this size.

I would recommend the second bid, CK Landmark Construction, for a total of \$14,450 (town portion \$11,500, school portion \$2,950) be awarded the project. I was provided five references for this company. After speaking with four of the five I feel confident that this company is qualified to complete this project. They had done a lot of work for municipalities and come highly recommended by all references. All of them told me they would use CK Landmark Construction again and were impressed with their professionalism and quality of work.

DEPARTMENT OF  
PUBLIC WORKS



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

Town of Newmarket  
Town Hall Paint Bids  
January 31, 2013

<u>Company</u>	<u>Town Hall</u>	<u>SAU 31</u>	<u>Total</u>
307 Painting/CW Stripers 34 Moulton Road, Hampton, NH 03842	\$6,181.00	\$1,000.00	\$7,181.00
CK Landmark Construction PO Box 4092, Manchester, NH 03104	\$11,500.00	\$2,950.00	\$14,450.00
Caprioli Painting 20 Beech St. Ext, Newmarket, NH 03857	\$13,108.00	\$2,096.00	\$15,204.00
Target New England 14 Bay Hill Rd., Alton, NH 03809	\$13,340.00	\$5,275.00	\$18,615.00
Jablonski Painting PO Box 165, Newmarket, NH 03857	\$22,900.00	\$2,900.00	\$25,800.00
Defilippo Painting Service	No Bid	No Bid	

**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  
April 3, 2013 7:00 p.m.  
Council Chambers**

**8. Town Council to Consider Appointments to Committees/Commissions**

**a. Advisory Heritage Committee: 3 Vacancies**

NO CANDIDATES 3 Alternates

**b. Cemetery Trustee Committee: 2 Vacancies**

Candidate: Victoria Bram Term Expires March 2016

Candidate: Michael Provost Term Expires March 2016

**c. Conservation Commission: 2 Vacancies**

Candidate: Bruce Fecteau Term Expires March 2016

Candidate: Term Expires March 2016

**d. Economic Development: 1 Vacancy**

Candidate: Amy Thompson, Member-At-Large March 2016

**e. Housing Authority: 1 Vacancy**

Candidate: Charlotte DiLorenzo Term Expires March 2019

**f. Trustees of the Library: 2 Vacancies**

Candidate: Rod Crepeau Term Expires 2016

Candidate: Sandra Allen Term Expires 2016

**g. Veterans Memorial Trust: 3 Vacancies**

Candidate: Wayne Rosa Term Expires March 2016

Candidate: Rochelle Sharples Term Expires March 2016

Candidate: David Wade Term Expires March 2016

**h. Zoning Board of Adjustment: 3 Vacancies**

Candidate: Wayne Rosa Term Expires March 2016

Candidate: Chris Hawkins Term Expires March 2016

Candidate: Elaine Winn Term Expires March 2015

**Alternates** Candidates: None

**i. Strafford Regional Planning Commission Term Expires 2016**

Candidate: Eric Botterman

RECEIVED

FEB 12 2013

TOWN OF NEWMARKET  
ADMINISTRATORS OFFICE



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

Applicant's Name: Victoria Bram

Address: 12 Salmon St., #121 Phone/Cell 603-491-0633

RSA 669:19 Newmarket Registered Voter:  Yes  No # of Years as Resident: 1  
RSA 91:2 Are you an American Citizen?  Yes  No

Email address: fierychaom@gmail.com

Full membership (3 year term) position applying for Cemetery trustee

State what the new term expiration date is: March 2016

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

State what the new term expiration date is: 3/16

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

I was appointed to the Cemetery Trust Committee in the fall of last year. I would like a chance to serve the town of →

(need more room, please use the back)

Victoria Bram  
Signature

2/11/13  
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.

Newmarket considering my  
previous term ended so soon.

Please see my enclosed resumé  
for my professional and  
academic credentials.

Thank you!

