



**Town of Newmarket, New Hampshire  
Town Council Business Meeting  
August 7, 2013 Council Chambers**

**6:15 p.m. NON-PUBLIC RSA 91-A:3 II**

**AGENDA: 7:00 p.m.**

- 1. Pledge of Allegiance**
- 2. Public Forum**
- 3. Public Hearing:**
  - a. Resolution #2012-2013-60 Increase of Sewer Rates
  - b. 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
- 4. Town Council to Consider Acceptance of Minutes**
  - a. July 24, 2013 WS
- 5. Report of the Town Administrator**
- 6. Old Business**
  - a. **Ordinances and Resolutions in the 2<sup>nd</sup> Reading**—*Item(s) Council may act upon this evening*
    - i. Resolution #2013/2014-01 Granting the Interim Finance Director Authority to Undertake Small Claims Action Against Justin May for Recovery of Unpaid Police Detail Fees
    - ii. Resolution #2013/2014-02 Repair and Maintenance of the George M. Stevens Tower Clock
    - iii. Resolution #2013/2014-03 Establishing a Recreation Revolving Fund
    - iv. Resolution #2013/2-14-04 Withdrawal of \$99,000 from the Public Works Capital Reserve Fund to Purchase a Trackless Sidewalk Plow/Trackless
    - v. Resolution #2013/2014-05 Authorize the Town Administrator to Enter Into a Two-Year Agreement with Municipal Resources Inc. (MRI) for Assessing Services

- vi. Resolution #2013/2014-06 Withdrawal of \$10,000 from Sewer Impact Fees for Engineering Services of Bay Road Force Main
- vii. Resolution #2013/2014-08 Release of \$14,148 of Comcast Franchise Fees

**6. Old Business Continued;**

**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 (**Tabled March 6, 2013**) (**Public Hearing Item**)
- ii. Resolution #2012/2013-60 Increase Sewer Rates (**Tabled July 10, 2013**)(**Public Hearing Item**)
- iii. Resolution #2012/2013-63 Acceptance of a Grant from the Conservation Law Foundation and Authorization of the Town Administrator to Enter Into an Engineering Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis (**Tabled July 10, 2013**) (**Revised**)

**7. New Business/Correspondence**

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

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

- i. Resolution #2013/2014-12 withdrawal of an Amount Not to Exceed \$8,000 From the Building Improvements Capital reserve Fund for the Purpose of Replacing Carpeting
- ii. Resolution #2013/2014-13 Awarding #2 Heating Oil, Liquid Propane, Regular Gasoline, and clear Diesel Contracts
- iii. Resolution #2013/2014-14 Agreement with Wright-Pierce for Engineering Services for the Upgrade of the Waste Water Treatment Facility

**c. Correspondence to the Town Council**

**d. Closing Comments by Town Councilors**

**8. Adjournment**

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



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Council Chambers**

**6:15 p.m. NON-PUBLIC RSA 91-A:3 II**

**1. Pledge of Allegiance**

**2. Public Forum**

**3. Public Hearing:**

a. Resolution #2012-2013-60 Increase of Sewer Rates

b. 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

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

NEWMARKET TOWN COUNCIL  
Public Hearing  
Wednesday, August 7, 2013  
7:00 p.m. Council Chambers

The Newmarket Town Council will hold a public hearing on Wednesday, August 7, 2013 at the Newmarket Town Hall, Council Chambers, 186 Main Street, Newmarket, NH, regarding Resolution #2012/2013-60 Increase of Sewer Rates.

Sewer users will be billed \$7.74 per 100 cubic feet of water consumed, plus \$6.00 per unit per quarter system charge

Those persons who are unable to attend the Public Hearing on August 7, 2013 are urged to provide their comments in writing no later than Monday, August 5, 2013 to:

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

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**  
**Resolution #2012/2013-60**  
**Increase of Sewer Rates**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, the Newmarket Town Council does hereby approve the following sewer rates to be effective September 1, 2013:

Sewer users will be billed \$7.74 per 100 cubic feet of water consumed,  
plus \$6.00 per unit per quarter system charge.

First Reading Date:	June 5, 2013
Second Reading Date:	July 10, 2013
Final Action by Council:	July 10, 2013 <b>(Tabled)</b>
Public Hearing:	August 7, 2013
Final Action by Council:	August 7, 2013

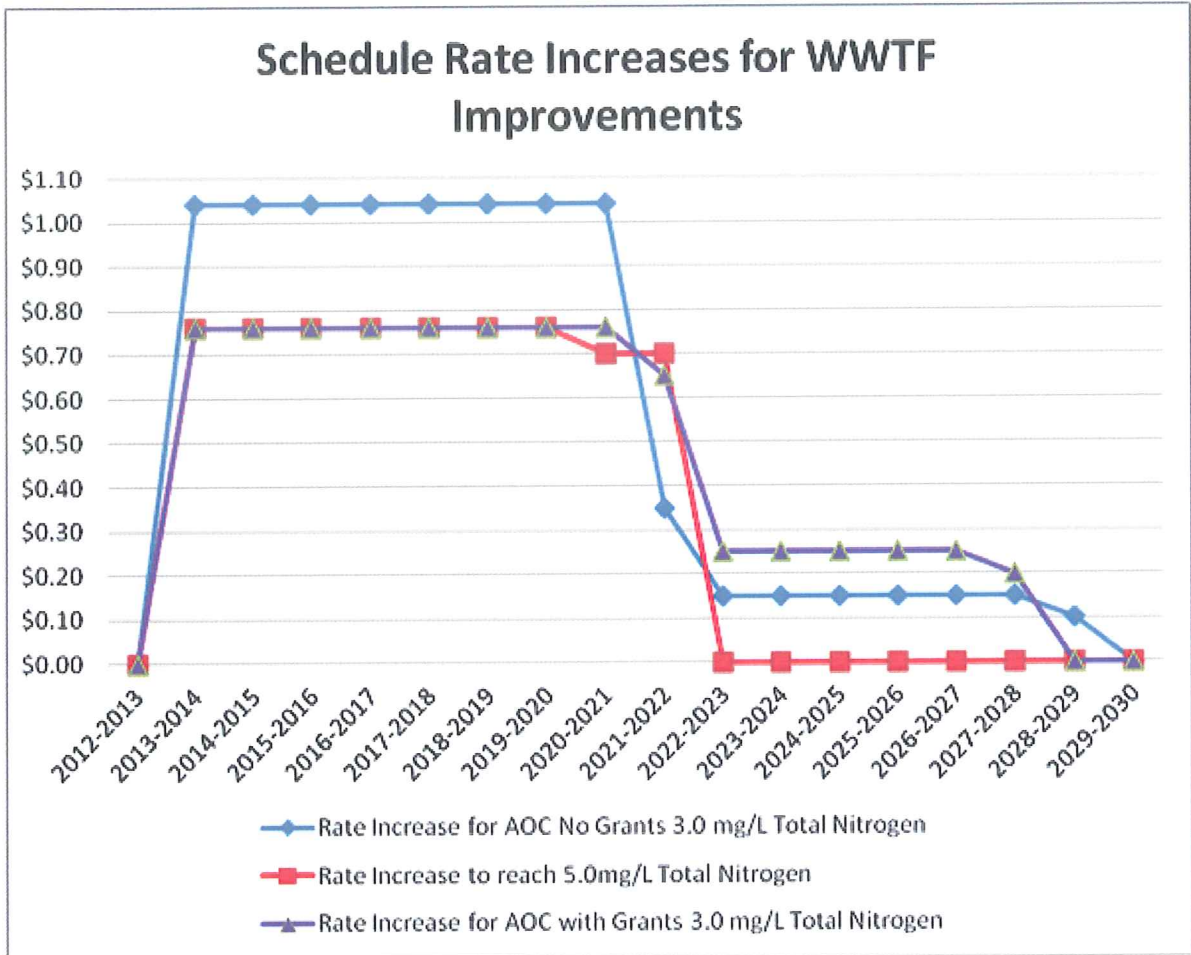
Approved: \_\_\_\_\_  
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Town Clerk

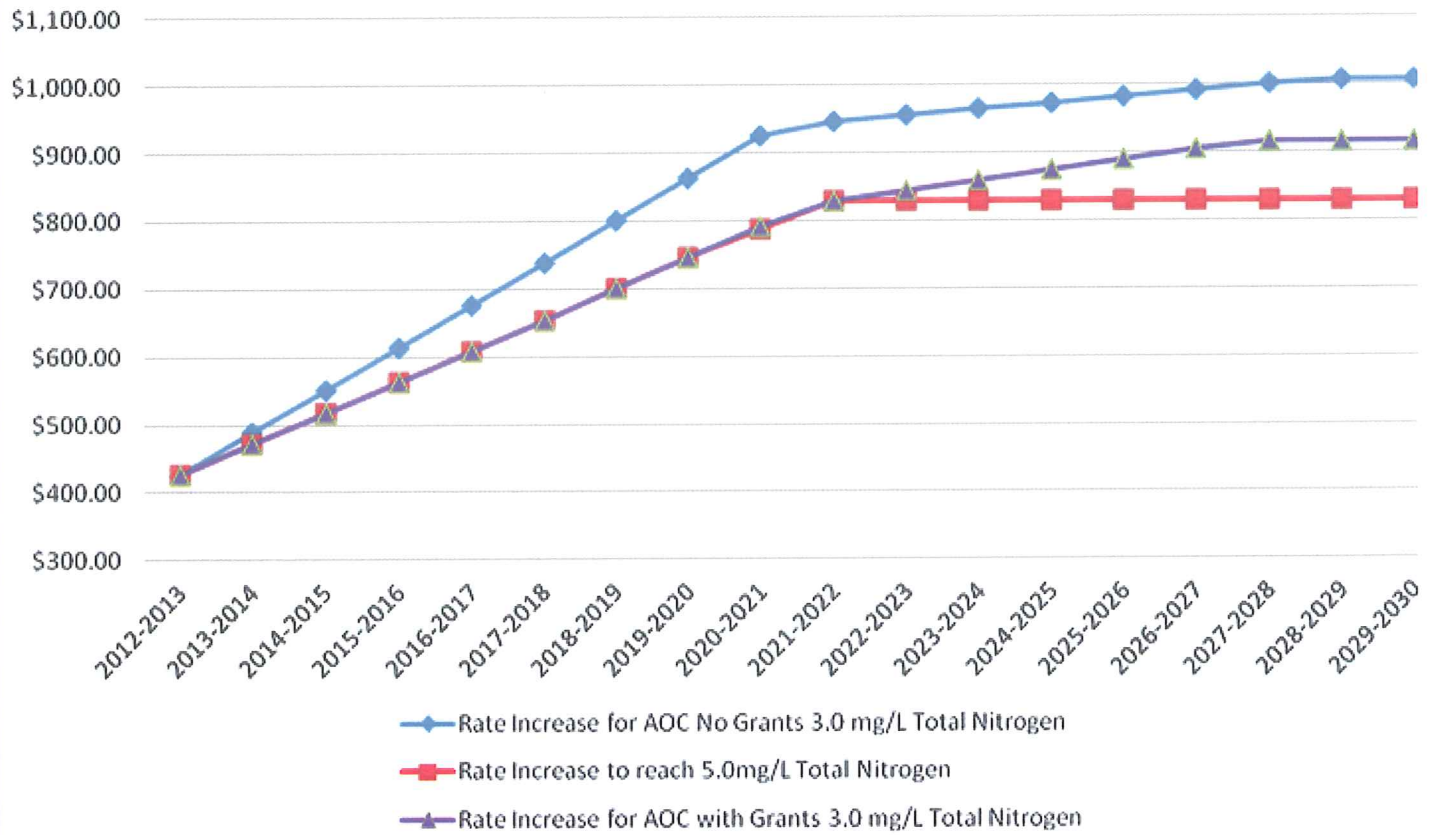
**Steve Fournier**

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**From:** Sean Greig <sgreig@newmarketnh.gov>  
**Sent:** Wednesday, July 31, 2013 9:39 AM  
**To:** sfournier@newmarketnh.gov  
**Subject:** Rate Increase Schedules



## Scheduled Rate Increases for WWTF Improvements



LEGAL NOTICE  
NEWMARKET TOWN COUNCIL

Wednesday, August 7, 2013 Town Council Chambers  
7:00 P.M.

There will be a public hearing to amend Ordinance #2012-2013-02 **Title III: Land Use Code and Regulations, Chapter IV: Zoning Ordinance** in accordance with RSA 675:2, RSA 675:6 and RSA 675:7. The purpose of these amendments is to expand the mixed-use functions of the downtown village area and reinforce its pedestrian scale and historic character. The proposed amendments are described below:

**Chapter VI: Zoning Ordinance**

- A. **Section 1.04 Zoning Map** – Change a portion of the B-1 and R-2 Zoning Districts to a M-2 A classification.
- B. **Section 1.09 Special Use Permits** – Amend to allow multi-family residential and mixed-use development with three or greater residential units within the M-2 A Zoning District by Special Use Permit granted by the Planning Board.
- C. **Section 2.03 M-2 A District** – Modify purpose, standards and provisions pertaining to parking, setbacks, permitted uses, and height restrictions, and incorporate the provisions of the current Section 5.08 Downtown Commercial Overlay District which promote street level commercial space.
- D. **Dimensions Table:** Modify to reduce the height restriction in the M-2 A District from 50 to 35 feet and add a clarifying footnote.
- E. **Table of Permitted Uses:** Add additional permitted uses in the M-2 A and B-1 District and clarifying footnotes.
- F. **Section 5.08 – Downtown Commercial Overlay District** – Incorporate requirements into Section 2.02 M-2 A District.
- G. **Section 7.02 Mixed Use Development** – Revise standards.

The full text of the proposed amendments is available at the Planning Office of the Newmarket Town Hall during normal business hours and online at [www.newmarketnh.gov](http://www.newmarketnh.gov). Property owners, abutters, interested parties and the public are invited to attend.



**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 2.03 M-2A 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 uses, 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 uses 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.

**WHEREAS**, at the July 24, 2013 Town Council meeting, several amendments were voted on to be considered at a Public Hearing to be scheduled on Wednesday, August 7, 2013.

**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 A 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 “§ 2.03 M-2 A District, (B) (2) (a) for Multi-family residential use and (b) for Mixed-use development with three or greater residential units.” Renumber other Sections in (2) accordingly.*

2. *Amend SECTION 1.09 SPECIAL USE PERMIT, by adding a new paragraph (B), which contains additional Special Use Criteria pertaining to (1) Site suitability, (2) External Impacts, and (3) Fiscal Impacts relative to Section 2.03 (a) and (b). Renumber the existing paragraph (B), paragraph (C).*

#### SECTION 2.02 M-2 DISTRICT.

*Retain the existing Section 2.02 M-2 District, as written.*

#### SECTION 2.03 M-2 A DISTRICT.

*Insert a new SECTION 2.03 M-2 A District as follows. Renumber the existing Section 2.03 through Section 2.11 to Section 2.04 through Section 2.12 accordingly.*

1. Modify paragraph (A) Purpose of M-2 A District to recognize the need to “expand” the commercial, social, civic and residential functions of the downtown and the historic nature of the “town”.
2. Modify paragraph (B) Permitted Uses (2) 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. **Copy and Move** existing Section 2.02 M-2 District Paragraph (C ) 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. (This has already been implemented by the Planning Board.)
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.
6. **Revise language in paragraph (B) Permitted Uses. (2) (a) and (b) to make the requirement of having a Fiscal Impact Study and Market Study, which will not have a negative fiscal impact on the Town mandatory, as a requirement of securing a Special Use Permit.**
7. **Add a new subparagraph to Section 2.03 M-2 (B) Permitted Uses. (2) (f) limiting multi-family residential condominium units to no larger than 1,200 square feet and not having more than 2 bedrooms. Also, add**

language limiting apartments to no larger than 1,000 square feet and not having more than 2 bedrooms.

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

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

1. *Add a new column for the M-2 A Zoning District, and include all the permitted uses that are currently allowed in the M-2 District.*
2. *Make “research and development” an allowed use in the M-2 A Zoning District.*
3. *Allow “civic use” in the B-1 District.*
4. *Allow “fraternal organization” in the M-2 A and B-1 Districts.*
5. *Allow “office complex” in the M-2 A and B-1 District.*
6. *Make “Multi-family residential” a use permitted by Special Use Permit in the M-2 A Zoning District, pursuant to Section 2.03 (B) (2).*
7. *Delete “Student Housing” from the Table.*
8. *Add “Commercial Amusement” to the B-1 District.*
9. *Make “Automotive Repair” a permitted use in the M-2 A District.*
10. *Add Mixed Use Development to the Table, which are permitted in the M-1, M-2, M-2 A, M-3, and M-4 District and a new Footnote 7.*
11. *Add a new Footnote 6 that states “See M-2 A District requirements for Special Use Permit allowing multi-family residential and mixed-use development involving three or greater residential units in Section 2.03 M-2 A District. (B) (2)”*
12. *Add a new Footnote 7 for Mixed Use Developments that states “See Section 7.02 for requirements”.*

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

1. *Leave M-2 Zone as is and add a new column titled M-2A Zone.*
2. *Incorporate all of the existing M-2 requirements into the M-2A Zone, except make the Maximum Structure Height in the M-2A Zone “35” feet.*
3. *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 A** District to match the conformity of adjacent buildings, through the issuance of a Special Use Permit pursuant to **Section 2.03 (D)**.”*

**SECTION 5.08 DOWNTOWN COMMERCIAL OVERLAY DISTRICT.**

1. **Retain the existing Section 5.08 Downtown Commercial Overlay District as it now applies to the existing M-2 Zoning District which will remain unaltered.**

**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. *Existing Paragraph ( C ) (1) and (2) remain as is and re-numbered as Paragraph (B) (1) and (2). Delete existing 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. *Add a new paragraph ( C ) which restricts mixed use development within the M-2 A zone with three (3) residential units or greater unless it can be shown by the completion of a Fiscal Impact Study and Market Analysis that the entire new development will have a positive fiscal impact compared to current tax revenues.*

This Ordinance shall become effective upon its passage.

Introduction Date: February 6, 2013

Public Hearing: February 20, 2013

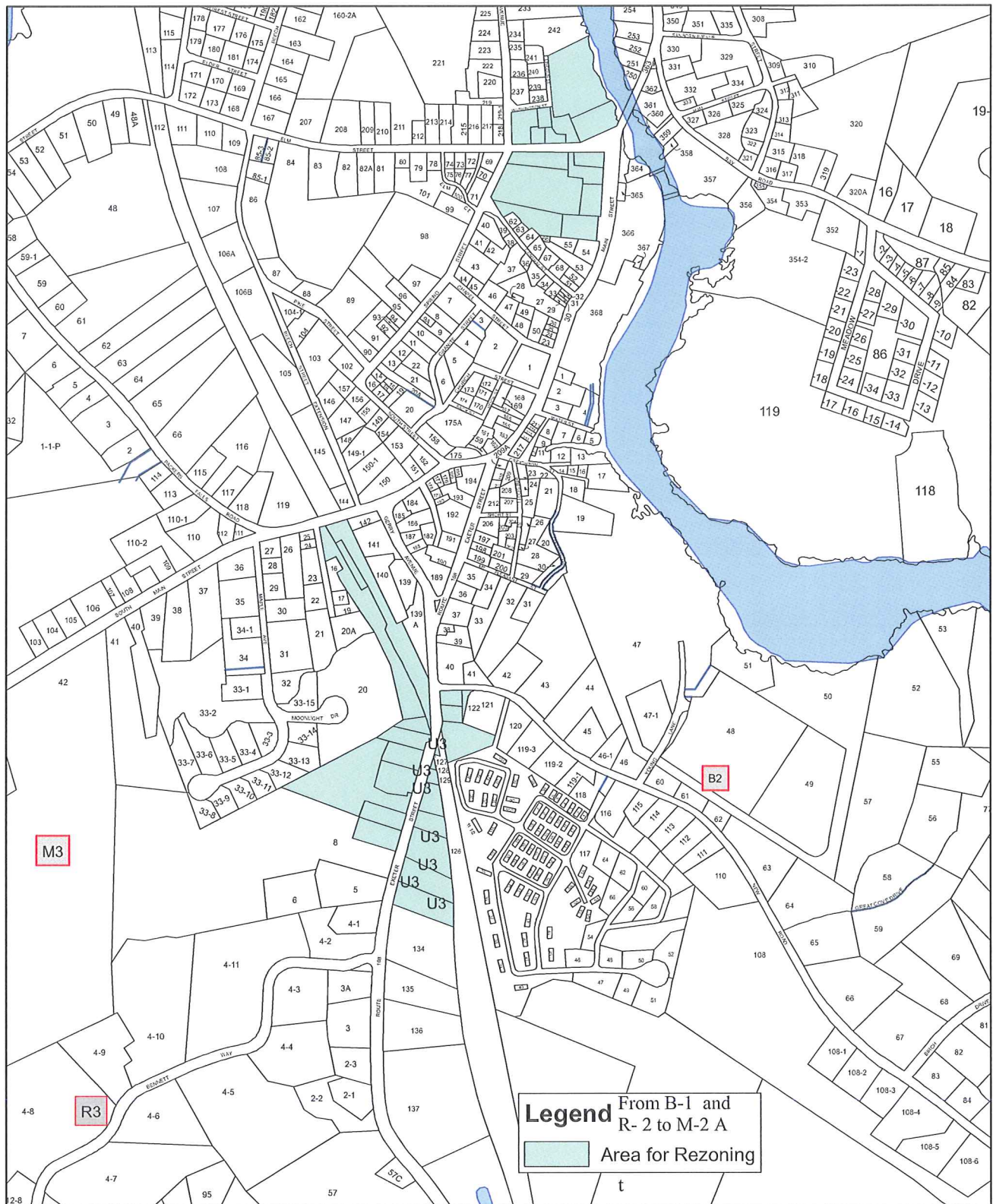
Action by Council: March 6, 2013 (Tabled)

Public Hearing: August 7, 2013

Final Action by Council: August 7, 2013

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

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Town Clerk



# Route 108 Corridor - Newmarket

Town of Newmarket  
 Office of the Planning Board  
 186 Main Street, Newmarket NH 03857  
 www.newmarketnh.gov  
 603-659-8501

0 250 500 1,000 Feet Revised 7/24/2013



Proposed Changes to TABLE OF PERMITTED USES – July 24, 2013 TC Public Hearing Draft

TABLE OF PERMITTED USES – Uses checked are permitted by right

USE	M1	M2	M2 A	M3	M4	B1	B2	B3	R1	R2	R3	R4
Single family res. including manufactured housing									X	X		
Single family residential excluding manufactured housing		X	X	X	X					X		X
Duplex residential		X	X								X	X
Multi-family residential	X 3		X 6								X	
Student housing Delete entire line												
Age-restricted housing (elderly)	X	X	X	X					1	1	1	
Residential home care facility				X								
Nursing home		X	X							X	X	
Day care (any size)	X	X	X	X	X	X						
Family group child day care									X			
Family child day care										X	X	
Bed & breakfast		X	X	X	X	X	X	X	X	X	X	X
Hotel	X	X	X		X	X	X	X				
Conference center	X											
Indoor and/or outdoor recreation facility		X	X		X	X	X	X	X			
Golf course					X				X			
Country club					X				X			
Health club		X	X		X	X	X	X				
Marina	X	X	X									
Retail	X	X	X			X	X	X				
Office	X	X	X			X	X					
Studio	X	X	X	X	X	X						
Service	X	X	X			X						
Restaurant	X 4	X	X		X	X						
Lounge	X	X	X		X	X						
Wholesale	X	X	X		X	X	X	X				
Warehouse	X						X	X	X	X		
Light manufacturing	X 5	X	X			X	X	X				
Manufacturing							X	X				
Research & development	X 5		X			X	X	X				
Automotive repair			X			X						
Commercial amusement		X	X			X						
Civic use	X	X	X			X						
Cultural use	X	X	X			X						
Place of assembly	X	X	X			X						
Education facility	X	X	X			X		X				
Commercial excavation							X		X	X	X	
Forestry & agriculture, including animal husbandry									X	X		
Forestry & agriculture, excluding animal husbandry				X	X	X					X	
Fraternal organization			X			X						
Flexible use development								2				
Office complex			X			X		X				
Mixed Use Development	X 7	X 7	X 6, 7	X 7	X 7	X						

1. See § 7.05 Affordable Elderly Housing for individual district limitations and requirements.

Proposed Changes to TABLE OF PERMITTED USES – July 24, 2013 TC Public Hearing Draft

2. See B3 District for Requirements for Condition Use Permit.  
(Amended: March 3, 2004).
3. See M-1 District for Requirements for Special Use Permit allowing multi-family residential use only as part of a Mixed Use Mill Redevelopment, Section 2.01 (B) (2).
4. No drive-through restaurants are allowed.
5. Only light manufacturing and research and development uses, limiting the hours of operation to between 7 a.m. and 7 p.m.
6. See M-2-A 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-A District (B) (2).
7. See Section 7.02 for requirements for Mixed Use Developments.

(Editorial note: Amended 11/19/08 – Added multi-family use to M1 & Footnote 3  
Removed student housing use from M1  
Removed nursing home from M1  
Removed commercial amusement from M1  
Added Footnote 4  
Added Footnote 5



## Dimensions Table

The following dimensional requirements shall apply.

Requirement	Measure	M-1	M-2	M-2 A	M-3	M-4	B-1	B-2	B-3	R-1	R-2	R-3	R-4
Minimum Road Frontage	feet	75	50	50	75	150	150	150	150	200	100	100	50
Minimum Lot Size	acres	¼	¼	¼	½	1	½	1	2	2	½	½	¼
Maximum Residential Density	units/acre	20	6	6	2	1	2	1	-	½	2	2	4
Minimum Road Setback	feet	10	5	5	20	20	15	25	75	40	25	25	5
Maximum Road Setback	feet	n/a	10	10	50	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum Side/Rear Setback	feet	10	10	10	20	25	25	30	20*	25	15	15	10
Maximum Structure Height	feet	50	50	35	35	35	35	35	35	35	35	35	35
Minimum Structure Height	feet	n/a	24	24	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Note: B-3 District additional Setbacks:

*B-3 District Side/Rear Setbacks	Feet
To Residential District Boundaries	75
To Residential Uses	50

1. The Maximum Residential Density for multi-family residential housing in the M-1 District is as stated in § 2.01 (B) (2) (b) (6) (Editorial note: Amended 11/19/08)
2. The Planning Board may waive the road setbacks, side and rear setbacks and height restrictions within the M-2 A District to match the conformity of adjacent buildings, through the issuance of a Special Use Permit pursuant to § 2.03 (D).



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

- 4. Town Council to Consider Acceptance of Minutes**
  - a. July 24, 2013 Workshop

**DRAFT**

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL WORKSHOP  
JULY 24, 2013 7:00 P.M.  
TOWN COUNCIL CHAMBERS DRAFT MINUTES**

PRESENT:

Council Chairman Gary Levy, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Larry Pickering, Councilor Dale Pike (on speaker phone), Councilor Ed Carmichael

Town Administrator Steve Fournier

Council Chairman Levy opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance.

**PUBLIC FORUM**

Martha McNeil, Senior Coordinator of the Sunrise Sunset Center and of Ash Swamp Road came forward to recognize Ethel MacIntosh, a past member of various town boards, committees and organizations, who had passed away on July 9<sup>th</sup>. A memorial service in her honor was to be held on August 8<sup>th</sup> from 10:30 to 11:30 at the Senior Center, and Ms. McNeil invited Ms. MacIntosh's friends and the Council to attend. After the service, Meals on Wheels was to host the annual lobster luncheon to which the Council was invited. Those able to attend were asked to call Kim Tilton at 659-3150 by August 1<sup>st</sup>. The charge for the lobster was \$8.50 and the alternate chicken Waldorf salad was \$3.00 payable before the luncheon. Ms. McNeil commended the Council on the job it was doing, and said she always watched the meetings on television. The Council thanked her.

Leo Filion of Lafayette Road spoke about Resolution #2013/2014-06 Relating to the Withdrawal of \$10,000 from Sewer Impact Fees for Engineering Services to Determine the Needed Increased Capacity and Cost of the Bay Road Force Main. The resolution was to have its second reading at the August 7<sup>th</sup> business meeting which Mr. Filion would not be able to attend. He handed out excerpts from the January, 2008 sewer evaluation study conducted by Underwood Engineering which he said supported his position that the expenditure was premature at the time. The study showed the amount of infiltration going into the wastewater system from the areas of Packers Falls, Moody Point, Bay Road, New Village and Salmon Street. He said some work had been done on New Village to reduce the number of sump pumps illegally emptying into the system. The study recommended that house inspections be done on Moody Point and Bay Road, but the recommendation had not been carried out. Mr. Filion said that these inspections were legal and recommended that they be carried out to determine how many sump pumps are illegally connected to the sewer system before spending money on another capacity study. He gave statistics that showed how sump pumps could overwhelm the sewer system.

Mr. Filion said that Sewer Superintendent Greig had sent a memo to Town Administrator Fournier outlining his reasons for the proposed engineering study. The memo said that there was a 500 gallon pump permit at Bay Road with a capacity of 720,000 gallons a day and the highest recorded flow was 250,000 gallons per day. He said a redesign study had been done in 1988-89 and it included a cost to build the main and the Bay Road pumping station then. He felt that study could be upgraded, but that nothing should be done until the recommended house inspections were complete all over town and they know how much removing the sump pumps would reduce infiltration. The average sump pump will produce 4,000 gallons per hour. He said that

considering how wet the land was in certain areas of town, he expected there could be hundreds of illegally connected sump pumps. He said a pump could empty out a window into the yard. Council Vice Chairman Bentley said he understood and agreed with Mr. Filion, and the Council had discussed this when he first became a member, and he remembered that a number of illegally installed pumps had been found in New Village. He said the Council had questions about procedure and enforcement and the subject had been gradually dropped. Mr. Filion said that in the past, people had been told that their water would be shut off for a period of time if the inspector was not allowed in. He felt it would not be necessary to enter all the homes, as they could assume that the same percentage of pumps would be found overall as was found in a test sample.

Councilor Wright said his concern was that people would disconnect illegal pumps when they received notice of the inspection and before someone came to their houses. He wondered about on-going enforcement. Mr. Filion said that if they saw water in a hole in the floor, they could assume there had been a sump pump. He said many people in his area empty the water out a window. Town Administrator Fournier said he would get the answers about the legality of entering homes before the vote on the resolution at the next meeting. He will also look for the 1988 plans and work with Mr. Greig to see what can be done. Councilor Pickering asked what had been done with the old water meters, and Mr. Greig said they had gone to the contractor who installed the new ones. Mr. Greig said they had already done a lot of the work Mr. Filion was suggesting. They had gone to Moody Point and installed meters to determine if any high flow was coming from the area, and there was none. They had done house inspections on 108. Mr. Greig said the proposed study was to look into upgrading the 1969 force main under the river from Bay Road. He said there was an engineering study done on capacity in 2010, and the capacity is currently between 700 and 900 per minute. The limiting factor is the force main, and that is the first step to replace. He said the proposed study would help them plan for what is needed and the cost.

Bert Allen of Smith Garrison Road asked Mr. Greig if he had checked all the basements in Moody Point, and was asked to address the Council. He said there was so much hydraulic pressure in the area that it had cracked a house foundation in half. Councilor Wright asked for his definition of Moody Point and if he was talking about the force main. Mr. Allen said that Smith Garrison goes all the way to Moody Point and he was talking about runoff and Cushing Road. He said there were many springs in the area and many sump pumps. He said if capped, the pressure intensifies and that is what broke the foundation across from him. He then asked if the Councilors had received the emails that he had sent in the last 10 days, which they had. One concerned a sewer/water plant in South Carolina that was a 501C e. He said he would be filing a citizens' bill in the legislature about this. He said there was a problem with Newmarket's Charter under section 10.5, *Agreements with Other Municipalities: The Council is authorized, as provided by New Hampshire law, to enter into agreements and regional compacts with neighboring cities and towns, state agencies, or private non-profit corporations for the purpose of resolving their common problems for the mutual advantage and benefit of the Town and its neighboring cities and towns.* He felt a non-profit was better equipped to run water/sewer systems and go into houses legally.

He said that Newmarket had to do a lot more with 501Cs, which he said did not want to come into town because of its politics. He felt more services could be handled through 501Cs which would benefit the town and reduce taxes, and that 501Cs could get a lower bond rate. Council Chairman Levy said for clarification, presently the school and town can accept donations, but Mr. Allen was talking about turning services over to 501C3s. Mr. Allen said that people could become members of the 501C organization and vote, while absentee owners are currently taxed but can't vote in town. He felt everyone should read an article about Orange Water Authority in Cabarro/Chapel Hill, North Carolina. Council Chairman Levy said they had received the articles. Mr. Allen wanted an article about a regional dispatch center in Danbury Connecticut read into the record: *Danbury and 4 other towns, Bethel, Brookfield, Richfield and Newton agreed to study the idea of a 911 center located in Danbury that would dispatch all fire, police and ambulance services among 5 towns. I understand that the town stands to gain*

*about \$250,000 each or about \$1.250M to regionalize dispatch services.* He said the article went on and included figures for savings. He said that regional dispatch services existed in New Hampshire. Council Chairman Levy said they would look into this. Procedurally, he said that anyone wishing to speak about the zoning could speak at the time the ordinance came up. As there was no further public comment, the Public Forum was closed at 7:40.

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

Council Vice Chairman Bentley moved to approve the July 10, 2013 business meeting minutes. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried 6 – 0 – 1, with Councilor Nazzaro abstaining as he had been excused from the meeting.

#### **REVIEW OF DEPARTMENT REPORTS**

Town Administrator Fournier had received the first review of the Personnel Policy from Town Attorney Ratigan who had recommended some changes to be in compliance with updates of Federal law. Town Administrator Fournier and the Interim Finance Director were reviewing the policy and were going to add some other changes some of which had been suggested by Town Councilors. He expected to have the final copy for the August workshop.

The Interim Finance Director had prepared end of FY2013 estimates. Actual figures will be known after the auditors complete their review. Revenues are expected to be \$496,433 higher than budgeted, mostly from the sale of the old DPW building, about \$236,000 and \$187,761 from the closing of the Parking Capital Reserve Fund. Expenditures are expected to come in \$411,916 under budget, in part from one-time savings from past vacancies in the Police Department and DPW. The total of \$1,770,533 would go to Fund Balance bringing the Fund total to \$2,380,016 or \$579,460 above the 8% goal. The Council had passed an ordinance the previous year stating that excess funds would not go to reduce the autumn tax rate, but could be used to reduce the next year's, FY2015, tax rate by using funds toward one-time capital projects or Capital Reserve Funds. Money from fund balance has to be appropriated during the regular budget process.

Town Administrator Fournier thanked Councilors Wright and Carmichael and Council Vice Chairman Bentley for serving on the committee to interview engineering firms for the MacIntosh Well project. He expected an answer shortly. Council Chairman Levy said he appreciated all the time they spent in research and meetings. Town Administrator Fournier was negotiating cost and scope for the wastewater treatment plant project, and DES was reviewing the findings. He hoped to have a proposal for the Council in August. The well project was in the preliminary stages as the firms had been notified the previous week.