Sincerely,  
Victoria

## **VICTORIA BRAM**

12 Salmon Street, Apt. 121, Newmarket, NH 03857  
603-491-0633 [fierychasm@gmail.com](mailto:fierychasm@gmail.com)

### **Work Experience**

March 2009 through Present

**Zoo New England, Boston MA (Franklin Park Zoo and Stone Zoo)**

*Director of Admissions & Membership*

- Manage department staff of 2 membership professionals, 3 admissions supervisors and 6-12 additional admissions staff members (depending on season).
- Formulate and control departmental revenue, expense and payroll budgets.
- Administer cash-handling, data entry and emergency response processes for the admissions booths and membership office.
- Administer accounts receivable for entire organization.
- Create and administer visitation and discount policies and reports.
- Promote highest standards of internal and external customer service.
- Manage yearly membership fundraising program.
  - Growth in member households and revenue every year since 2009.
  - Fundraising goal from 2011-2012 met and surpassed by add'l \$70,000.
  - Create monthly, yearly and ad hoc financial progress reports.
  - Weekly cash and check deposits, general ledger reports.
  - Analyze the membership base, trends and demographics.
  - Manage annual direct mail membership campaign (150K recipients)
- Member of Zoo New England's Safety and Conservation Committees and Green Sub-committee.

October 2007 through March 2009

**Zoo New England, Boston, MA (Franklin Park Zoo and Stone Zoo).**

*Membership Manager*

- Manage front line staff (Associates), relieving Associates at admissions booths and Supervisors during their breaks, delegating office work to Associates.
- Manage spring membership acquisition direct mail campaign.
- Administer accounts receivable for entire organization.
- Contribute to branding and marketing materials, writing articles for zoo newsletter.
- Report of membership quarterly/yearly renewal rates.
- Report on monthly online credit card sales of tickets and memberships.
- Receive, file, log and file membership orders.
- Customer relations, answer phones, mail and email.

September 2006 through May 2007

**Smith College Botanic Gardens, Northampton, MA**

*Assistant to the Collections Manager*

- Inventory and label plant species in greenhouses and on campus grounds
- Catalog information with collections database, BGBase.

- Utilize metal and plastic engraving machinery to manufacture labels for arboretum.
- June through August 2006

**Samaritans of Boston, Boston, MA**

*Suicide prevention hotline attendant and office aide*

- 16-24 hours per week on the phone, 1 full day per week of office work.
- Trained in crisis management and effective communication.

June through December 2005

**American Constitution Society for Law and Policy (ACS), Washington, D.C.**

*Assistant to the Executive Director*

- Order supplies for office and provide administrative support.
- Draft letters, filed, keep calendar, make travel arrangements, sort mail, and make/answer phone calls for Executive Director.
- Contact Board Members via email & phone. Plan meetings, events, conference calls.
- Assist in event coordination, including membership data-mining and logistical planning for the 2005 ACS National Convention. (Volunteered at 2006 and 2007 National Conventions as break-out panel captain.)
- Assist in the organization and dissemination of grant applications and communicating with organizational sponsors.

**Technological Skills**

- Microsoft Office suite, Google cloud applications, Photoshop, BGBase.
- Blackbaud software: Financial Edge accounting software, Raiser's Edge constituent database, Patron's Edge point-of-sales system, NetCommunity website admin.
- Constant Contact, iContact, CitySoft, some HTML formatting.

Accounts receivable, General Ledger, budget, sales and revenue reports, fundraising campaign reports, website data reports and analysis..

**Education**

Suffolk University, Boston, MA

- Masters in Public Administration; GPA: 3.96, 2011
- 2010 Outstanding MPA Student Award

Smith College, Northampton, MA

- Bachelor of Arts, Government, GPA: 3.34, 2007
- Studied during Fall semester 2005 at the American Political Science Association in Washington, DC
- Studied during Spring semester 2006 at the University of Edinburgh in Edinburgh, Scotland



RECEIVED

FEB 21 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: MICHAEL A. PROUST

Address: 16 BEECH STREET Phone/Cell 603-781-7166 (cell)

RSA 669:19 Newmarket Registered Voter:  Yes No # of Years as Resident: 40+

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

Email address: MARPRO75@COMCAST.NET

Full membership (3 year term) position applying for CEMETERY TRUSTEE

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: \_\_\_\_\_

4 YEARS ON BOARD - ATTENDANCE AT NH GRAVEYARD

ASSOCIATION SEWAGE - HISTORIC PRESERVATION BACKGROUND

(need more room, please use the back)

Michael A Proust  
Signature

2/20/13  
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.

RECEIVED

FEB 14 2013



TOWN OF NEWMARKET  
ADMINISTRATIVE

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

Applicant's Name: Bruce D. Fecteau

Address: 244 Ash Swamp Rd Phone/Cell 603-659-3182

RSA 669:19 Newmarket Registered Voter:  Yes  No # of Years as Resident: 60  
RSA 91:2 Are you an American Citizen?  Yes  No

Email address: BDF696569@Comcast.NET

\* Full membership (3 year term) position applying for Conservation Commission

State what the new term expiration date is: 3/2016

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: \_\_\_\_\_

Over the past 10 plus years I have served as a regular member, Vice Chairman, Chairman, and I believe my experience will be an asset to the Conservation Commission.

(need more room, please use the back)

Bruce Fecteau  
Signature

2-7-13  
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.

RECEIVED

MAR 13 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: Amy Thompson

Address: 109 Lang's Ln Phone/Cell (603) 817-3570

RSA 669:19 Newmarket Registered Voter:  Yes  No # of Years as Resident: 13

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

Email address: Amyt2465@aol.com

Full membership <sup>?</sup>  (3 year term) position applying for Economic Development Committee

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: \_\_\_\_\_

resident, business owner

(need more room, please use the back)

Amy Thompson  
Signature

3/13/2013  
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.

RECEIVED

FEB 26 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: Charlotte DiLorenzo

Address: 27 Doe Farm Lane Phone/Cell (603) 659-2140 H

RSA 669:19 Newmarket Registered Voter:  Yes No # of Years as Resident: 19  
RSA 91:2 Are you an American Citizen?  Yes No

Email address: cbdilorenzo@comcast.net

Full membership (3 year term) position applying for Housing Authority  
NHA Commissioner

State what the new term expiration date is: 2019

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: With  
more than 30 years Senior level Administrator  
experience in the affordable housing industry  
and one term as a NHA Commissioner I feel I  
am well qualified to serve as a Commissioner → over  
(need more room, please use the back)

Charlotte DiLorenzo  
Signature

2-23-2013  
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.

of the Newmarket Housing Authority. In my term which expires on 3/30/13 I feel I have been a valuable resource to the NHA by sharing best practices info with the Commissioners and the Executive Director. I would like to continue the work we have begun and I would be honored to serve another term.

Sincerely)

Charlotte Di Lorenzo, COS  
Certified Occupancy Specialist



RECEIVED  
Town of Newmarket  
FEB 12 2013  
OFFICE OF  
Town Clerk / Tax Collector

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

Applicant's Name: Roderick D. Crepeau

Address: 27 Hamel Farm Dr. Phone/Cell 659 5088

RSA 669:19 Newmarket Registered Voter:  Yes No # of Years as Resident: \_\_\_\_\_  
RSA 91:2 Are you an American Citizen?  Yes No

Email address: R.Crepeau@comcast.net

Full membership (3 year term) position applying for Trustee of the Library

State what the new term expiration date is: March 2015

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: Currently serving as Trustee of the library since June 2012 and as library treasurer. Prior library involvement includes being a long time patron. In my past experience as an elementary school principal I was involved with hiring library personnel, integration and use of technology, and library budget development.

(need more room, please use the back)  
[Signature] \_\_\_\_\_ 2/12/13  
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.

RECEIVED

MAR -7 2013



CLERK'S OFFICE

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

Applicant's Name: Sandra Allen

Address: 49 Bass St. Phone/Cell 659-5021

RSA 669:19 Newmarket Registered Voter:  Yes  No # of Years as Resident: 45  
RSA 91:2 Are you an American Citizen?  Yes  No

Email address: sandyallen324@hotmail.com

Full membership (3 year term) position applying for library trustee

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: \_\_\_\_\_

- \* Currently a library trustee (since 2011)
- \* B.A. in English Lit. and M.A. in Engl Ed
- \* Fifteen years teaching English + Amer lit.
- \* Past service on several other town boards - school, budget, etc.

(need more room, please use the back)

Sandra Allen  
Signature

3/5/12  
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.*

RECEIVED

FEB 28 2013

TOWN OF NEW MARKET  
ADMINISTRATOR'S OFFICE



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

Applicant's Name: WAYNE ROSA

Address: 340 WADLEIGH FALLS RD Phone/Cell 659 5398

RSA 669:19 Newmarket Registered Voter:  Yes No # of Years as Resident: 47

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

Email address: JAN RANDYE @ COMCAST.NET

Full membership (3 year term) position applying for VETERANS MEMORIAL

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: \_\_\_\_\_

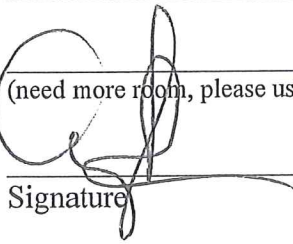
I feel the following experience and background qualifies me for this position: \_\_\_\_\_

SERVED PREVIOUSLY ON THIS COMMITTEE

\_\_\_\_\_

\_\_\_\_\_

(need more room, please use the back)

  
Signature

2-28-13  
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.*



RECEIVED

MAR - 4 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: Rochelle M Sharples

Address: 10 Lamprey River Park Phone/Cell 659-6162

RSA 669:19 Newmarket Registered Voter:  Yes No # of Years as Resident: 38  
RSA 91:2 Are you an American Citizen?  Yes No

Email address: Rmsharples@comcast.net

Full membership (3 year term) position applying for Veterans TRUST COMM.