Council Discussion: Councilor Nazzaro asked that some funds be earmarked for an autumn clean-up, a request that he often hears from the public. To Councilor Wright's question, Town Administrator Fournier said that the town had kept some land surrounding the old DPW building to provide access to the wells. Council Vice Chairman Bentley also thought an autumn clean-up was a good idea, but said he thought that not all of the money from the Parking Capital Reserve Fund was to go into the General Fund, but some was to be kept toward potentially purchasing some parking spaces. However, all the money went into Fund Balance. Council Chairman Levy asked if, when the final numbers were verified, the Council could vote to suspend the rules and use some money to reduce the autumn tax rate. Town Administrator Fournier said that since the procedure was an ordinance and a law, he would have to see if there was a provision to override, and if not, they would have to vote to amend it. Fund balance would be about \$2M and reducing it to the 8% goal would allow removing about \$500,000. The ordinance states that between 5 and 10% be retained in Fund Balance, but this can be discussed in October. There is no state law that requires retaining Fund Balance, but it is recommended in case of

emergency. Councilor Nazzaro asked that ordinance numbers be included when they are referenced in the report.

Council Chairman Levy asked if Councilors had any questions or comments on the department reports. Councilor Wright said that he and Councilor Pickering had asked about vehicle mileage in the past, and he felt it would be helpful to have that information when making decisions. Town Administrator Fournier said they had the information for the water and sewer departments and he thought that had mileage for some, but not all, of the DPW vehicles. To Council Chairman Levy's question, carpet tiles will be used in town hall. He said that he had multiplied the average price of gas and diesel times the gallons used and come to different totals than those in the public works report. Town Administrator Fournier said he would look into this to see if there were price fluctuations and get back to the Council. Council Chairman Levy commented that the more than \$200,000 uncollected for water and sewer was quite a lot of money to wait for, although it was consistent with the previous year. Council Chairman Nazzaro noted that 5 members of the Fire Department, Captains Doug Hamilton and Bill Barr, Lieutenant Mark Pelczar and Firefighters/EMTs Lenny Dube and Nick Gould, had received letters of merit and lifesaving awards for saving an 8 month old baby on March 27<sup>th</sup>. He felt it important to mention good news and to point to the efforts of all who contribute as volunteers.

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

Council Chairman Levy reported that he believed that EDC consultant Peter Kwaas had gotten back to the Town Administrator and the Committee will meet with him in August.

#### **DISCUSSIONS/PRESENTATIONS**

Town Administrator Fournier had recommended that the Council vote to suspend the rules for Resolution #2013/2014-09 and Resolution #2013/2014-10 so that deadlines could be met. Council Chairman Levy asked for a motion to suspend the rules for Resolution #2013/2014-09 and Resolution #2013/2014-10 so the Council could act on them at the meeting. Councilor Nazzaro so moved and Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

#### **Resolution #2013/2014-09**

Council Chairman Levy read Resolution #2013/2014-09 Authorizing the Participation in the USDA Rural Development Program Loan of up to \$10,340,000 for Costs Associated with the Wastewater Treatment Facility Upgrade.

Discussion: Town Administrator Fournier said that he and Water/Wastewater Superintendent Greig had been working with DES for the State Revolving Loan Program and Rural Development to secure the loans. Both had signed off on the process. The town will issue notes for the total amount of \$14,100,000 and first get funds through DES SRF. The principal forgiveness is \$1,762,000 so the town will have to pay back \$12,337,500. The interest rate on the loan will be at 1% until the project is substantially complete, but will go to 2.78% for the remainder of the term. However the loan can be paid off early. The funds from Rural Development will be available when the project is nearly complete. Rural Development had indicated that it would give the town a grant of \$1,966,360, bringing the total amount of its loan payback to \$10,340,000 with an interest rate of 2.75 for 30 years. It is the intent to pay off the first loan with funds from Rural Development and pay it over the 30 year period, as that loan cannot be paid off early. The grants represent approximately 26% of the total cost of the project. Town Administrator Fournier said the only thing to be decided with Rural Development was whether they wanted level payments or level principal. The DES loan operates more like a line of credit, and the town will only borrow and pay interest on what is necessary to complete the project. Council Vice Chairman

Bentley commended the Town Administrator and Wastewater Superintendent Greig for their diligence in securing the grants and loans.

Council Chairman Levy read from page 62 of the packet concerning the town's having to deposit \$168,167 into a short-lived asset reserve fund annually for the life of the loan. He asked what determined the amount, and Mr. Greig said it was difficult to explain, but basically the agency looked at the life span of the town's assets and their replacement value, including Fund Balance, and considered this much like loan collateral. Also, the amount had been verified by the Finance Director and the engineering firms. Council Chairman Levy read from the Rural Development loan paper on page 61 that any grant funds unexpended at the conclusion of the project will be cancelled 90 days after completion and applied as an extra payment on loan, unless other work is required by state statute. This should not come into play, as construction costs will be known by the time the town takes the Rural Development loan. The environmental attorneys had reviewed the loan papers along with financial representatives from DES, RD, and the engineering firms. Mr. Greig said the interest rate was locked for the term of the loan, but if rates dropped, the town would get the lower rate.

Council Chairman Levy asked for a motion to approve Resolution #2013/2014-09 Authorizing the Participation in the ESDA Rural Development Program Loan of up to \$10,340,000 for Costs Associated with the Wastewater Treatment Facility Upgrade. Council Vice Chairman Bentley so moved and Councilor Nazzaro seconded. Town Administrator Fournier polled the Council. Motion carried 6 – 0-1, with Councilor Pike abstaining as he had been disconnected during part of the discussion.

#### **Resolution #2013/2014-10**

Council Vice Chairman Bentley moved to approve Resolution 2013/2014-10 Authorizing the Participation in the State of New Hampshire Revolving Fund (DRF) Loan of up to \$14,100,000 for Costs Associated with the Wastewater Treatment Facility Upgrade. Councilor Nazzaro seconded.

Discussion: Questions and discussion were part of the previous discussion.

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

#### **Ordinance 2012/2013-02 Amendments to Sections 1.04 Zoning Map**

Council Vice Chairman Bentley moved to take Ordinance 2012/2013-02 off the table, and Councilor Nazzaro seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

Council Chairman Levy said the proposed M-2 zoning change for the downtown had originally been brought up in February. He had met with Greg Mikolitas, a civil engineer and former partner at Appledore, now Vice President at T.M. Bond, to ask questions he had after Mr. Mayberry's report had been given. He read from the amendments that he was suggesting after the meeting with Mr. Mikolitas. The amendments were available for the public. The first amendment was on 1.09, Special Use Permit. He said that currently special exceptions go to the Zoning Board but the proposal would be for special use permits to be handled by the Planning Board. He said Mr. Mikolitas gave him some examples of zoning ordinances from other towns for language. He was proposing three changes: site suitability, external impacts and fiscal impacts. His explanatory notes stated that a "special use permit is typically easier to obtain than a Special Exception from the Zoning Board, so additional language to strengthen the ordinance is recommended to protect the interests of the town, including abutting property owners." He credited Durham, Exeter and Stratham for part of the language. He proposed a minor revision to part 2.02 B, Permitted Uses. He changed the word "may" to "shall" concerning the Fiscal Impact Study and Market Analysis to be completed by a consultant and paid for by the developer for mixed use projects of 3 or more units. The third change was that multi-family residential condominiums should not exceed 1,200

square feet and not contain more than 2 bedrooms, and residential apartments should not exceed 1,000 square feet and not contain more than 2 bedrooms. He based his reason for the proposed changes on information Mr. Mayberry had presented. He had also looked up current rental prices on line. The last amendment was for section 7.02, Mixed Use Development of existing commercial properties: "Existing commercial properties in this zone shall not add (more than 3 residential units, changed to) 3 residential units or more unless it can be shown by completion of a Fiscal Impact Study and Market Analysis that the residential units will not have a negative fiscal impact from current tax revenues." Part of the rationale for this change came from Mr. Mayberry's statement that the commercial portion assessment would have to offset the potential of a residential negative impact. Mr. Mayberry had suggested that one way to offset the negative impact could be to limit the number of bedrooms and unit size. Mr. Nickerson, representing a developer for the area, had said that the limitations were not far off from market forces. The intent of the amendment would be to protect the town from receiving less tax revenue from developing property than it presently received.

### **Public Input on Ordinance 2012/2013-02 and the Suggested Amendments**

Council Chairman Levy said that both Greg Mikolitas and Town Attorney Ratigan were present to answer any questions the public might have. Amy Thompson of Lang's Lane said she would be interested in hearing Council input on the suggested amendments. She said she liked the amendments and they made sense. She felt they would protect the interests of the town and not alienate the developers from bringing business to the town. Bert Allen of Smith Garrison Road said he was very much for the M-2 zone up around Spring Street, but hoped that there could be more parking for the library and the Recreation Center. Chris Nickerson, representing the Deckers, said they supported the M-2 zoning change and had no objections to the proposed amendments. He said the first 2 amendments were consistent with other municipalities in the state and he felt the amendments struck the balance between economic development and responsible growth. Council Vice Chairman Bentley asked Mr. Nickerson if the time he had spent working with the proposed development in Newmarket was consistent with other communities in the state. Mr. Nickerson said he would rather have details worked out at the Council level to prevent animosity later. He added that Newmarket benefitted by having a Town Council form of government, because towns that had to wait for an annual Town Meeting vote, could have projects on hold for 2 – 3 years. He did not think a year was unreasonable, and it was pointed out that the Council had received the zoning change in February. Council Vice Chairman Bentley said that Ms. Shelton had been involved in helping the Council get answers. He said they had been accused of foot dragging. However, he felt that if they did not have the answers they needed, later they could be accused of overlooking something important. He added that huge decisions take time, but he felt they were on the right path. He appreciated the Chair getting more information, and said Town Planner Hardy had written some comments that needed to be addressed.

Jerry O'Connell of 26 Grant Road, a member of the Economic Development Committee, stated that he felt the zoning proposal had taken too long. He said the proposal had taken 18 months to prepare and he felt it was quite adequate without any amendments. It was supported by the Planning Board, ZBA, and the Newmarket Business Association. He felt the questions were continuing too long. He encouraged the Council to vote on the Ordinance as it existed, and not spend more time in the process by adding amendments. He addressed the notes at the bottom of the amendment to 1.09, Special Use Permits. "A Special Use Permit is typically easier to obtain than a Special Exception from a Zoning Board", and said that it sounded like there was no trust in the Planning Board. Council Chairman Levy pointed out that the Planning Board had wanted to take this responsibility away from the ZBA, but Mr. O'Connell said the language was fine without an amendment and he didn't think they needed the increase in checks. Town Planner Hardy said they were attempting to stream line the process so that developers would not have to go before both boards. Currently, multi-family housing in the M-2 district is only allowed by special exception from the ZBA. The ZBA has to meet strict legal tests to grant variances, and the Planning Board deals with building dimensions, front yard and side yard setbacks, etc. as part



of its review process. She said it wasn't really a question of one process being more difficult than another. Proving hardship is not required for a special use permit, but a proposal would have to meet the criteria outlined in the Ordinance.

Mr. O'Connell said that the required Fiscal Study by a town-appointed consultant but paid for by the developer would add additional time and cost to a project and he did not think this amendment was developer friendly. He said that restricting the size and number of bedrooms per unit could impact the decision of a developer to build. He said that studies that he had read and Mr. Mayberry's report found it unusual to find multi-family housing with a large number of bedrooms. He said there was no need to restrict this as it restricts itself. He said that if someone wanted a luxury 2-bedroom condo, which would bring more tax dollars to the town, the size restriction would affect that possibility. Mr. O'Connell referred to the mid-range values of residential units in the notes for the amendments that "could potentially result in the negative fiscal impact of \$1,371 per unit or \$4,113 per 3 unit proposal." He wondered how this change would affect existing properties in the current M-2 zone, suggesting that many could become non-conforming with the amendment. He found the largest problem with the amendments was in restricting size and number of bedrooms. He said that Val Shelton had addressed the comments about negative fiscal impact a few meetings ago, and had stated that mixed use properties bring higher taxes. He said that by reducing the size and number of units allowed, less density per lot would draw down the tax base. Council Chairman Levy said that no one was limiting a proposal to 3 units, but Mr. O'Connell felt the studies required would add cost and time to a project. He said that Council Chairman Levy had consulted Mr. Mikolitas and received information for his proposals, and asked how many of the Council were involved in that decision. Council Chairman Levy said he wanted additional information and had made a phone call so that he would be better able to make an informed decision. He said he had forwarded the proposal to the other Council members and shared it with Val Shelton, Eric Botterman, Chairman of the Planning Board, Town Administrator Fournier, so he could share it with other members of the Planning Board and Town Planner Hardy. Bert Allen compared the size of apartments to traffic flow, and said he was in favor with restricting the size. Town Planner Hardy said that the Planning Board does consider traffic flow in looking at proposals. Council Chairman Levy closed Public Comment at 8:47 p.m.

#### **Council Discussion on Ordinance # 2012/2013-02 and Suggested Amendments**

Councilor Nazzaro asked Town Administrator Fournier if the reading process of the ordinance would start again if any of the amendments were accepted. Town Administrator Fournier said it would not, but there would have to be another public hearing prior to the final vote, and the earliest the Council could vote would be at the first meeting in August. Councilor Nazzaro said it seemed to him that the first amendment, 1.09, indicated that they didn't trust the Planning Board, as the original proposal stated that the Planning Board could, at its discretion, waive the requirements for a fiscal impact study and market analysis. The amendment removed the word discretion. Council Chairman Levy said the language in the amendment was consistent with other towns. Councilor Nazzaro said he also felt that the section stating "The proposed project shall not impact adjacent properties (traffic, noise, odors, etc)....shall not have an adverse impact on the....surrounding properties", suggested that adding one more unit would cause an adverse affect, and could be very broadly interpreted and was loosely worded. Again, he said that he felt this showed distrust for the Planning Board, which was also an elected board.

Councilor Nazzaro felt that the amendment to section 2.02 limiting size and the number of bedrooms, would affect buildings and their uses within the existing M-2 zone. He asked if the town required a fiscal impact study of limiting size. for all residential proposals, and Ms. Hardy said the Planning Board could require one. He said that if the size limit existed as in the amendment, the town would not allow building another Bryant Rock today,

and the complex contributes significantly to the town's taxes. He felt they should look at unintended consequences of size and bedroom limitations, and were looking at building projects of lower value which could mean that the projects would not pass a fiscal impact study, and there would be no positive gain for the town. Council Chairman Levy said that Mr. Mayberry had stated that one way to make the commercial part of a project profitable was to limit the size and the bedrooms. He added that the limitations would reduce the draw on town services, which was significantly higher with units of 3 – 4 bedrooms. He said the rents in Newmarket varied from \$920 for 650 square feet to \$1,275 for 1,100 square feet. He said that Bryant Rock and Rivermoor Landing were different from the proposed zone because they were on the water.

Councilor Nazzaro said that the zoning change would affect the entire M-2 zone. Council Chairman Levy said he had asked about that and was told by Mr. Mikolitas that they could differentiate the proposed area from the existing M-2 zone by changing the title, for example to M-2D (for downtown) or create an overlay district. Ms. Hardy said the Council would have to give direction about how the maps should be changed before the public hearing. Council Chairman Levy said that she and the Town Attorney could sort that out, but he had in mind a simple overlay with the idea that the new area might be expanded in the future. Councilor Nazzaro said that section 2.02 seemed to be dictating to the Planning Board by removing the word "waive". Further, he said he did not understand the purpose of the 7.02 amendment, and Ms. Hardy said she didn't either. Council Chairman Levy explained that he did not have any specific property in mind, but cited the discussion of the Mayberry report. He said that if an existing commercial property within the district to be re-zoned added residential units, he wanted to ensure that the resulting tax revenue would not be lower than the present tax revenue from the property. Also, the draw on services would be taken into account. If the Fiscal Impact Study showed the realized revenue to the town was going to be lower, the project would not be approved. Councilor Nazzaro said he could not think of a building within the zone where this would actually occur. Council Chairman Levy said this could come into play if the area is expanded in the future, and he felt this amendment provided a safety net against a possible negative tax impact. Councilor Nazzaro said that unnecessary laws tend to make necessary laws weaker and he was against the proposed amendments and did not think they should be limiting size.

Councilor Wright said he felt the amendments were overkill and thought the Planning Board was capable of handling these problems. He asked what was meant by the word "appropriate" in Section 1.09, in the phrase "appropriate utilities (water, sewer, storm water)", and the word "adequate" in the phrase "adequate off-street parking." Council Chairman Levy said this was language used by Durham and Exeter, and he felt it was typical. Ms. Hardy said they already do this as part of site plan review, and she wanted to make sure that they were consistent throughout the Ordinance. She said that by state law the Planning Board was authorized to do site plan reviews for projects of 3 units or greater and they were very careful to use the terminology throughout. She said she did not understand the amendment to Section 7.02 and did not feel it was necessary because paragraph 2.02 said that "a mixed-use development with 3 or greater units is allowed by Special Use Permit if there is demonstrated 'positive impact'". She said that multi-family housing, defined by 3 units or greater, and mixed-use development, with residential units of 3 or greater, come under the review process. However, with mixed-use development, they looked at the entire project including the commercial factor, and for either type of development there has to be a positive fiscal impact. She said that multi-family proposals were already reviewed for the criteria mentioned in the amendments, and that the review process was within the purview and authority of the Planning Board. She said this could be found within the Town's site review regulations. Councilor Nazzaro read from the original M-2 zoning amendment, under Section 2.02 B1 that the Planning Board required a fiscal impact statement. However, there was a footnote that stated that the Board could waive this requirement at its discretion if it determined it was not necessary for an informed decision. The amendment removed the element of discretion from the section and made it a requirement.