State what the new term expiration date is: 2016

Alternate position (3 year term) position applying for N/A

State what the new term expiration date is: N/A

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

Served on the comm for several years now & enjoy working with this group on Veteran's projects. my employment @ the American Legion allows us to work directly with the

(need more room, please use the back)

Rochelle M Sharples  
Signature

3-14-13  
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.

RECEIVED

MAR 1 - 1941

AMERICAN LEGION

American Legion family" on several projects &  
getting awareness out there about our comm.

RECEIVED

MAR 12 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: DAVID WADE

Address: 344 WADLEIGH FALLS RD. Phone/Cell 603-205-5314

RSA 669:19 Newmarket Registered Voter:  Yes  No # of Years as Resident: 21  
RSA 91:2 Are you an American Citizen?  Yes  No

Email address: dave.wade@myfairpoint.net

Full membership (3 year term) position applying for VETERANS committee

State what the new term expiration date is: MARCH 2016

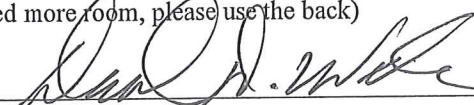
Alternate position (3 year term) position applying for \_\_\_\_\_

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

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

VETERAN - USMC, LOCAL BUSINESS OWNER  
SERVED ON THIS COMMITTEE THE PREVIOUS  
2 YEARS

(need more room, please use the back)

  
Signature

3-11-13  
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.*

RECEIVED

FEB 28 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: WAYNE ROZA

Address: 340 WATTLEBUSH FALLS RD Phone/Cell 659 5398

RSA 669:19 Newmarket Registered Voter:  Yes No # of Years as Resident: 47  
RSA 91:2 Are you an American Citizen?  Yes No

Email address: JAN RANDOYE@COMCAST.NET

Full membership (3 year term) position applying for ZBA

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: \_\_\_\_\_

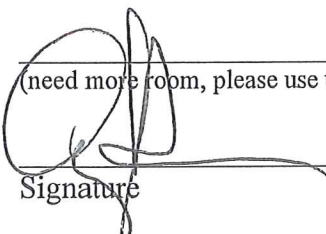
I feel the following experience and background qualifies me for this position: \_\_\_\_\_

SERVED PREVIOUSLY ON THIS COMMITTEE

\_\_\_\_\_

\_\_\_\_\_

(need more room, please use the back)



Signature

2-28-13  
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.*

RECEIVED

MAR - 5 2013

TOWN OF NEWMARKET  
ADMINISTRATOR'S OFFICE



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

Christopher D. Hawkins

Applicant's Name: \_\_\_\_\_

Address: 10 Huckins Dr., Newmarket Phone/Cell 659-2818

RSA 669:19 Newmarket Registered Voter:  Yes  No # of Years as Resident: 17+  
RSA 91:2 Are you an American Citizen?  Yes  No

Email address: chrishawkins64@msn.com

Full membership (3 year term) position applying for ZBA

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: \_\_\_\_\_

Town Council 2000-2003; Newmarket Tomorrow Committee 2000; ZBA 2011-13;

Charter Commission 2005 or 2006; Newmarket Veterans Memorial Trust 2004?

Dam removal study committee; School Board 2004-2007. Chairs ZBA; chaired

School Board and NTC; secretary of Charter Commission

(need more room, please use the back)

  
Signature

3/4/13  
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.

RECEIVED

FEB 28 2013

TOWN OF NEW MARKET  
ADMINISTRATOR'S OFFICE



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

Applicant's Name: ELAINE B. WINN

Address: 274 BAY ROAD, P.O. BOX 376 Phone/Cell 603-380-2817

RSA 669:19 Newmarket Registered Voter:  Yes No # of Years as Resident: 1  
RSA 91:2 Are you an American Citizen?  Yes No

Email address: elainebwinn@gmail.com

Full membership (3 year term) position applying for ZBA BOARD

State what the new term expiration date is: 2015

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: As a resident of Hampton Falls, NH, I was secretary of the Planning and Zoning Boards, with training in Concord, and was active in community affairs. I'm concerned about retaining our small-town "country" feeling as the town progresses.  
(need more room, please use the back)

Elaine B. Winn  
Signature

2/28/13  
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.