Councilor Wright asked why the units were restricted to 2 bedrooms in Section 2.02. Council Chairman Levy said he had based the amendment on Mr. Mayberry's report and the statistics that showed there was less demand on town services with fewer bedrooms. He read some of the data from the report. Councilor Wright felt this was too restrictive. Council Chairman Levy said there was nothing he had found in his research to support the comments made at the last discussion that 1,200 sq. foot, 2 bedroom apartments would bring low rents. (He had given the actual rents per unit size advertised earlier in the meeting: 650 to 1,100 sq. feet, ranging from \$875 to \$1,300 for the Cheney apartments with 2 bedrooms.) He said his suggestions were based on Tables 2 and 3 of the Mayberry report, and that Mr. Nickerson had stated that 2 bedroom apartments were not inconsistent with the area. Councilor Wright was concerned that the apartment size was being restricted and asked how many apartments in Newmarket were actually 650 versus 1,200 sq. feet. He felt there were more of the latter, and said that the larger apartments brought more rent and more tax-based dollars. He said he had found the average rent in Newmarket was \$1,200. Council Chairman Levy said he used 2 figures, rents in Rockingham County, averaging \$1,300 and rents in Newmarket for the size apartments he was suggesting. Councilor Wright said he felt this was too restrictive and he would not support any of the amendments.

Council Vice Chairman Bentley said to him it was not a question of not trusting the Planning Board, but a matter of making the same rules apply to every proposal. He said he did not like "shall" or "can be waived" or "could" and referring to past accusations and problems the town had experienced, he felt they had to be more specific and consistent to prevent problems. Councilor Carmichael said he agreed with that statement. He said he agreed with enough of the language in the amendments to vote, and hoped they could vote on the whole proposal at the next meeting. He thanked Mr. Nickerson and Mr. Decker for their patience, saying, from his time on the Planning Board, he thought the process would be faster. Councilor Pike said it was difficult to hear all the comments, but he was in favor of limiting the size of the units, and thought they had reached a middle ground. He was concerned by the statement in the Master Plan that the town had a lot of multi-family housing, and that made the tax situation more difficult. He felt they had to maximize the value of the downtown while limiting the risk and demand on town services and the schools. He felt that was what most townspeople wanted. Council Vice Chairman Bentley said the numbers had changed from the time they had spoken about worst-case scenario about the number of lots and units. He was concerned with the expenses for water, sewer and the schools, and the possible development at Rockingham Golf Course, and the impact on town services. He did not feel it was unreasonable to limit size and bedrooms, and felt the amendments were a good compromise. He said the proposal had not scared away the developer who was present at the meeting, and he didn't think other credible developers would be scared away. He hoped they could work with developers to be more creative with parking, and said he would support the amendments as he felt they were best for the overall good of the town.

Councilor Pickering said he felt many of Newmarket's problems had started before zoning was enacted. He said he did not see an adverse effect from what was being proposed. He said he also agreed with Mr. O'Connell that this could have been done earlier as part of the planning proposal. He felt that projects needed to be dealt with on a case-by-case basis, but he was ready to vote. Town Administrator Fournier said they could vote on the amendments during the meeting. Council Chairman Levy said if they were to vote during the meeting, he would defer to Counsel or the Town Administrator as to whether they would do this as an overlay district. Ms. Hardy said they had to be specific as to the exact lots included in the new zoning and the map included with the original zoning proposal would have to be re-done to determine the boundaries. She said typically these were Planning Board decisions, but if the map was going to be redone, it had to be available 10 days prior to the Public Hearing. Council Chairman Levy said he was hoping to apply the amendments to the specific area that was proposed for re-zoning, and Ms. Hardy said also to the area that includes an additional area of 20 acres, to which he agreed. He said if the area was expanded he hoped to have it consistent, whether by an overlay district or re-

titling of the M-2 downtown area. Attorney Ratigan said he did not feel they needed an overlay district, and Ms. Hardy said the Planning Board had struggled with this. Attorney Ratigan said if the Council were to adopt the amendments, they would apply to the entire M-2 area underlining the original proposal and the map that had been provided to describe them. If they wanted to target a specific area, they would have to identify the specific lots affected, probably by distinguishing them by using a different color and have the map made part of the record. Ms. Hardy said she had the original map that showed the current M-2 zone in orange and the proposed are in blue. Attorney Ratigan said that if it was the Council's intention to apply the amendments to the area in blue then that should be referenced during the meeting as applying only to that specific area. He said at that point it would not be called the M-2 zone, but something like the M-2-1 zone.

Ms. Hardy said they could change the text of the proposal to reflect that it would affect the 36 parcel "expansion". She said that could be done by creating a whole new district called the M-2a zone. Council Chairman Levy asked if, in the future there was a desire to expand the district, the same zoning would apply. Ms. Hardy said it could be rolled into this zone, but it would require an amendment to the zoning map as a part of the whole amendment process required for any zoning change. Town Administrator Fournier said he would suggest that first they create the M-2a zone so that any amendments would only affect the lots provided by the map. The amendments, if accepted, would still mean that the entire proposal could be voted on at the next meeting. Councilor Nazzaro commented that he understood why the fiscal impact was important, but he thought it important to note that the break-even point for a house was between \$300,000 and \$325,000. He felt by the logic of the amendments, they would be telling anyone proposing to build a house of lesser value that they would be turned down. He said that if the Council was going to accept the amendments the one that was the most restrictive was 2.02(6) limiting size and number of bedrooms as a fiscal impact study was already required by another amendment. He said it was possible that a project would qualify on all but size of units, and then they would have to go through the length of time required to amend the zoning again. He felt this was an unnecessary restriction, as the fiscal impact study would give them the necessary information without tying their hands, and data could change in the future. Councilor Pike said he did not see this as a negative layer, but adding language to clarify the intent and expectations to not over-burden the town. He said he felt they were going for the middle ground and the Master Plan said they had a lot of multi-family housing and expressed a concern with the tax impact. Council Vice Chairman Bentley said at the original presentation, Val Shelton had said it took the Planning Board 18 months to prepare the proposal, and he had said that they couldn't expect the Council to deal with it in 1.8 weeks, and he thought the 5 months they had spent on this was within reason.

Town Administrator Fournier said, procedurally, they should take a vote on each of the amendments and creating the new zone so they could have a Public Hearing on the entire proposal before the final vote on the proposal as amended at the first meeting in August. He had consulted with legal counsel on the correct wording. He said first they would have to vote to amend Section 1.04 zoning maps (see attached maps: Amend 2a Zone classification as follows: Council Vice Chairman Bentley so moved and Councilor Carmichael seconded. Town Administrator Fournier polled the Council on amending Section 1.04 Zoning Maps. Motion passed 5 – 2, with Councilors Pickering, Pike, Carmichael, Council Vice Chairman Bentley in favor and Councilors Nazzaro and Wright against.

Council Vice Chairman Bentley moved to accept the amended Section 1.09 Special Use Permits, and Councilor Carmichael seconded. Town Administrator Fournier polled the Council. Motion passed 5 – 2, with Councilors Pickering, Pike, Carmichael, Council Vice Chairman Bentley and Council Chairman Levy in favor and Councilors Nazzaro and Wright against.

Text of amendment:

**Amend 1.09 Special Use Permits**

**Add (B):** A Special Use Permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following Special Use Criteria.

1. Site suitability:
  - a. Site shall have appropriate utilities (water, sewer, stormwater) available to service the project and shall not have a negative impact on environmental resources (wetlands, flood plain).
  - b. Adequate off-street parking and loading is provided and ingress/egress is so designed as to cause minimum interference with traffic on abutting streets.
2. External Impacts:
  - a. The proposed project shall not impact adjacent properties (traffic, noise, odors, vibrations, lighting, hours of operation); shall not have an adverse impact on the appropriate and orderly development of the surrounding properties; and buildings (new or existing to be modified) shall be compatible with the established character of surrounding properties; and will not cause a significant decline in property values of adjacent properties.
3. Fiscal Impacts:
  - a. The proposed project will not have a negative fiscal impact or market impact on the Town as shown in the Fiscal Impact and Market Studies required to be completed as described in 2.02 (2)[1], [2].

Council Vice Chairman Bentley moved to accept the amended Section 2.02 M-2 District, and Councilor Carmichael seconded. Town Administrator Fournier polled the Council. Motion passed 5 – 2, with Councilors Pickering, Pike, Carmichael, Council Vice Chairman Bentley and Council Chairman Levy in favor and Councilors Nazzaro and Wright against.

Text of amendment:

**Amend 2.02 M-2 District**

(B) Permitted Uses

**Revise:** (2)[1] The Planning Board **shall** require a Fiscal Impact Study be completed by a consultant selected by the town, paid for by the applicant, that shows the mixed use project with 3 **units** or more will not have a negative fiscal impact on the town.

**Revise:** (2)[2] The Planning Board **shall** require a Market Analysis be completed by a consultant selected by the town, paid for by the applicant, that demonstrates the mixed use project with 3 **units** or more will not have a negative impact on the town's housing market.

**Add:** (2)[6] Multi-family residential condominium unit in this zone shall not exceed 1,200 sf and not have more than 2 bedrooms. Residential apartments in this zone shall not exceed 1,000 sf and not have more than 2 bedrooms.

Council Vice Chairman Bentley moved to accept the amended Section 7.02 Mixed Use Development, and Councilor Carmichael seconded.

Discussion: Council Vice Chairman Bentley asked Ms. Hardy to explain her comments in her memo on this amendment. *"This recommendation is inconsistent with what it says in paragraph Section 2.02 M-2 (B) (2) which states that a mixed-use development with three or greater units is allowed by Special Use Permit if there is demonstrated 'positive impact.' I am not sure what the purpose or intent of this amendment is. Did the author mean 'shall not add two or greater units' (which would be consistent)? Or, as written 'more than three residential units (which would make 2 sections inconsistent). If the author meant shall not add two or greater units, then I am not sure the addition is needed as it is already covered in Section 2.02 M-2 Zoning District (B)-2."* She said the structure of the Ordinance was that multi-family projects with 3 or more units and mixed-use projects with 3 or more residential units have to show a positive fiscal impact, and she felt this was redundant. She said the statute speaks of site plan review for 3 units or greater, which is covered in Section 202.B Permitted Uses, and the proposed language could mean 2 units or greater. The proposed amendment had changed from the initial one she received and now said "3 residential units or more" so it is consistent. The proposed amendment read: *"Existing commercial properties in this zone shall not ass 3 residential units or more unless it can be shown by completion of a Fiscal Impact Study and Market Analysis that the residential units will not have a negative fiscal impact from current tax revenues."* Ms. Hardy said this was already covered under Section 202-B Permitted Uses. Council Chairman Levy said, hypothetically, if an existing building brings the town \$5,000 in taxes and someone wants to put 3 apartments above, and they have a negative impact of \$1,300 total for each unit, it would still bring in tax revenue of \$1,100. He said this could still be interpreted as bringing in positive tax revenue. Ms. Hardy said that positive tax revenue meant looking at tax revenue less the cost of providing municipal services to the development plus the additional revenue.

Council Chairman Levy said he had added the phrase "fiscal impact from current tax revenues." Ms. Hardy said they did not look at existing tax revenue, but looked at projected tax revenue. Town Administrator Fournier said that an existing building could be worth "x", while adding more units would be worth "y". Ms. Hardy said she was looking at costs to the town versus benefits from revenue received. Councilor Nazzaro said that what Council Chairman Levy was trying to convey was that if there was a less positive than it is today, it shouldn't be approved. He had added "current tax revenues" because he that was one of the unintended consequences he was trying to cover. He wanted to make sure that the net positive impact was not less than the current amount received. Ms. Hardy said she understood the intent, but wasn't sure if the language was explicit enough as it was not clear to her and others who were reviewing it. She felt they should look at other language to get at the issue, and suggested "over previous tax revenues." She thought that legal counsel could work with them to get the language to a point that it could be voted at the meeting. Councilor Nazzaro said they were telling a private developer that presents a project to the town with a positive fiscal impact that if that impact is not more positive than it had been with the previous building the project cannot be done. Council Chairman Levy said that was absolutely correct. Councilor Nazzaro said that private business does not exist for the town, it exists for itself.

Council Chairman Levy said that if they were changing the zoning and they wound up with the example he gave, why the town would want to wind up with less revenue. Councilor Nazzaro said a private individual owned the property and should be able to develop it as he wanted as long as it did not show a negative impact and not a negative impact from how it exists. Council Chairman Levy said they were allowing people to add something they currently could not under the current zoning. Councilor Nazzaro said he felt the language was dictatorial, and they were putting the town above everything, especially private ownership. Councilor Levy said he thought dictatorial was a bit strong, and he felt the whole goal of the zoning change was to have a positive tax benefit. He said Mr. Mayberry spoke about having a Fiscal Impact Study, limiting the size, and limiting the number of bedrooms, all of which were on the table and were credible issues. He said if Councilors did not agree with trying to prevent a project from going upside down in taxes, they shouldn't vote for the amendment. He said he

could not understand why they would pass zoning that would ultimately bring less revenue to the town. Councilor Nazzaro said that if the change in total brought a positive impact, but one project did not bring a more positive impact, he felt they were dealing too much in hypotheticals. He said an owner could make some changes which would bring him more revenue, but if the town did not also receive more revenue, even with a positive impact, they would deny the project. Council Chairman Levy said had also included the amendment to cover any possible zone expansion. He said he wanted to protect the town as much as he could, and to his understanding, the amendments did not affect any projects currently on the table. Councilor Nazzaro said he understood they wanted a positive fiscal impact, but to tell a private developer that the town had to realize more money was over the top. He said that even though the owner was gaining more revenue from renovations, the project could be disproved if it gave a positive revenue balance to the town, if that positive balance was not higher than the current one, and he emphasized that this was on private property. Council Vice Chairman Bentley said he was concerned about the worst case scenario that Council Chairman Levy had cited. Chairman Levy felt this was reasonable for anyone wanting to add more units.

Town Administrator Fournier, Town Attorney Ratigan and Town Planner had left the room to work on the language of the amendment, and Town Administrator read the suggested following rewording:

**Amend 7.02 Mixed Use Development**

**Add:** (C) Existing commercial properties in this zone shall not add ~~more than 3 residential units~~ **3 residential units or more** unless it can be shown by completion of a Fiscal Impact Study and Market Analysis that the entire development will have a positive fiscal impact compared to current tax revenues.

Council Vice Chairman Bentley said they were talking about re-doing buildings, but asked Ms. Hardy if a new person coming into town with a new proposal also had to show a positive tax gain for the town. Ms. Hardy said the Planning Board can require that if an issue is raised, but the town still does collect impact fees. With the amendment, a special use permit would require an analysis showing that the tax benefit would be greater than the previous one for existing properties. Council Chairman Levy said that when he had brought this up before, he was told that his concern was being addressed in the original language, but he didn't see it which was why he added the amendment. Ms. Hardy said the language the Town Administrator more explicitly addressed the concern that there had to be a more positive benefit to the town for approval.

Council Vice Chairman Bentley so moved (to approve the amendment 7.02 Mixed Use Development), and Councilor Carmichael seconded. Town Administrator Fournier polled the Council. Motion passed 5 – 2, with Councilors Pickering, Pike Carmichael, Council Vice Chairman Bentley and Council Chairman Levy voting in favor and Councilors Nazzaro and Wright voting against.

Councilor Nazzaro said that Ms. Hardy in her notes had mentioned RSA 356B concerning treating condominiums differently from other forms of multi-family housing. Attorney Ratigan said that what they could not do was treat condos disadvantageously, and the only differentiation in the amendment gives a higher square footage to condos than apartments. He said they were not violating state law by treating them differently. Council Chairman Levy said one of the reasons he had given more square footage to condos was that they would give a higher tax return. Councilor Nazzaro pointed out that the fiscal analysis would be on the entire development, not just the residential units.

**New Business**

Town Council Workshop  
July 24, 2013

Town Administrator Fournier said there would be fireworks the evening of August 9<sup>th</sup> behind the Community Center before Old Home Day/Oyster Fest on August 10<sup>th</sup>.

Council Chairman Levy said that despite differences, he felt the Council worked well together. However, he asked that members refrain from using phrases such as “socialistic” etc. because he did not feel they were helpful.

Council Vice Chairman Bentley moved to adjourn and Councilor Carmichael seconded. Motion carried unanimously, and the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary





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

**5. 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**  
**August 7, 2013**

**Olde Home Weekend:** This weekend is Olde Home Weekend. The festivities will start on Friday night at Landroche Field. There will be food vendors at the Recreation Center and live entertainment starting at 7PM with Chippy and the Ya Ya's. At 9:30, there will be fireworks set off in the same area.

On Saturday, there will be events all throughout Downtown starting at 8:30 with the Lamprey Health Care 5K. The festivities will end at 7PM.

*Visit... Newmarket! ...On N.H.'s Great Bay!* *Visit... Newmarket! ...On N.H.'s Great Bay!*

**OLDE HOME OLDE HOME**  
**CELEBRATION - 2013 CELEBRATION - 2013**  
**OYSTER FESTIVAL**



**FRIDAY NIGHT, AUGUST 9TH**  
*LIVE MUSIC @ 7PM!*  
- CHIPPY & THE YA YA'S -  
**FIREWORKS!**  
9:30pm ~ Leo Landroche Field  
FOOD VENDORS @ NEWMARKET REC CENTER  
PARKING @ NEWMARKET HIGH SCHOOL

**ALL - DAY SATURDAY, AUGUST 10TH**  
8:30AM @ LAMPREY HEALTHCARE... *5k Race*  
*Farmer's Market* 9AM @ CARPENTER'S GREENHOUSE  
*CHILDREN'S ACTIVITIES ON THE WATERFRONT!* 11AM-6PM  
- MAIN STREET BANDSTAND -  
KENNY BROTHERS BAND @ 11AM  
CHARLIE KEATING BAND @ 1PM  
GUNS, GIRLS, AND GLORY @ 3:30PM  
**OYSTER & BEER TENT - STONE CHURCH**  
ERIN HARPE & THE DELTA SWINGERS @ 12PM  
LOVEWHIP @ 1:30PM  
PADDY SAUL IRISH ROCK @ 4PM  
ALL TOGETHER NOW @ 6PM

[WWW.OYSTERFESTNH.COM](http://WWW.OYSTERFESTNH.COM) [WWW.OYSTERFESTNH.COM](http://WWW.OYSTERFESTNH.COM)

**Town Clerk - Tax Collector Audit:** In accordance with RSA 41:36, the Town has completed an audit of the records of the former Town Clerk - Tax Collector. The auditors found nothing. A copy of the audit is attached to this report.

**Parking:** I would like to begin looking into providing more parking in the downtown area. After proposing paving the Bay Road lot for longer-term parking, I began to look at other areas to try to increase parking. One suggestion that I received and would like to explore would be to widen Elm Street in the area of the proposed commercial development by narrowing the sidewalks. We believe this could add a number of parking spaces as well as serve as a traffic-calming device in that area. I would like to work with the developers to seek their assistance in making this happen.

I would also like to ask that the Council consider creating a Parking Commission to review parking issues in the area. I would suggest a committee made of members of the public, representatives from the business community and police department. They would review all of the studies that we have conducted and come up with suggestions on how to implement improvements.

**Commission on Preparing for Sea Level Rise and Coastal Watershed Hazards:** The Town has been invited by the State to appoint a representative to a commission of Seacoast communities that will study sea levels and other coastal hazards and how to lessen their impacts on the Seacoast communities. The commission is made up of about 36 people and will meet four times a year. We can advertise this if no Councilors are interested.

**Change in Council Rules:** After operating under the Council rules as amended last fall, I would recommend that the Council consider the following.

Since we have Business Meetings and Workshops there seems to be confusion on what actions can be taken at what types of meetings. All votes on ordinances, resolutions, appointments etc. happen at Business Meetings which is the first meeting of the month. If any Councilor wishes to have an in-depth discussion on a topic, then that issue is forwarded to a workshop session. No votes are to be taken at workshop sessions.

I would recommend that we consider eliminating the workshop session and have two business meetings a month. This would allow the Council to address topics in a timelier manner rather than waiting a month between the first and second reading. Second, it would eliminate the confusion of having two types of meetings. The Council could still have in-depth discussions on topics at the second meeting, and it could always call a special meeting for complex issues.

If there is no objection, I can submit an amendment to the Council rules this fall.

**State of New Hampshire Highway Block Grant:** I am happy to report that we have received notice from the State of New Hampshire Department of Transportation that our Highway Block grant Aid is estimated to be higher than anticipated. We estimated that

we would receive \$137,226 in the FY14 Budget. We have since received notice that we will actually be receiving \$151,265.

**Web Site:** We are continuing to work with Virtual Town and Schools on a complete revamp of the Town Website. The purpose is to make it easier to find information and news. We have been receiving mockups of the design below is a sample design:

We hope this design will be cleaner and easier than our current site. In addition, we believe it will be easier to maintain for staff. We hope to have it rolled out later this fall.



**Discontinuance of Water Street:** About a year or so ago, the Town Council voted to discontinue portions of Water Street. At that same meeting, it was decided that the costs of the survey would be shared between the Town and Tim Nichols, the developer of the 13 Water Street. Doucet Survey has prepared the survey of the new Water Street Realignment that now needs to be recorded at the Register of Deeds. This needed to be done in order to close on the property, otherwise there would be a title defect because the existing building (which previously housed Joyce’s Kitchen) encroaches on the current right-of-way.

All of the documents have since been executed and are on file.

**Bike Racks:** The bike racks that were donated by the Newmarket Business Association and Matt Angell have been installed throughout downtown. The rack locations after talking to the commercial abutters are now;

1. Pocket Park northeast side adjacent to Páo
2. Big Bean

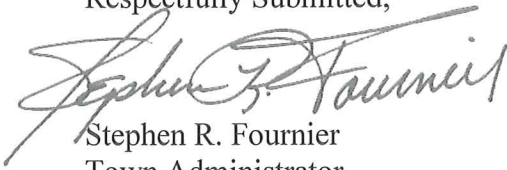


3. 102 Main St - on north side of building

4. Crack Skulls

We are still determining the fifth location. We hope by placing these racks throughout downtown we will encourage people to ride their bikes into Town as well as not to use trees and benches to lock them up.

Respectfully Submitted,

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

Stephen R. Fournier  
Town Administrator

**TOWN OF NEWMARKET,  
NEW HAMPSHIRE**

**REPORT OF AUDIT OF THE  
ACCOUNTS AND RECORDS OF  
BECKY BENVENUTI, TAX COLLECTOR**

**FOR THE PERIOD JULY 1, 2012  
THROUGH MAY 31, 2013**

*TOWN OF NEWMARKET, NEW HAMPSHIRE*  
*REPORT OF AUDIT OF THE ACCOUNTS AND RECORDS OF*  
*BECKY BENVENUTI, TAX COLLECTOR*  
*FOR THE PERIOD JULY 1, 2012 THROUGH MAY 31, 2013*

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## PLODZIK & SANDERSON

*Professional Association/Accountants & Auditors*

193 North Main Street • Concord • New Hampshire • 03301-5063 • 603-225-6996 • FAX-224-1380

### *INDEPENDENT AUDITOR'S REPORT*

To the Members of the Town Council  
Town of Newmarket  
Newmarket, New Hampshire

We have audited the accompanying summary statements of the tax warrants and tax lien accounts for the period July 1, 2012 through May 31, 2013, as shown on pages 2 and 3. These financial statements are the responsibility of the Tax Collector. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in the note to the financial statements, the financial statements of the Tax Collector's Department are intended to present the financial position and the changes in financial position that are attributable to the transactions of the Department. They do not purport to, and do not, present fairly the financial position of the Town of Newmarket, New Hampshire, as of May 31, 2013, nor the change in financial position for the period then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the summary of tax warrants and tax lien accounts for the period July 1, 2012 through May 31, 2013, and the change in financial position in conformity with accounting principles generally accepted in the United States of America.

June 1, 2013

*Plodzik & Sanderson  
Professional Association*



**SCHEDULE A**  
**TOWN OF NEWMARKET NEW HAMPSHIRE**  
*Becky Benvenuti - Tax Collector*  
**Summary of Tax Warrants**  
**For the Period July 1, 2012 through May 31, 2013**

	Levies of		
	2013	2012	Prior Years
<i>Debits</i>			
Uncollected - July 1, 2012:			
Property	\$ -	\$ 2,405,597	\$ -
Yield	-	-	1,008
Committed during period:			
Property	8,725,668	7,926,690	-
Yield	929	203	-
Excavation	939	14	-
Overpayment Refunds:			
Property Taxes	-	30,714	-
Overpayments not refunded	2,610	-	-
Interest-Late Tax	-	45,326	-
Total debits	<u>\$ 8,730,146</u>	<u>\$ 10,408,544</u>	<u>\$ 1,008</u>
<i>Credits</i>			
Remittances to Treasurer:			
Property	\$ 340,416	\$ 10,322,328	\$ -
Yield	929	203	1,008
Excavation	388	14	-
Interest	-	45,326	-
Carry Over	-	28,784	-
Abatements:			
Property	2,482	11,887	-
Uncollected - May 31, 2013:			
Property	8,385,380	2	-
Excavation	551	-	-
Total credits	<u>\$ 8,730,146</u>	<u>\$ 10,408,544</u>	<u>\$ 1,008</u>

**SCHEDULE B**  
**TOWN OF NEWMARKET NEW HAMPSHIRE**  
*Becky Benvenuti - Tax Collector*  
**Summary of Tax Liens**  
**For the Period July 1, 2012 through May 31, 2013**

	Levies of		
	2012	2011	Prior Years
<b>Debits</b>			
Unredeemed - July 1, 2012	\$ -	\$ 274,635	\$ 133,554
Liens executed	329,748	1,174	-
Correction:			
Abatement Refunded	-	324	
Interest and costs collected	899	13,963	41,685
Total debits	<u>\$ 330,647</u>	<u>\$ 290,096</u>	<u>\$ 175,239</u>
<b>Credits</b>			
Remitted to Treasurer:			
Redemptions	\$ 36,337	\$ 105,260	\$ 124,128
Carry Over	-	5	-
Interest and costs	899	13,963	41,685
Abatements of unredeemed liens		8,480	
Liens deeded to municipality	155	161	136
Unredeemed - May 31, 2013	293,256	162,227	9,290
Total credits	<u>\$ 330,647</u>	<u>\$ 290,096</u>	<u>\$ 175,239</u>

*TOWN OF NEWMARKET, NEW HAMPSHIRE  
REPORT OF AUDIT OF THE ACCOUNTS AND RECORDS OF  
BECKY BENVENUTI, TAX COLLECTOR  
NOTE TO THE FINANCIAL STATEMENTS  
FOR THE PERIOD JULY 1, 2012 THROUGH MAY 31, 2013*

*SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES*

The Tax Collector's Department in the Town of Newmarket, New Hampshire is being audited in accordance with State statutory requirements which, upon termination of office, mandate an audit of the tax collector's accounts and the preparation of recommittal warrants for the succeeding collector.

The accompanying financial statements of the Tax Collector's Department are intended to present the financial position, and the changes in financial position that are attributable to the transactions of the Department. They do not purport to, and do not, present fairly the financial position of the Town of Newmarket, New Hampshire, as of May 31, 2013, nor the change in financial position for the period then ended in conformity with accounting principles generally accepted in the United States of America.



# The Senate of the State of New Hampshire

107 North Main Street, Senate Chamber, Concord, N.H. 03301-4951

TAMMY L. WRIGHT  
Clerk of the Senate

Office 271-3420

TTY/TDD  
1-800-735-2964

July 10, 2013

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

Re: Chapter 188, SB 163, Laws of 2013, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

Dear Mr. Fournier.

Please accept this letter as official notice for the governing body of the Town of Newmarket to appoint a representative of the town to serve on the above-captioned study commission. A copy of the enabling legislation is enclosed for your information and review.

As stated in the legislation, the first-named House member is responsible for calling the first meeting. Members shall elect a chairperson.

Please contact the Senate Clerk's Office in writing as soon as possible with the name, mailing address, phone number, and email address of your chosen representative for contact reference. You may do so via mail or email at:  
[SenateClerksOffice@leg.state.nh.us](mailto:SenateClerksOffice@leg.state.nh.us).

If you have any questions, please feel free to contact our office.

Sincerely,

Tammy L. Wright  
Clerk of the New Hampshire Senate

TLW  
Enclosures

**RECEIVED**

JUL 12 2013

TOWN OF NEW MARKET  
ADMINISTRATOR'S OFFICE

CHAPTER 188  
SB 163 - FINAL VERSION

03/28/13 1154s  
8May2013... 1367h

2013 SESSION

13-0327  
08/03

SENATE BILL **163**

AN ACT establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

SPONSORS: Sen. Watters, Dist 4; Sen. Stiles, Dist 24; Sen. Fuller Clark, Dist 21; Rep. Borden, Rock 24; Rep. Spang, Straf 6; Rep. D. Hooper, Straf 16; Rep. Watrous, Merr 16

COMMITTEE: Energy and Natural Resources

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ANALYSIS

This bill establishes a commission to recommend legislation to prepare for projected sea level rise and other coastal hazards.

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Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 188  
SB 163 – FINAL VERSION

03/28/13 1154s  
8May2013... 1367h

13-0327  
08/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 188:1 New Chapter; Coastal Risk and Hazards Commission. Amend RSA by inserting after  
2 chapter 483-D the following new chapter:

3 CHAPTER 483-E

4 COASTAL RISK AND HAZARDS COMMISSION

5 483-E:1 There is established a coastal risk and hazards commission.

6 483-E:2 Membership and Compensation.

7 I. The members of the commission shall be as follows:

- 8 (a) Two members of the house of representatives, appointed by the speaker of the house  
9 of representatives.
- 10 (b) Two members of the senate, appointed by the president of the senate.
- 11 (c) The commissioner of the department of environmental services, or designee.
- 12 (d) The executive director of the fish and game department, or designee.
- 13 (e) The administrator of the bureau of public works design and construction, or designee.
- 14 (f) The commissioner of the department of transportation, or designee.
- 15 (g) The director of the division of parks and recreation, or designee.
- 16 (h) The director of the division of historical resources, or designee.
- 17 (i) The president of the Seacoast Board of Realtors, or designee.
- 18 (j) The director of the New Hampshire Sea Grant, or designee.
- 19 (k) A representative of the New Hampshire Public Risk Management Exchange,  
20 appointed by the exchange.
- 21 (l) The director of the office of energy and planning, or designee.
- 22 (m) The president of the Homebuilders and Remodelers Association of New Hampshire,  
23 or designee.
- 24 (n) The commissioner of the department of resources and economic development, or  
25 designee.
- 26 (o) The president of the university of New Hampshire, or designee.
- 27 (p) A representative of the New Hampshire Municipal Association, appointed by that

1 organization.

2 (q) A representative of the Strafford regional planning board, appointed by that body.

3 (r) A representative of the Rockingham regional planning board, appointed by that body.

4 (s) One representative of each of the following towns, appointed by his or her town's  
5 governing body: Rollinsford, Greenland, Stratham, Exeter, Newfields, Newmarket, Portsmouth,  
6 Rye, North Hampton, Hampton, Dover, Hampton Falls, Seabrook, Newington, New Castle,  
7 Madbury, and Durham.

8 II. Legislative members of the commission shall receive mileage at the legislative rate when  
9 attending to the duties of the commission.

10 III. The members of the commission shall elect a chairperson from among the members. The  
11 first meeting of the commission shall be called by the first-named house member. The first meeting  
12 of the commission shall be held within 45 days of the effective date of this section. Eighteen  
13 members of the commission shall constitute a quorum.

14 483-E:3 Duties.

15 I. The commission shall recommend legislation, rules, and other actions to prepare for  
16 projected sea level rise and other coastal and coastal watershed hazards such as storms, increased  
17 river flooding, and storm water runoff, and the risks such hazards pose to municipalities and state  
18 assets in New Hampshire.

19 II. The commission shall review National Oceanic and Atmospheric Administration and  
20 other scientific agency projections of coastal storm inundation, and flood risk to determine the  
21 appropriate information, data, and property risks.

22 III. The commission shall meet 4 times per year.

23 IV. The commission shall annually report its findings and any recommendations for  
24 proposed legislation to the speaker of the house of representatives, the president of the senate, the  
25 house clerk, the senate clerk, the governor, and the state library on or before November 1.

26 188:2 Repeal. RSA 483-E, relative to the coastal risk and hazards commission, is repealed.

27 188:3 Effective Date.

28 I. Section 2 of this act shall take effect December 1, 2016.

29 II. The remainder of this act shall take effect upon its passage.

30 Approved: July 2, 2013

31 Effective Date: I. Section 2 shall take effect December 1, 2016.

32 II. Remainder shall take effect July 2, 2013.



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

**6. Old Business**

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

- i. Resolution #2013/2014-01 Granting the Interim Finance Director Authority to Undertake Small Claims Action Against Justin May for recovery of Unpaid Police Detail Fees
- ii. Resolution #2013/2014-02 Repair and Maintenance of the George M. Stevens Tower Clock
- iii. Resolution #2013/2014-03 Establishing a Recreation Revolving Fund
- iv. Resolution #2013/2-14-04 Withdrawal of \$99,000 from the Public Works Capital Reserve Fund to Purchase a Trackless Sidewalk Plow/Trackless
- v. Resolution #2013/2014-05 Authorize the Town Administrator to Enter Into a Two-Year Agreement with Municipal Resources Inc. (MRI) for Assessing Services
- vi. Resolution #2013/2014-06 Withdrawal of \$10,000 from Sewer Impact Fees for Engineering Services of Bay Road Force Main
- vii. Resolution #2013/2014-08 Release of \$14,148 of Comcast Franchise Fees



TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution # 2013/2014 - 01

**Granting the Interim Finance Director Authority to Undertake Small Claims action  
against Justin May for Recovery of Unpaid Police Detail Fees**

**WHEREAS**, Justin May, doing business as Hollywood Promotions Internet, is an individual residing at 635 Clay Street, Manchester, New Hampshire, and

**WHEREAS**, the Town of Newmarket provides police detail upon request, and

**WHEREAS**, the Town of Newmarket provided a police detail to Justin May on July 21, 2012, and

**WHEREAS**, the Town of Newmarket invoiced Justin May for the police detail, and

**WHEREAS**, Justin May has not paid his invoice totalling \$200 that was due on August 31, 2012, and

**WHEREAS**, the Town desires to collect this overdue invoice, and

**WHEREAS**, New Hampshire Small Claims Court requires a resolution from the Town Council supporting a small claims action for recovery of said costs

**NOW THEREFORE, BE IT RESOLVED**, the Town Council hereby authorizes the Interim Finance Director to bring a small claims action, and any associated costs that may be added thereto, against Justin May for his unpaid invoice totaling \$200.

First Reading:	July 10, 2013
Second Reading:	August 7, 2013
Approval:	August 7, 2013

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Newmarket Town Clerk

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



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

April 10, 2013

Justin May  
Hollywood Promotions Internet  
635 Clay Street  
Manchester, NH 03103

\*\*\*\*\* THIRD AND FINAL NOTICE \*\*\*\*\*

Re: Past Due Invoice Number 2381, Amount \$200

Dear Mr. May,

We are calling to your attention the above overdue invoice, which a copy is attached.