ELAINE B. WINN  
P.O. Box 376  
274 Bay Road  
Newmarket, NH 03857  
Cell: 603/380-2817 e-mail: elainebwinn@gmail.com

### EDUCATION

Tufts University, Medford, MA- AB in languages (French, English)

Graduate of the John Robert Powers School, Boston, MA

Graduate of Del Mar Media Arts, Irvine, CA

### WRITING / PUBLISHING EXPERIENCE

- Salem Evening News, Salem, MA - General Reporter, Features, Theatre Reviews
- WENH-TV, Durham, NH, Channel 11, Public Television- Public Relations Director, Program Guide Editor, On Air Hostess for "Magazine", a weekly in-house production  
Produced their first program guide from inception to hard copy  
Wrote all PR materials for "Antiques with George Michael"
- Seldin Publishing, Placentia, CA, Hardcopy Magazine- monthly column
- Broadway My Way & Animal Crackers, Orange, CA- Wrote and performed original scripts for live comedy performances of original characters
- AMERICA TONIGHT - scriptwriter for first joint American/Russian TV programming for Russian viewers
- National Video Subscription, Anaheim, CA- Commercial TV scripts
- The Mitchell Group, Los Angeles, CA- Video/corporate marketing scripts
- Producer/Executive Director- Miss Essex County Pageant, an official Miss America Preliminary,  
wrote and published 25th anniversary program book
- Northeast Field Director, Miss America Scholarship Pageant State Board of Directors for Massachusetts
- HISTORIC HOMES OF HAMPTON FALLS. Commissioned by Hampton Falls Historical Society,  
June 1997
- EARLY AMERICAN INDUSTRIES ASSOCIATION SIXTIETH ANNIVERSARY HISTORY 1958-1993, Early American Industries Association, S. Dartmouth, MA, May, 1998
- Editor of The White Spire, newsletter of Hampton Falls First Baptist Church, 2002-2009

### ADDITIONAL

Professional Platform Speaker/ Mistress of Ceremonies

Speech writer for business, civil and fraternal groups

Local, Area, and District Champion, Founder's District, Toastmaster's International, Tall Tales Category

Former secretary for Planning Board and Zoning Board, Hampton Falls, NH

Chaired Hampton Falls, NH, Bandstand Committee- built bandstand on privately collected funding, with no cost to tax payers.

Recently returned from two years voluntary mission service aboard hospital ship *The Africa Mercy*, writing core material for fundraising for Mercy Ships, a non-profit organization



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

Applicant's Name: ERL BOTTERMAN

Address: 3 RAYMOND LANE Phone/Cell 978 463-8980

RSA 669:19 Newmarket Registered Voter:  Yes  No # of Years as Resident: 26

Email address: EBOTTERMAN@MEI-MA.COM

Full membership (3 year term) position applying for Stafford Regional Planning

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

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

State what the new term expiration date is: MARCH 2017

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

AS A REGISTERED PROFESSIONAL ENGINEER I HAVE PREPARED NUMEROUS  
SUBMITTALS TO PLANNING BOARDS IN BOTH NEW HAMPSHIRE AND  
MASSACHUSETTS. I ALSO SERVED FOR 3 YRS ON THE PLANNING BOARD  
AS THE TOWN COUNCIL'S REP.

(need more room, please use the back)

Erl Botterman

8/27/12

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.



The signatures of the Appointing Official(s) listed below confirm that the above named individual(s) shall be appointed as the Town of Newmarket representative(s) of the Strafford Regional Planning Commission.

Appointee: ERIC BOTTERMAN

Mailing Address: 8 RAYMOND ROAD

Phone Number: (978) 463-8980

Email: EBOTTERMAN@MEI-MA.COM

Expiration Date: MARCH 19, 2017

Appointee: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Expiration Date: \_\_\_\_\_, 20

\_\_\_\_\_  
Appointing Official:  
Date:

\_\_\_\_\_  
Appointing Official:  
Date:

\_\_\_\_\_  
Appointing Official:  
Date:

Kathy Castle

---

**From:** Diane Hardy [dhardy@newmarketnh.gov]  
**Sent:** Wednesday, March 20, 2013 4:17 PM  
**To:** Kathy Castle; Steve Fournier  
**Subject:** Appointment to the Strafford Regional Planning Commission

Dear Kathy and Steve,

At last night's meeting, the Planning Board nominated Eric Botterman to serve as the Town's representative to the Strafford Regional Planning Commission. The representatives are nominated by the Planning Board and are appointed by the Town Council. The terms of office is 4 years. Eric will be replacing Rose-Ann Kwaks whose term expired on 9/2012.

Please include this nomination on the next Town Council agenda. Thank you. I have the letter from Cynthia Copeland that I will give to you. There is a form on the back that will need to be filed out with the appropriate information that will need to be signed by the Town Council.

*Diane Hardy*

BARRINGTON  
BROOKFIELD  
DOVER  
DURHAM  
FARMINGTON  
LEE  
MADBURY  
MIDDLETON  
MILTON



**REGIONAL PLANNING  
COMMISSION**

NEW DURHAM  
NEWMARKET  
NORTHWOOD  
NOTTINGHAM  
ROCHESTER  
ROLLINSFORD  
SOMERSWORTH  
STRAFFORD  
WAKEFIELD

January 15, 2013

Newmarket Town Council  
186 Main Street  
Newmarket NH 03857



Dear Council Members:

As prescribed by RSA 36:46-III: Each municipality which shall become a member of a regional planning commission shall be entitled to 2 representatives on said commission. A municipality with a population over 10,000 but less than 25,000 shall be entitled to have 3 representatives on said commission and a municipality with a population over 25,000 shall be entitled to have 4 representatives on said commission. Population as set forth in this section shall be deemed to be determined by the last federal census. The estimated 2009 population for the Town of Newmarket was 9,460 and based upon this estimate, the Town of Newmarket is entitled to 2 representatives.

Representatives to a regional planning commission shall be nominated by the planning board of each municipality from the residents thereof and shall be appointed by the municipal officers of each municipality. Representatives may be elected or appointed officials of the municipality. The terms of office of members of a regional planning commission shall be for 4 years. Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments. Municipalities may also appoint alternate representatives.

Our records indicate that one of your appointments has expired and there is a vacancy, as shown below:

<u>Name</u>	<u>Expiration</u>
<i>Rose-Ann Kwaks</i>	<i>Expired 9/2012</i>
<i>Vacancy</i>	

Once you have appointed your Commissioner(s), please forward the information to this office. If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Cynthia Copeland, Executive Director  
Strafford Regional Planning Commission

Cc:  
Planning Board  
Rose-Ann Kwaks, Diane Hardy  
Stephen Fournier

Thank you for your support!



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
April 3, 2013 7:00 p.m.  
Council Chambers**

**9. New Business/Correspondence**

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

**i. Review of Standing Committees and Council Representatives**

- a. Highway Safety
- b. Conservation Commission
- c. CIP
- d. Efficiency Committee
- e. Advisory Heritage Commission

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

- i. Resolution #2012/2013-51 Withdrawal of \$26,730 Replacement of Waterline at North Main Street
- ii. Resolution #2012/2013-52 Building Permit Fee Schedule
- iii. Resolution #2012/2013-53 Submission of Application to the NH Drinking Water SRF for \$2,502,600 Development of MacIntosh Well (TA Request Suspend Rules)
- iv. Resolution #012/2013-54 Submission Application NH Clean Water SRF \$14,100,000 Upgrading Wastewater Treatment Plant (TA Request Suspend Rules)
- v. 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

**c. Correspondence to the Town Council**

**d. Closing Comments by Town Councilors**

**10. Adjournment**

**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:*  
*Approval:*

\_\_\_\_\_  
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:*  
*Approval:*

---

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 #2012/2013-53**

**APPROVING A SUBMISSION OF AN APPLICATION TO THE NEW  
HAMPSHIRE DRINKING WATER STATE REVOLVING FUND PROGRAM IN  
THE AMOUNT OF \$2,502,600 FOR THE DEVELOPMENT OF THE  
MACINTOSH WELL PROJECT AND AUTHORIZING THE ADMINISTRATOR  
TO SIGN SAID LOAN DOCUMENTS**

**WHEREAS**, Section 5.11 of the Newmarket Town Charter enables the Town Council to authorize all borrowing of funds and further stipulates that for the purposes of borrowing, the Town of Newmarket shall have all the powers and duties vested with a city; and