Please understand that this is your final notice to clear your account. If your account is not cleared by May 10, 2013, we may pass your account to a third party collection agency or seek legal action. These actions may incur fees which you will be responsible for and may jeopardize your credit rating.

Please call me prior to May 10, 2013 to discuss the overdue invoice and a payment plan at (603) 659-3617 x1304, or please see me in the Finance Office at Town Hall.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Matthew Angell".

Matthew Angell  
Interim Finance Director

Enclosure



# PAST DUE INVOICE

Town of Newmarket  
186 Main Street  
NEWMARKET, NH 03857-1830

Customer No: 000324  
Invoice No: 2381  
Reference No:  
Invoice Date: 7/31/2012  
Due Date: 8/31/2012  
Terms:

**SOLD TO:** JUSTIN MAY  
HOLLYWOOD PROMOTIONS INTERNET  
635 CLAY STREET  
MANCHESTER, NH 03103

Contact: Sean  
Desc: NEWMARKET COMMUNITY CENTER

---

## DETAIL

---

POLICE EXTRA DETAIL 4 HRS @ \$50.00/HR	200.00
7-21-12 J.HANKIN	
Note:	

---

Invoice Total: 200.00

---

Any questions call (603) 659-3617 \*1323 or email [csheehan@newmarketnh.gov](mailto:csheehan@newmarketnh.gov)

# NEWMARKET POLICE DEPARTMENT

## OUTSIDE/SPECIAL DETAIL INFORMATION

Detail Received by: Lt. Simes Date: 7-12-12 Time: 1600

Date(s) of Detail: July 21, 2012 Times of Detail: 1100-1500

Location of Detail: Newmarket Community Center

Number of Officers Requested: 1 Type of Detail: (check one) Private  Municipal

Police Vehicle Needed  Yes  No (circle one) Amount of Hours Used N/A

**NOTE:** Inform Requesting Party that there is a four (4) hour minimum per detail and of the current detail rate that must be paid. Also advise Requesting Party that details cannot be cancelled unless at least four (4) hour notice is given to the Police Department and extenuating circumstances exist.

Requesting Party or Authorizing Official: Justin May - ~~657-5776~~ 657-5776

*\$10.00*  
\* Charity Mc Ride For Joshua Pratte \*

**Billing Information:**

Company/Agency/Person: Justin May

Address: 635 Clay Street, Manchester, NH 03103

Telephone Number: 657-5776 Fax: \_\_\_\_\_

Contact Person (if different from Requesting Party): \_\_\_\_\_

Supervisory Officer Assigning and Approving Detail: Simes

Detail Page Sent Out: Date: 7-12-12 Time: 4:37 PM by Stafford

Detail Posted: Date: 7-12-12 Time: 4:37 PM by Simes

OFFICERS ASSIGNED	FROM / TO	TO BE PAID
Name: <u>HARKIN ✓</u>	Actual Hrs. Worked: <u>1100-1400</u>	Total: <u>4 hr min</u>
Name: _____	Actual Hrs. Worked: _____	Total: _____
Name: _____	Actual Hrs. Worked: _____	Total: _____
Name: _____	Actual Hrs. Worked: _____	Total: _____
Name: _____	Actual Hrs. Worked: _____	Total: _____

Review by Chief of Police: [Signature] Date: 7/23/2012

# NEWMARKET POLICE DEPARTMENT

## OVERTIME / COMP / OUTSIDE DETAIL REQUEST

EMPLOYEE: JEREMY J. HARKIN

DATE WORKED: 21 JUL 12 TOTAL HRS. WORKED: 4 hr. min

HOURS WORKED: 1100 (FROM) 1400 (TO)

REQUEST FOR:

PAYMENT  COMPENSATING TIME  OUTSIDE DETAIL PAYMENT

REASON FOR OVERTIME / COMPENSATING TIME:

HOLIDAY \_\_\_\_\_ (DAY)

SHIFT COVERAGE FOR \_\_\_\_\_ (HOURS)

TRAINING \_\_\_\_\_ (COURSE)

COURT \_\_\_\_\_ (CASE)

ALS / IEH HEARING \_\_\_\_\_ (CASE)

EXTENDED / EXTRA COVERAGE \_\_\_\_\_ (REASON)

SPECIAL ASSIGNMENT AUTHORIZED BY \_\_\_\_\_ (SUPERIOR OFFICER)

EMERGENCY / CALL-IN \_\_\_\_\_ (REASON)

STAFF MEETING CALLED BY \_\_\_\_\_ (SUPERIOR OFFICER)

OTHER MC MEMORIAL RIDE (EXPLAIN)

SIGNATURE OF EMPLOYEE: [Signature]

DATE SUBMITTED: 21 JUL 12

REQUEST IS APPROVED / DENIED ON: 21 JUL 12 (CIRCLE ONE) (DATE)

DIVISION SUPERVISOR'S SIGNATURE: [Signature]

CHIEF OF POLICE SIGNATURE: \_\_\_\_\_

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



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

January 8, 2013

Justin May  
Hollywood Promotions Internet  
635 Clay Street  
Manchester, NH 03103

Re: Past due invoice(s)

\*\*\*\*\* SECOND NOTICE \*\*\*\*\*

Dear Mr. May:

We are calling to your attention your overdue invoice(s), which a statement is attached.

Please call me to discuss the overdue invoice(s) and a payment plan at (603) 659-3617 x1304, or please see me in the Finance Office at Town Hall.

Thank you for a prompt response.

Very Truly Yours,

A handwritten signature in cursive script that reads 'Matthew Angell'.

Matthew Angell  
Acting Finance Director

Enclosure

# STATEMENT



Town of Newmarket  
 186 Main Street  
 NEWMARKET, NH 03857-1830

JUSTIN MAY HOLLYWOOD PROMOTIONS INTERNET 635 CLAY STREET MANCHESTER, NH 03103	Customer No: 000324 Date: 1/08/2013 Customer Type:
--	--

Date	Invoice	Amount	Credits	Payments	Adj/FC	Balance
7/31/2012	2381	200.00	0.00	0.00	0.00	200.00
Total Due:						200.00
	<u>Over 90 Days</u>		<u>61 - 90 Days</u>	<u>31 - 60 Days</u>		<u>0 - 30 Days</u>
	200.00		0.00	0.00		0.00

Any questions call (603) 659-3617 \*1323 or email [csheehan@newmarketnh.gov](mailto:csheehan@newmarketnh.gov)

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



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

November 29, 2012

Justin May  
Hollywood Promotions Internet  
635 Clay Street  
Manchester, NH 03103

Re: Past due invoice(s)

Dear Mr. May:

We are calling to your attention your overdue invoice(s), which a statement is attached.

Please call me to discuss the overdue invoice(s) and a payment plan at (603) 659-3617 x1304,  
or please see me in the Finance Office at Town Hall.

Thank you for a prompt response.

Very Truly Yours,

A handwritten signature in cursive script that reads "Matthew Angell".

Matthew Angell  
Acting Finance Director

Enclosure



**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**By the Newmarket Town Council**

**Resolution #2013/2014-02**

**Relating to the Repair and Maintenance  
of the George M. Stevens Tower Clock**

**WHEREAS**, the Town of Newmarket owns the George M. Stevens Tower Clock located in the Newmarket Community Church, and

**WHEREAS**, the Town has previously spent considerable funds restoring the Tower Clock, and

**WHEREAS**, pigeon droppings in the bell tower present a hazardous condition for workers who perform necessary clock maintenance, and

**WHEREAS**, the Town of Newmarket requested and received quotes for wildlife abatement and recommended Advanced Wildlife Control for a cost not to exceed \$895, and

**WHEREAS**, the Town Clock Capital Reserve Fund has a balance of \$9,666 as of May 31, 2013.

**NOW THEREFORE BE IT RESOLVED**, that the Newmarket Town Council does hereby approve a transfer from the Town Clock Capital Reserve Fund not to exceed \$895 for the purpose of wildlife abatement, accept the low cost and recommended bid from Advanced Wildlife Control, and to authorize the Town Administrator to execute any associated agreements.

*First Reading:*                 *July 10, 2013*  
*Second Reading:*            *August 7, 2013*  
*Approval:*                     *August 7, 2013*

---

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Newmarket Town Clerk

June 7, 2013

Mr. Matt Angell  
Town of Newmarket  
186 Main Street  
Newmarket, NH 03044

**RE: Town Clock**

Dear Matt,

This letter is a follow up of the inspection of the Town's George M. Stevens tower clock that I performed on June 5, 2013 along with yourself and Rick Malasky.

The clock mechanism on the first level appeared to be properly maintained and lubricated. Both the time and strike trains were functioning properly.

The bell Hammer assembly, located above the clock, next to the bell requires a higher level of maintenance. This area has a harsh environment subject to rain and snow. Currently there are pigeons in there as I observed feathers, twigs and eggs. The area should be cleaned and screened to keep them out.

The linkage rod from the clock mechanism below penetrates the roof next to the opening below the first louver. The rod connects to the bell hammer which is mounted to the floor next to the bell. The Hammer is mounted on a steel shaft with pivots on each end which ride in a cast iron mounting that needs to be kept clean of debris and well lubricated. There is a coil spring mounted vertically which has a threaded adjuster that is also subject to the weather. This spring adjusts the tension on the hammer and helps regulate the rate of strike.

While climbing the stairs to the bell area I noticed that one of the weight cables has die cast cable clips on its termination end. Forged Crosby clips should be used for over head lifting which is the industry standard.

Respectfully,



Philip D'Avanza

From: "Michael Ring" <advancedwildlife07@gmail.com>  
To: mangell@newmarketnh.gov, "Susie Percy" <advancedwildlifeoffice@gmail.com>  
Subject: Bird prevention/clean up quote  
Date: 6/17/2013 6:00:20 PM

--

Michael Ring  
Owner  
Advanced Wildlife Control  
[www.advancedwildlife.com](http://www.advancedwildlife.com)  
1 800 870 9288

Matt,

Thanks for taking the time to show me your situation in the clock tower. Our first step in the process is to remove the current droppings and debris. we will scrub and disinfect the area. Once the area is clear there are several approaches we can take regarding the preventative process.

We can use a black coated 1/4 x 1/4 hardware cloth formed into all of the openings under side and held in place with contractors adhesive to prevent further access while still allowing for rain water or any other moisture to leach out. This approach will in no way affect or compromise the rubber roofing currently in place

. As far as we are concerned in our opinion this would be the most economical and easiest fix while also being permanent and virtually invisible to anyone outside looking at the building.

Cost for all materials and labor as well as disposal of the bird "debris" will be \$895.00

I look forward to hearing from you and hope that we can work together soon.

Thank you again.

From: "Steven Davies" <stevendavies@Modernpest.com>  
To: mangell@newmarketnh.gov  
Subject: PROPOSAL  
Date: 6/17/2013 8:36:37 AM

st1\:\*{behavior:url(#default#ieooui) }

Good Morning Matt,

It was very nice meeting you last week and thank you for giving Modern Pests' Wildlife Division the opportunity to help with the pigeon/bird problem at the Newmarket Community Church. I am confident you will be happy with the service and I assure you we will exclude the birds from the steeple, keep them out and clean the bell area so it is free of contamination.

Please review the attached proposal and provide feedback when you have a few minutes.

Thank you Matt,

Steve

Steven Davies

**Wildlife Sales Professional**

***Modern Pest Services***

100 Pleasant Street, Brunswick, Me

Office: (207) 721-0167

Fax: (207) 721-3089

Cell: (207) 522-2187

[www.ModernPest.com](http://www.ModernPest.com)

[stevendavies@modernpest.com](mailto:stevendavies@modernpest.com)

***Fast, Effective Pest Solutions***



email: contactcenter@modernpest.com • Phone: 1-800-323-7378 • Fax: 207-721-3089 • www.modernpest.com

# Wildlife Service Agreement

### Service Address

Name: TOWN OF NEWMARKET  
Street 137 MAIN STREET  
City/State/Zip NEWMARKET, NEW HAMPSHIRE 03857  
Phone: 603-659-3617  
Email: mangell@newmarketnh.gov  
Acct # 201898

### Billing Address

Name: TOWN OF NEWMARKET  
Street 186 MAIN STREET  
City/State/Zip NEWMARKET, NEW HAMPSHIRE 03857  
Phone: 603-659-3617  
Email: mangell@newmarketnh.gov  
Acct # 201898

HomeCare Service Recommended

### Services- See the additional comments section below for more details

WILDLIFE included as part of guarantee:

- Bats
- Grey Squirrels
- Red Squirrels
- Flying Squirrels
- Raccoons
- Skunks
- Groundhogs
- Other BIRDS

**EXCLUSION:** Normal work consists of sealing all possible active entry/exit points around entire roofline from gutter to peak of roof. Dormers, ridge vents, louver vents, flashing, rake boards or any opening large enough to allow animal access into the interior roofline will be closed. One-way doors will be placed at exit points and removed once animals are no longer active. Materials such as hardware cloth, caulking, industrial foam, metal flashing, lead flashing, copper stuff-fit and mortar are all commonly used in sealing the exterior of the home or building.

\$ 1775.00

**TRENCHING:** (part of exclusion work): A trench, deep enough to meet ledge or gravel (usually up to 18"), will be dug at the base of the building where large animals may be entering and poly-coated screening will be installed, as well as one-way doors if needed.

Linear ft. to be trenched \_\_\_\_\_

\$ \_\_\_\_\_

**Modern is not responsible for a bat in the home during the first 48 hours after our work is performed and any animal damage or new entrance points other than where work is performed.**

**REMEDIATION:** Thorough cleanup is an important and often necessary addition to the exclusionary work being performed for health reasons and to help discourage future intrusions from other wildlife that are seeking areas previously inhabited by their species. Normal work consists of removal of all contaminated areas including nesting material, droppings, dead animals, and insulation. After removal, all areas are scrubbed with an environmentally friendly solution to help kill bacteria and diseases associated with animal feces, followed by a bio-wash, which deodorizes, sanitizes and neutralizes the area, to further reduce wildlife scent and kill bacteria, etc. The final steps include replacing insulation (if contracted), another bio-wash over the surface and applying an industrial-strength deodorant.

\$ INCLUDED IN EXCLUSION

**THERM-O-CARE PROGRAM** (with TAP® Insulation): TAP® Insulation is a revolutionary green insulation for new and existing homes made from recycled paper that incorporates a borate-based pest control into the product. Not only does TAP® Insulation outperform traditional insulation in nearly every category, it also controls pests such as ants, termites, firebrats, silverfish and cockroaches.

\$ \_\_\_\_\_

**TRAPPING:** Wildlife may be found anywhere on your property including your attic, basement, inside chimneys, inside wall voids or under any outside dwelling on the property. For this reason, trapping options vary greatly depending on the situation. Our standard service includes the  removal of 4 animals done within a 5-day period. Any babies that have to be removed by hand are an additional fee and discussed prior to any work started.

Fee for each additional animal removed: \$ \_\_\_\_\_

### Service Guarantee

Modern guarantees your satisfaction with our service and our people. If the wildlife species contracted for above returns within one year from the completion date of our work, Modern will return and diligently work to solve the problem. Our service guarantee covers exclusion, remediation, damage repair and TAP® Insulation (labor only). Service guarantee extensions are available for an additional fee.

Our service guarantee does not cover trapping, areas of the structure in need of repair or any deterioration of the structure after our work is completed, damage by wildlife in any "new" area of the structure and any changes made to the structure by outside entities (contractors, etc.), as well as acts of God such as fallen trees, lightning, flooding, etc.

### Additional Comments

Service will include removal of all birds/pigeons from within the steeple of the Newmarket Community Church followed by sealing off all areas of access with galvanized hardware cloth. Once the exclusion is completed we will perform remediation services by removing all droppings/feces with a HEPA vacuum and then apply an environmentally safe chemical to all contaminated surfaces. Surfaces will be had scrubbed, cleaned and treated for bird mites. Once the service is completed all areas will be sanitized, neutralized and deodorized. We will guarantee the removal of all birds from the steeple.

TAP® Insulation is a trademark owned by Pest Control Insulation Systems Inc.

No verbal contract work done, please be sure it's written above.

STEVEN DAVIES

Print Name (please print clearly)

Print Name (please print clearly)

Modern Signature

Date

Client Signature

Date

White: Home Office

Canary: Client

Pink: Administration

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**  
**Resolution #2013/2014-03**  
**Establishing a Recreation Revolving Fund**

**WHEREAS**, the State of New Hampshire allows the legislative body of the Town to establish a Recreation Revolving Fund pursuant to RSA 35-B:2 II, and

**WHEREAS**, the money received from fees and charges for recreation park services and facilities shall be allowed to accumulate from year to year, and shall not be considered to be part of the general fund unreserved fund balance, and

**WHEREAS**, the treasurer shall have custody of all monies in the fund, and shall pay out the same only upon order of the Town Administrator pursuant to the Town of Newmarket's Purchasing Policies, and

**WHEREAS**, these funds may be expended only for recreation purposes as stated in RSA 35-B, and no expenditure shall be made in such a way as to require the expenditure of other funds that have not been appropriated for that purpose.

**THEREFORE. LET IT BE RESOLVED** by the Newmarket Town Council that the Town of Newmarket does hereby establishes and adopts the provisions of RSA35-B:2 II for the fiscal year beginning July 1, 2014.