**WHEREAS**, the Town of Newmarket, after thorough consideration, hereby determined that developing the Macintosh Well is desirable and in the public interest, and to that end it is necessary to apply for assistance from the State Revolving Fund (SRF); and

**WHEREAS**, in addition to the SRF loan, the Town of Newmarket desires to apply for any and all State and Federal loans and grants that may assist in funding this project; and

**WHEREAS**, the Town of Newmarket expects to receive principal debt forgiveness on the SRF loan for approximately 20 percent of the total completed Macintosh Well Development Project in the amount of approximately Five Hundred Thousand, Five Hundred and Twenty Dollars (\$500,520), or 20 percent of the value of the SRF loan; and

**WHEREAS**, the Town of Newmarket has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter ENV-DW 1100, which relateS to loans from Drinking Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith.

**NOW, THEREFORE BE IT RESOLVED**, that the Newmarket Town Council does approve this resolution as follows:

1. That the Town Administrator is hereby authorized on behalf of the Town of Newmarket to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapter Env-DW 1100; and
2. That the Town Administrator is hereby authorized on behalf of the Town of Newmarket to file any other grant or loan applications that may assist in funding this project; and
3. That if such loan be made, the Town of Newmarket agrees to repay the loan as stipulated in the loan agreement; and

4. That said Town Administrator is hereby authorized to furnish such information and to take such other action as may be necessary to enable the Town of Newmarket to qualify for the loan; and
5. That said Town Administrator is hereby designated as the authorized representative of the Town of Newmarket for the purpose of furnishing such information, data, and documents pertaining to the application for a loan as may be required; and otherwise to act as the authorized representative of the Town of Newmarket in connection with this application; and
6. That certified copies of this Resolution shall be included as part of the application to be submitted for a loan; and
7. That if such loan be made, the Town of Newmarket agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

*First Reading:*            *April 3, 2013*  
*Second Reading:*        *April 3, 2013*  
*Approval:*                *April 3, 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 #2012/2013-54**

**APPROVING A SUBMISSION OF AN APPLICATION TO THE NEW HAMPSHIRE CLEAN WATER STATE REVOLVING FUND PROGRAM IN THE AMOUNT OF \$14,100,000 FOR UPGRADING THE WASTE WATER TREATMENT FACILITY PROJECT AND AUTHORIZING THE ADMINISTRATOR TO SIGN SAID LOAN DOCUMENTS**

**WHEREAS**, Section 5.11 of the Newmarket Town Charter enables the Town Council to authorize all borrowing of funds and further stipulates that for the purposes of borrowing, the Town of Newmarket shall have all the powers and duties vested with a city; and