*First Reading:            July 10, 2013*  
*Second Reading:        August 7, 2013*  
*Approval:                August 7, 2013*

---

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, 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:** CREATION OF A RECREATION REVOLVING FUND  
**DATE:** 6/27/2013  
**CC:** RECREATION DIRECTOR; FINANCE

---

One of the goals of the Town Council was to establish the Recreation programming as an entity separate from the general fund. In order to do this, the Town Council would have to establish a Recreation Revolving fund. If the Council does so, revenues collected from year to year for recreation programming will accumulate from year to year, unlike normal municipal funds which “lapse” at the end of each fiscal year. This would allow programming for the recreation department to start to become self-sufficient. Some programs will be popular and generate excess revenues, while other popular ones may not generate as much revenue, the excess revenues of other programs can subsidize it. Currently, all programming is paid for by tax dollars with the revenues from the programming going into the general fund to offset the costs.

This will not cover all recreation costs. I will work with the Recreation Director and Finance Director to determine which departmental costs can be covered by the fund. Administrative costs and salaries will probably have to continue to be covered in the operating budget. This will be part of the FY14 budget process.

I am including an article from the Local Government Center on *Understanding the Revolving Fund* to this memo.

# Understanding the Recreation Revolving Fund

*New Hampshire Town and City, April 2010*

*By Paul Sanderson*

The legislature has given municipalities authority to adopt and use a variety of financial tools to accomplish various public purposes. The “capital reserve fund” sets money aside for a future major expense. The “special revenue fund” puts aside money from a specific source of revenue, such as billings for ambulance services, and restricts expenditures to a specific purpose. Finally, there is the “revolving fund” that accepts revenue from users in a specific program and allows that revenue to be used to support the program. The Department of Revenue Administration website features a [chart](#) that compares the various tools.

Let’s look a little more closely at the recreation revolving fund, which was authorized by legislation adopted in 1993. There are two statutes involved: RSA 35-B:2 and RSA 41:29. The revenue source is “fees and charges for recreation park services and facilities.”

## **Q. How is the recreation revolving fund created, and why is it such a useful tool?**

**A.** The fund is created by a vote of the legislative body, which means a warrant article at the town meeting, or a vote of the city or town council. Once created, the money deposited into the fund is allowed to accumulate from year to year, unlike normal municipal funds which “lapse” at the end of each fiscal year. As programs are designed and offered, the users pay a program fee to support their participation in the program. This means that officials responsible for recreation can confidently plan the programs they wish to offer, and have access to a source of cash to pay for items that are needed in advance. Thus, coaches can be trained, programs may be advertised, and supplies can be ordered in bulk before the program actually begins. Without such a fund, there is always a possibility that money might not be appropriated for the program during the annual budget process, or that the appropriation will be either too small to support a popular program, or too large to support a program that proves to be less popular than expected. If supplies could not be ordered in advance, it is possible that a program such as youth baseball might begin without any baseballs, bats or protective equipment available.

## **Q. Where is the money kept?**

**A.** Pursuant to both RSA 35-B:2 and RSA 41:29, the funds are public money, and must be kept with the municipal treasurer. Neither the recreation commission nor its employees should have a separate account of any type under their control, and there should be practices and procedures in place to assure that money collected from users for recreation purposes is immediately deposited with the treasurer. On the expense side, recreation officials work with the governing body, which is responsible under RSA 41:9 to assure that appropriate purchasing procedures are in place. This might involve a credit card for small items, or purchase orders for items used on a regular basis, or even competitive bidding for larger purchases.



**Q. Does the treasurer need to open a separate checking account to hold the money?**

**A.** No. The treasurer only needs to assure that the municipal accounting system will allow a report to be generated showing details of the deposit of revenues and the expenditures allocated to recreation programs that are operated by the municipality. The treasurer will be concerned that deposits are received promptly and that appropriate practices and procedures are in place to authorize payments for recreation program costs. This does not require a separate bank account.

**Q. Who decides whether an amount to be paid should come from this fund, or from some other account in the municipal accounting system?**

**A.** When the legislative body creates the revolving fund, it decides who makes these decisions. The language used in RSA 35-B:2 is, "...upon order of the recreation or park commission, or other board or body designated by the local legislative body at the time the fund is created." For that reason, in some municipalities it is only the recreation commission that authorizes payment, while in others it is the recreation commission and the board of selectmen, or the town manager or city manager. Each municipality with a recreation revolving fund should keep a copy of the warrant article creating the fund easily accessible in order to answer this question.

**Q. In our programs, we use volunteers as well as paid full- and part-time staff to both administer and deliver the services. Can we pay personnel-related costs from the revolving fund?**

**A.** The language used in RSA 35-B:2 indicates that the fund may be used "...for the purposes of this chapter..." One of the powers granted under RSA 35-B:1 is the authority to "...employ an administrative officer and such other persons as it deems necessary to carry out the provisions of this chapter." Therefore, it is lawful to pay personnel costs from the revolving fund. Be careful here, however, because the recreation commission itself consists of residents of the municipality who are appointed by the governing body to serve without pay, and the commission has only those powers delegated by the governing body under RSA 35-B:1. Thus, appointed recreation commission members cannot hire themselves to serve as paid staff, and the governing body will determine the personnel-related practices, procedures and policies that apply to recreation staff and volunteers. The recreation commission and the governing body will need to communicate and cooperate in order to appropriately manage persons who serve in these capacities in the recreation programs.

**Q. Is it possible that amounts placed into the recreation revolving fund could be taken out and used for other public purposes?**

**A.** During the year, the governing body does not have the authority to transfer sums in the revolving fund to other public purposes, because the funds are restricted to use for recreation purposes.

However, since the legislative body creates the fund, it also has the authority to rescind the fund. If that were to occur, the money in the fund would revert to the municipal general fund and be subject to a new appropriation by the legislative body, possibly to another purpose. The decision belongs to the legislative body.

**Q. Why would a legislative body decide to take money from the recreation revolving fund?**

A. Remember that the money placed into the fund is the amount paid by users to participate in recreation programs. Users normally expect that the amount they pay will be used to cover the variable costs of the program, such as supplies, and something extra to administer the program. If the fees charged are larger than needed to offer the service, the revolving fund balance can grow. With a revolving fund, voters expect there to be some balance in the account at all times, but not more than is needed to fund current programming. If they see a large balance in the revolving fund, that is an incentive to place the money to other uses in order to reduce current taxes or accomplish some purpose unrelated to recreation.

Some municipalities have allowed balances in the recreation revolving fund to grow, thinking that the balance will one day be used to fund a major purchase, such as a new field, or a new tennis court. That sort of saving for the future is better accomplished by a different financial tool, the capital reserve fund. Voters expect a capital reserve fund to build up to the amount needed to accomplish the purpose, and further expect that there will be no withdrawals until it is time to complete the intended project.

We advise municipalities to use the right financial tool to accomplish each purpose. Use the recreation revolving fund to accomplish recreation-related programming. If there is a major capital purchase needed in the future, save for that purpose using a capital reserve fund.

**Q. Wow, this seems complicated; are you sure the recreation commission can't have its own checkbook to pay for these things?**

A. The statutes are very clear on the fact that the treasurer must hold public funds. This assures that public receipts and expenditures are open for review, and that all responsible parties are accountable for use of the funds. However, there is another reason, having to do with liability. Recreational activities often involve sports where there can be contact and a risk of injury. There are several statutes which protect the municipality, its employees and volunteers for a municipal program from personal liability for actions taken in good faith and within the scope of the duties they are asked to perform. If it could be argued that the injury occurred during an activity that is not a municipal program, some of those important protections might be lost, and personal liability could be a real risk for the individuals involved. Thus, it is important to observe the formalities that surround how these programs are created, offered and financed.

If you have additional questions regarding this type of account, you should consult your municipal finance officer or LGC Government Finance Advisor Barbara T. Reid. For questions about creating a recreational program that minimizes risk to participants and the municipality, you may wish to consult your risk management advisors or regular municipal attorneys.

*Paul Sanderson is staff attorney with the New Hampshire Local Government Center's Legal Services and Government Affairs Department. For more information on this and other topics of interest to local officials, LGC's legal services attorneys can be reached Monday through Friday from 8:30 a.m. to 4:30 p.m. by calling 800.852.3358, ext. 384.*

**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**By the Newmarket Town Council**

**Resolution #2013/2014-04**

**Withdrawal of \$99,000 from the Public Works Capital Reserve Fund to Purchase a Trackless Sidewalk Plow/Trackless**

WHEREAS, the Town has placed funds into a Capital Reserve Fund as part of its CIP process to replace the sidewalk plow, and

WHEREAS, the cost to refurbish the current sidewalk plow would be \$70,000, and

WHEREAS, HP Fairfield of Pembroke, NH has priced a new vehicle at \$99,000 after the trade-in of the current vehicle.

**THEREFORE. LET IT BE RESOLVED** by the Newmarket Town Council that it hereby authorizes the withdrawal of an amount not to exceed \$99,000 from the Public Works Capital Reserve Fund for the purchase of a new sidewalk plow/trackless vehicle.

*First Reading: July 10, 2013*  
*Second Reading: August 7, 2013*  
*Approval: August 7, 2013*

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Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Newmarket Town Clerk

*Rec'd 6/25/13*  
*[Signature]*

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**MEMORANDUM**

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**TO:** STEVE FOURNIER, TOWN ADMINISTRATOR  
**FROM:** RICK MALASKY, PUBLIC WORKS DIRECTOR *RM*  
**SUBJECT:** TRACKLESS REPLACEMENT  
**DATE:** 6/21/2013

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Our 2003 Trackless is in the CIP for replacement this year. I was hoping to get another year or two out of this machine prior to replacing it, but after reviewing the maintenance costs, that does not seem reasonable.

The Trackless is a key component to our snow removal operations. This past winter we had several break downs with this machine costing us thousands of dollars in repairs and down time. Auto Excellence has recommended that this piece of equipment be replaced.

The following is a breakdown of the maintenance cost for the past three years:

2010/11	\$7,430
2011/12	\$2,074
2012/13	\$8,607

Maintenance costs for fiscal year 11/12 are so much lower because we did not get any snow that winter. The machine currently has 2,306 engine hours.

I have requested a price to recondition our current Trackless and a price for a new Trackless:

New Trackless	\$106,500	Recondition 2003 Trackless	\$70,000
Trade Value	-\$7,500		
Total Cost	\$99,000		

My concern with reconditioning this machine is the engine, transmission, and hydraulic pump are all original components, that we currently have already repaired. It would become more costly if they should fail in the future.

All of the attachments we currently own (sweeper, water tank, sander, plow, snow blower) will work with a new machine and will not need to be replaced.

After speaking with the sales representative regarding the pros and cons I would recommend to you that we do a replacement vs. recondition for a few reasons: Every year we have more and more sidewalks to maintain therefore the machine is working longer and harder than in previous years, the major components that are still original (engine, transmission, etc.) will be costly to repair and 10 years old already, and the cost to recondition is more than half a new one. Reconditioning is typically done in very small communities that don't put the hours, or wear and tear, on the machine that we do in a season.

Please let me know if you have any questions or concerns.

# H. P. FAIRFIELD, LLC

**BUDGET # 133449**



**HP  
FAIRFIELD LLC**

**"MUNICIPAL SPECIALISTS"**

PHONE: 603-848-2363 FAX: 603-335-2926

<http://www.hpfairfield.com>

FROM:

**Bob Hackett**

94 Sheep Davis Rd

Pembroke , NH 03275

**QUOTED TO:** Town Of Newmarket  
214300 Main Street  
Newmarket , NH 03857  
ATTN: Rick

**DATE:** May 6, 2013

**CUSTOMER PHONE:** 603-659-3093

**CUSTOMER FAX:** 603-659-4807

**COMMENTS:** 2013 Trackless All-wheel drive sidewalk tractor proposal

QTY	DESCRIPTION	PRICE	EXT. PRICE
1	NEW TRACKLESS MT6 SIDEWALK TRACTOR, 4 WHEEL DRIVE, TIER 3 ENGINE, HYDROSTATIC DRIVE, FULLY ARTICULATING AND OSCILLATING MAIN FRAME, 115 HP CUMMINS TURBO-CHARGED DIESEL ENGINE, 102 HP AT THE PTO, ROPS CERTIFIED SAFETY CAB, FULL INSTRUMENTATION, DANA 60 AXLES WITH LIMITED SLIP, STANDARD WINTER TIRES, HYDRAULIC SYSTEM TO OPERATE ALL TRACTOR FUNCTIONS WITH JOYSTICK CONTROLS, A/C AND CAB PRESSURIZER, BACK UP ALARM, CAB MOUNTED STROBE WITH BRUSH GUARD, AIR RIDE HIGH BACK SEAT, PREPPED AND DELIVERED TO YOUR FACILITY.	\$106,500.00	\$106,500.00
1	TRADE VALUE OF USED MACHINE	-\$7,500.00	-\$7,500.00

\*\*\* ONE YEAR WARRANTY PARTS AND LABOR \*\*\*

SIGNED Bob Hackett

ACKNOWLEDGED

QUOTE TOTAL

\$99,000.00

**Serving New England for over 60 Years**

# H. P. FAIRFIELD, LLC

QUOTE # 133450



**"MUNICIPAL SPECIALISTS"**

PHONE: 603-848-2363 FAX: 603-335-2926

<http://www.hpfairfield.com>

FROM:

Bob Hackett

94 Sheep Davis Rd

Pembroke, NH 03275

QUOTED TO: Town Of Newmarket

214300

Main Street

Newmarket

, NH 03857

ATTN: Rick

DATE: May 6, 2013

CUSTOMER PHONE: 603-659-3093

CUSTOMER FAX: 603-659-4807

COMMENTS: Used Trackless Recondition proposal

QTY	DESCRIPTION	PRICE	EXT. PRICE
1	TRACKLESS RECON PROGRAM	\$70,000.00	\$70,000.00

\* WE TAKE YOUR MACHINE AND INSPECT IT FROM BUMPER TO BUMPER. WE EVALUATE THE MACHINE FOR RECONDITIONING. ANY COMPONENTS WHICH ARE DETERMINED TO HAVE 50% OR LESS USABLE LIFE THOSE COMPONENTS ARE REPLACED.

\* THE UNIT IS SANDBLASTED, PRIMED, REPAINTED AND DECALED.

\* THE UNIT IS THEN ROAD TESTED AND A ONE YEAR WARRANTY IS PLACED ON THE MACHINE.

ITEMS ADDRESSED:

- \* ENGINE
- \* HYDROSTAT
- \* AXLES
- \* HYDRAULICS
- \* ELECTRICAL
- \* MIDDLE SECTION
- \* BRAKES
- \* HEAT AND A/C

SIGNED

Bob Hackett

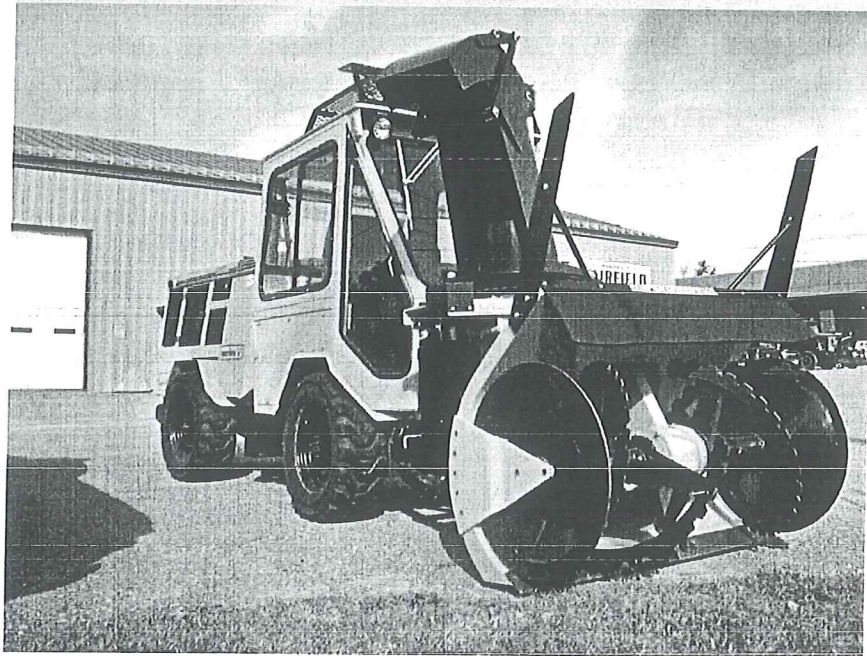
ACKNOWLEDGED

QUOTE TOTAL

\$70,000.00

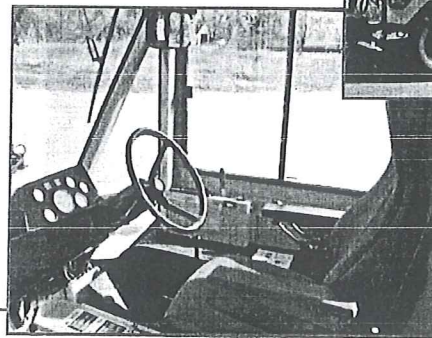
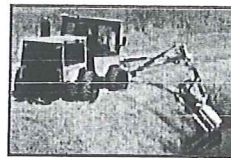
**Serving New England for over 60 Years**

# Trackless MT 5



## Recon

Is a new Trackless unit out of reach? Give our new **Recon** program a try. Our top to bottom restoration process can add years of life to an existing Trackless. We also have **Recon** units in stock and ready to roll, some with full or partial warranty. Restore your existing Trackless, or let us show you what our work ready **Recon** units can do for your sidewalk program.



## A Trackless Transformation

What is a RECON? Essentially a RECON is a full unit restoration process. The Trackless unit is stripped to its base, sandblasted and mechanically rebuilt. New hosing, pins and bushings, new sheet metal where needed, cosmetics and sound insulation, new air-ride seat, lighting, inspect all engine seals, hydraulics pressure checked and flushed, new prime and paint, fully tested and ready to perform. Units may also have new or used attachments for both winter and summer use.