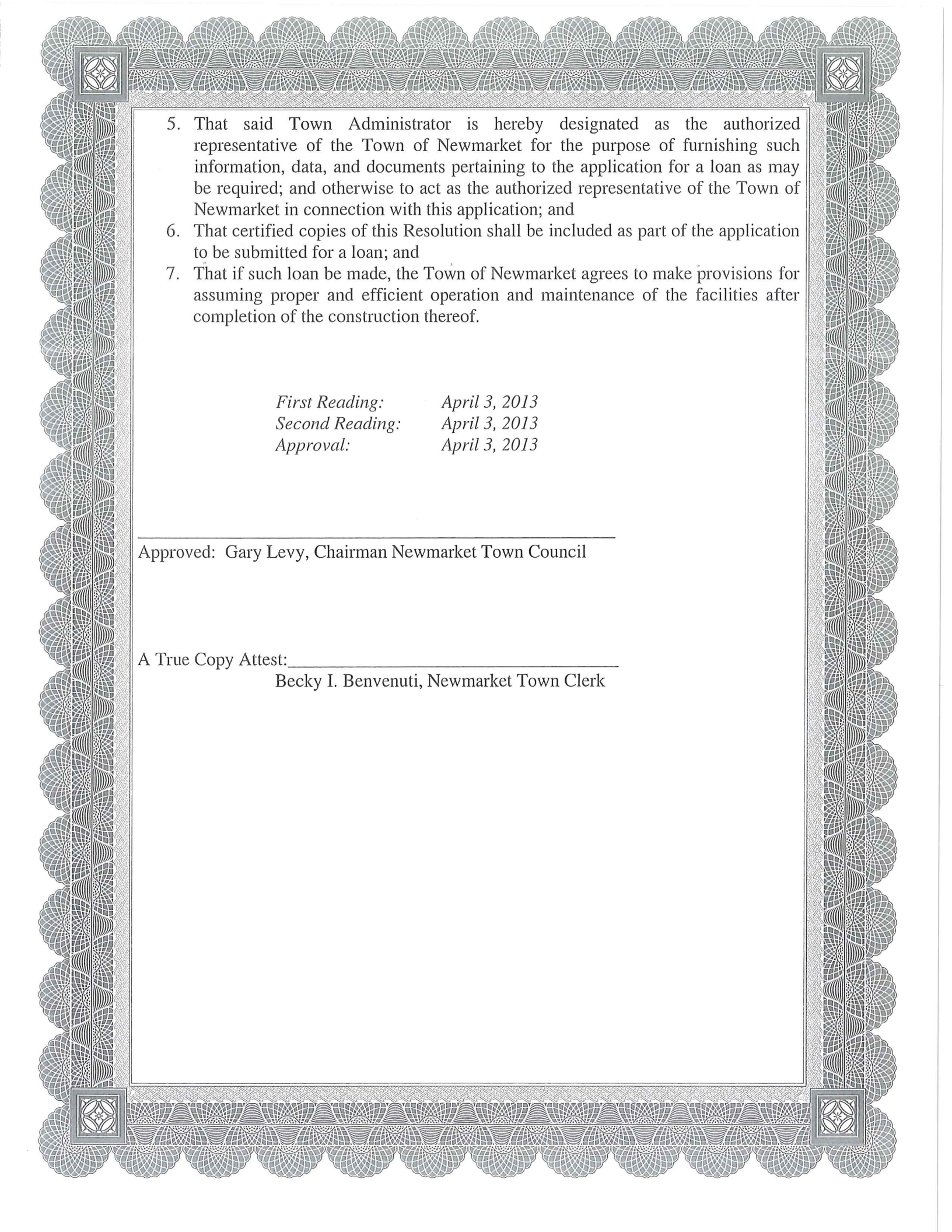
**WHEREAS**, the Town of Newmarket, after thorough consideration, hereby determined that upgrading the waste water treatment facility is desirable and in the public interest, and to that end it is necessary to apply for assistance from the Clean Water State Revolving Fund (SRF); and

**WHEREAS**, in addition to the SRF loan, the Town of Newmarket desires to apply for any and all State and Federal loans and grants that may assist in funding this project; and

**WHEREAS**, the Town of Newmarket has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter ENV-Wq 500, which relate to loans from State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith.

**NOW, THEREFORE BE IT RESOLVED**, that the Newmarket Town Council does approve this resolution as follows:

1. That the Town Administrator is hereby authorized on behalf of the Town of Newmarket to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq 500; and
2. That the Town Administrator is hereby authorized on behalf of the Town of Newmarket to file any other grant or loan applications that may assist in funding this project; and
3. That if such loan be made, the Town of Newmarket agrees to repay the loan as stipulated in the loan agreement; and
4. That said Town Administrator is hereby authorized to furnish such information and to take such other action as may be necessary to enable the Town of Newmarket to qualify for the loan; and

- 
5. That said Town Administrator is hereby designated as the authorized representative of the Town of Newmarket for the purpose of furnishing such information, data, and documents pertaining to the application for a loan as may be required; and otherwise to act as the authorized representative of the Town of Newmarket in connection with this application; and
  6. That certified copies of this Resolution shall be included as part of the application to be submitted for a loan; and
  7. That if such loan be made, the Town of Newmarket agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

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

---

Approved: Gary Levy, Chairman Newmarket Town Council

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

Firm Name	Audit Service							Single Audit						
	2013	2014	2015	2016	2017	2018	Total	2013	2014	2015	2016	2017	2018	Total
Macpage, LLC	25,500	26,000	26,500	27,000	27,500	28,000	160,500	3,000	3,000	3,000	3,000	3,000	3,000	18,000
Vachon Clukay & Co., PC	26,966	27,210	27,840	28,470	29,688	30,400	170,574	2,814	2,870	2,940	3,002	3,124	3,196	17,946
Plodzic & Sanderson, PA	23,750	24,900	26,100	26,800	27,600	28,400	157,550	1,500	2,500	2,500	2,750	2,750	2,750	14,750
Roberts & Greene, PPLC	25,950	26,550	27,200	27,925	28,675	29,350	165,650	2,000	2,000	2,000	2,250	2,250	2,500	13,000

 = Low Cost Bidder