Skowhegan, ME 207-474-9836  
Scarborough, ME 207-885-4895  
Concord, NH 603-225-9576  
Morrisville, VT 802-888-2092  
Worcester, MA 508-755-8984

[www.hpfairfield.com](http://www.hpfairfield.com)  
[store.hpfairfield.com](http://store.hpfairfield.com)

**HP  
FAIRFIELD LLC**  
MUNICIPAL SPECIALISTS



**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**By the Newmarket Town Council**

**Resolution #2013/2014-05**

**Authorize the Town Administrator to Enter into a Two-Year Agreement with  
Municipal Resources Inc. (MRI) for Assessing Services**

WHEREAS, the Town has contracted its assessing services with Municipal Resources Inc., (MRI) since October, 2012, and

WHEREAS, that agreement ended June 30, 2013, and

WHEREAS, MRI has proposed a two-year extension to June 30, 2015, and

**THEREFORE. LET IT BE RESOLVED** by the Newmarket Town Council that it hereby authorizes the Town Administrator to enter into a two-year agreement with Municipal Resources Inc. for assessing services.

*First Reading: July 10, 2013*  
*Second Reading: August 7, 2013*  
*Approval: August 7, 2013*

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Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, 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:** CONTRACT EXTENSION WITH MRI FOR ASSESING SERVICES  
**DATE:** 7/1/2013  
**CC:**

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In October, the Town began contracting out their assessing work to Municipal Resources Inc. Since that time, we have seen a great improvement in service and a reduction in the expenses related to assessing.

I am proposing a two-year extension to this agreement. This will allow us to continue with this services as well as have an assessing firm on board for the revaluation in 2014.

They are proposing a rate of \$50 an hour for assessing services one day a week. In addition, we will receive 25 additional days at no cost. They charge \$75 an hour for abatement appeals and \$175 for appearances before the BTLA or Superior Court. Both of these costs are minimal.

## PROFESSIONAL SERVICES AGREEMENT

### I. PARTIES TO THE AGREEMENT

This Agreement, dated \_\_\_\_\_, is to retain professional consulting services for the **Town of Newmarket, New Hampshire (the Client)**, to be provided by **Municipal Resources, Inc. (MRI)**, and is lawfully entered into between the Client, by its Town Administrator, Steve Fournier, and MRI, by its authorized representative, Donald R. Jutton, President.

### II. SCOPE OF WORK

MRI will provide the following Assessing services:

#### **1. Annual Field Pickup Work:**

- a. Representatives of MRI will meet with taxpayers wishing to discuss their valuations.
- b. Perform field inspections to collect data for all new construction and properties with active building permits and take photos of all inspected properties.
- c. Enter all data into the Town's Vision data base. The Town shall make the data base available to the contractor for data entry to be done either at its offices or on the Town's computers.
- d. Create new parcels for all new subdivided lots.

#### **2. Abatements**

- a. Schedule appointments for inspection if possible.
- b. Perform field inspections and other studies to review all abatement requests.
- c. Enter all appropriate changes into the Town's Vision data base.
- d. Consider all properly filed abatement requests by any taxpayer and, after review and research, provide written recommendation for review by the Town Administrator.
- e. Process approved changes and provide appropriate paperwork to the Tax Collector.

#### **3. Appeals**

- a. Perform field inspections and other studies to review all appeals.
- b. Represent the Town and its best interests in all appeals.

### **Cyclical Review of Properties: (Approx. 833 Properties yearly)**

The Town consists of 3,333 parcels of which one-quarter of them (or 833 properties) need to be measured and listed per year. The Town hires a fulltime seasonal DRA-certified building measurer and lister during the summer. MRI will provide general oversight for quality and accuracy of the process.

#### **4. Hourly Assessing Services:**

Provide professional staffing for one (1) day per week in the Assessor's Office for taxpayers' meetings, abatement research and other routine tasks, plus twenty-five (25) days additional time for office and field work as necessary. If it is mutually determined that one day is not sufficient, additional time may be added to complete the projects.

Hourly assessing services shall include the following:

- a. Manage and maintain the following: exemptions, credits, land use change tax (LUCT), timber and gravel yield taxes, and all other statutory assessing obligations.
- b. Meet with taxpayers wishing to discuss their valuations.
- c. Meet with the Town Administrator and/or Town Council upon request.
- d. Meet and work with State Monitors to ensure the Town is meeting all certification requirements of DRA and to maintain a good working relationship.
- e. Perform annual assessment to sales ratio studies for the DRA for the purpose of informing the Town Administrator of the need for a full revaluation, partial revaluation, or statistical update to be compliant with RSA 75:8.
- f. Act as the assessor for the Town in abatement appeals, at the Board of Tax and Land Appeals, as well as giving support to Town Counsel in Superior Court appeals. The Assessor must seek and obtain Town Council approval of all settlements before final approval is granted.
- g. Make all recommendations, such as appeal settlements, to the Town Council or their representative in writing.
- h. Complete and process all State-required forms relative to assessing.

### **III. FEES AND CHARGES**

MRI will provide Pickups and Cyclical Review of Properties (including data entry, if desired) at a cost of \$20 per parcel; one (1) day per week in the Assessor's office for the hourly assessing services listed above at a rate of \$50.00 per hour. There is no expected charge for the additional 25 days for office and field work as necessary as MRI believes that these days will be spent doing Pickups, Cyclical Reviews, Abatements or Appeals and billed accordingly. Abatements will be billed at the rate of \$50

per hour and Appeals will be billed at the rate of \$75 per hour. The rate for preparation and attendance at the BTLA and Superior Court will be \$125.00 per hour.

Fees and charges for MRI services performed will be invoiced monthly. MRI will provide a detailed, itemized description of the services provided and expenses incurred. Payments will be made within fifteen (15) days of receipt of the invoice unless otherwise agreed. Invoices not paid within thirty (30) days will accrue interest at the rate of 1.5% per month.

#### **IV. MRI PERSONNEL IN CHARGE**

Joseph W. Lessard, Vice President, will serve as Principal-In-Charge of this engagement. Scott Marsh will serve as MRI's Project Manager with other Project Team members being assigned based upon specific needs.

Corrine R. Jordan will serve as the Communication Liaison between the Client and MRI to expedite the flow of project information, to record and properly direct Client inquiries regarding the project, and to ensure that problems or issues that may arise during the engagement are addressed and resolved expeditiously. Please feel free to contact Ms. Jordan regarding any matter related to this project at:

Corrine R. Jordan  
Communication Liaison  
Municipal Resources, Inc.  
120 Daniel Webster Highway  
Meredith, NH 03253  
(603) 279-0352, x-500  
(866) 501-0352, x-500 TOLL FREE  
[corrine@municipalresources.com](mailto:corrine@municipalresources.com)

Communications or correspondence related to any problems, issues, or changes required for this project shall be directed to the Client at the following address:

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

**V. TERM**

This agreement shall remain in force and effect through June 30, 2015.

Either party may terminate the Agreement with 15 days advance written notice to the other party.

**VI. SPECIAL CONDITIONS**

1. For specific tasks not included in the Scope of Work the cost will be \$65 per hour.
2. MRI reserves the right to assign other qualified assessing personnel to this project for the same cost following notification to the Selectmen or their representative of its intention to do so.

To the extent, MRI may require assistance from the Town's software vendors or others knowledgeable of the Town's assessing/tax collection practices the Town agrees to authorize use of these resources and to pay directly all costs for their services as may be incurred. MRI shall work to keep these costs as low as possible.

**THIS CONTRACT IS SUBJECT TO THE PROVISIONS CONTAINED IN ADDENDUM I, ATTACHED HERETO AND INCORPORATED HEREWITH.**

**ACCEPTED AND AGREED**

THE TOWN OF NEWMARKET  
BY ITS TOWN ADMINISTRATOR

MUNICIPAL RESOURCES, INC.

\_\_\_\_\_  
Steve Fournier, Town Administrator  
Date: \_\_\_\_\_

\_\_\_\_\_  
Donald R. Jutton, President  
Date: \_\_\_\_\_

## ADDENDUM I

### A. MUTUAL REPRESENTATIONS

MRI represents to the Client it is a duly constituted corporation under the laws of the State of New Hampshire and is authorized to do business within this State of New Hampshire as a professional services corporation.

MRI has in force and effect general commercial liability and errors and omissions insurance coverage to protect the Client from accidents which MRI or its authorized representatives may cause to persons or property or from professional errors or omissions when performing under this agreement.

MRI has no liens or encumbrances which would adversely affect the ability of MRI to perform as stipulated under this agreement, its terms, and conditions.

The Client represents to MRI that sufficient funds have been appropriated so it may retain and compensate MRI for the services provided for herein.

The Client's representative is authorized to enter into this agreement on behalf of the Client.

The Client is aware of no action, contemplated action, liability or other encumbrance which would limit or otherwise preclude the Client from freely entering into this agreement and compensating MRI for the services provided.

### B. NOTICE OF CHANGE OF PERSONNEL

Except as otherwise provided below, the MRI consultants assigned to any scope of work or project will remain throughout the duration of that specific scope of work or project. MRI retains the right, upon 30 days written notice, to remove from the project any of its consultants whom it believes can no longer suitably perform under its obligations to this agreement or any Supplement to it.

The Client, upon 30 days written notice, may request MRI to replace any of its consultants with another qualified representative.

### C. ADMINISTRATION OF AGREEMENT MODIFICATIONS

In all cases where this agreement is modified or expanded a written Supplemental Scope of Work (Supplement) must be prepared which clearly defines the services to be provided and details the billing rates or amounts to be charged by MRI and paid by the Client. Supplements must be executed by the authorized representatives of the respective parties prior to any billable work being undertaken. The Supplement(s) shall identify:

- The MRI officer or principal responsible for the successful delivery of services and/or project completion and the client's contracting official(s) or officer(s);
- The specific details of the work to be performed;
- The MRI personnel to be assigned;
- The basis upon which MRI services are being retained, including the normal hourly rate(s), cost reduction considerations or the agreed upon fee(s) for the personnel assigned and/or the services provided;
- The Client's contact person responsible for administering the Supplement, activities or project and the associated reporting requirements; and
- Any special or other conditions such as time deadlines, special reporting requirements, budget limitations, or other similar constraints.

#### D. INDEMNIFICATION

MRI Indemnification. MRI, the "Indemnitor", shall defend, indemnify and hold harmless Town of Newmarket, and its officials and employees from and against any and all Losses incurred by the Town of Newmarket to the extent arising out of or relating to MRI alleged negligence or breach of its obligations or warranties set forth in this Agreement, in whole or in part, except to the extent such Losses are caused by negligent acts or omissions of the Town of Newmarket.

Town of Newmarket Indemnification. Town of Newmarket, the "Indemnitor", shall defend, indemnify and hold harmless MRI, its officials and employees from and against any and all Losses incurred by MRI arising out of or relating to Town of Newmarket negligence or breach of its obligations or warranties set forth in this Agreement, except to the extent such Losses are caused by the alleged negligent acts or omissions of MRI.

#### E. INSURANCE

MRI has in force and shall maintain throughout this engagement the following insurance:

1. **General Liability Insurance:** MRI shall maintain commercial general liability (CGL) and, if necessary, commercial umbrella insurance with a limit of not less than \$1,000,000 each occurrence covering liability arising from premises, operations, independent contractors, products-completed operations, personal injury (including employment practices liability) and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract). If such CGL insurance contains a general aggregate limit, it shall apply separately to this project.

Client shall be named as an additional insured prior to beginning work and MRI shall furnish client with a Certificate(s) of Insurance executed by a duly authorized



representative of each insurer, showing compliance with the insurance requirements set forth above.

All Certificates shall provide for 30 days' written notice to the Client prior to the cancellation or material change of any insurance referred to thereon.

2. **Professional Liability Insurance:** MRI shall maintain professional liability and, if necessary, commercial umbrella liability insurance with a limit of not less than \$1,000,000 each wrongful act arising out of the performance or failure to perform professional services.
3. **Business Auto and Umbrella Liability Insurance:** If applicable, MRI shall maintain business auto liability and, if necessary, commercial umbrella liability insurance with a limit of not less than \$1,000,000 each accident. Such insurance shall cover liability arising out of any auto including owned, hired, and non-owned autos.
4. **Workers Compensation Insurance:** MRI shall maintain workers compensation and employers liability insurance. The commercial umbrella and/or employers liability limits shall not be less than \$1,000,000 each accident for bodily injury by accident or \$1,000,000 each employee for bodily injury by disease.

**F. NON-SOLICITATION**

The Client agrees that, for a period of one-year following the completion of the terms of this Agreement, they shall not, directly or indirectly, hire, solicit, or otherwise encourage any MRI personnel or affiliates assigned to this Agreement, to leave MRI's employment.

In the alternative, if the client should wish to hire any MRI personnel or affiliate assigned to this Agreement it agrees to compensate MRI with payment in the amount of 25% of that person's first year's total compensation package.

Initialed for Client: \_\_\_\_\_

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

Initialed for MRI: \_\_\_\_\_

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

**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**By the Newmarket Town Council**

**Resolution #2013/2014-06**

**Withdrawal of \$10,000 from Sewer Impact Fees for Engineering Services of Bay Road  
Force Main**

**WHEREAS**, it has been determined that the six-inch force main that runs under the river from Bay Road pumping Station to behind the Mills located on Main Street is undersized and is in need of a replacement, and

**WHEREAS**, engineering and boring costs total \$10,000 and they will be funded with \$10,000 from sewer impact fees, and

**WHEREAS**, the sewer impact fee fund balance is \$113,754.40 as of May 31, 2013.

**THEREFORE. LET IT BE RESOLVED** the Newmarket Town Council does hereby approve the withdrawal of \$10,000 from sewer impact fees to fund necessary engineering and boring testing for the replacement of the Bay Road force main.

*First Reading: July 10, 2013*  
*Second Reading: August 7, 2013*  
*Approval: August 7, 2013*

---

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Newmarket Town Clerk



To: Steve Fournier, Town Administrator  
Cc: Rick Malasky, Public Works Director  
From: Sean T. Greig, Supt. Water/Sewer  
Date: July 30, 2013  
Re: Response to Resident Comments  
Town Council Workshop 7-24-2013

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During the public comment period at the Town Council workshop on July 24, 2013, a resident expressed concern that the Sewer Department has done nothing to reduce sewer system infiltration and inflow (I&I), and has not proven that the Bay Road forcemain and lift station needs to be upgraded. The resident supplied the Town Council with information from the January 17, 2008 Interim Sewer System Evaluation Survey (SSES). The Department has been working with the attached recommendations from the June 6, 2008 Sewer System Evaluation Survey Final Report.

June 6, 2008 SSES Final Report Recommendations:

- 1.) Sewer Map Improvements – Replace graphic sewer map with GIS based map. This is a requirement in the Departments discharge permit. This recommendation is 95% complete,
- 2.) Sewer System Rehabilitation – Rehabilitation of Manholes in the report. The Department has worked with Moody Point and the Mobile Home Park to have them repair manholes in their system that contribute I&I to the Town's sewer system. The Sewer Department has targeted the leaking manholes first. Approximately 55 out of 85 manholes identified have been completed.
- 3.) Cedar Street Sewer Replacement – 100% complete
- 4.) SSES Phase II
- 5.) Sewer System Rehabilitation – Phase II
- 6.) Sump Pump Removal Program – Removal of sump pumps identified in SSES phase II

The above projects has substantially reduced the sewer system I&I. The June 6, 2008 SSES Report stated in 2006, the I&I for the sewer system was 300,000 gallons per day (gpd). The Buildout Study identified in 2009 the I&I was 275,000 gpd. The I&I for the 2011/2012 and 2012/2013 is 182,000 and 158,000 gpd respectively.

The Sewer Department in 2010 began to concentrate its efforts on the Bay Road Sewer Basin due to the flow issues in the area. Continuous flow meters were installed in the Bay Road area to determine the I&I sources. The Department installed a continuous flow meter at the Moody Point, and tracked water meter consumption to determine if Moody Point sewer collection system had an I&I problem. It was determined from the information gathered that Moody Point I&I is moderate. It was identified that the Mobile Home Park located on Bay Road and the Bay Road line from downtown is a source of High I&I. We met with the park owners, and they have repaired the identified leaking manholes in their system. The Bay Road line from downtown was video inspected, and circular cracks were observed in the pipe. A repair was made to a service that had become disconnected from the sewer main. House to House inspections have been done on Bay Road and Route 108. The Department has repaired 17 manholes in the Bay Road Basin.

The Department has tracked the flows entering the Bay Road Lift Station. Flows have peaked over 250,000 gallons per day (gpd). Please note that this number is a daily total flow, and not the actual flow rate. The total daily flow to the station does not occur evenly throughout the day, but “peaks” based on time of day and weather conditions. For a totally daily flow of 250,000 gallons (173 gallons per minute) a peaking factor of 5 is anticipated, resulting in a peak flow that must be conveyed by the pump station of approximately 870 gallons per minute.

The Bay Road Lift Station and forcemain were constructed in 1969. In 1983, the lift station was upgraded to a 500 gpm station. The resident indicated that plans were developed in 1988-89 to upgrade the Bay Road Station. I have searched department files and could not locate any such plans. With a typical design life of 20 years, it is unlikely that upgrade plans would have been developed merely 5 years after the upgraded station was brought online.

Furthermore, pump station equipment, control, and design guidelines have evolved considerably over the last 25 years, and any design from 1988 would likely be quite outdated.

With regard to the forcemain, the Bay Road forcemain is 44 years old, which is approaching the anticipated design life of 50 years. Assessing the current condition, sizing, and options for replacing the forcemain is a prudent step at this point in the forcemain’s lifecycle. Furthermore, standard design practice is to size wastewater forcemains so that the wastewater is being conveyed at a velocity of 3.5 to 5.0 feet per second. The maximum velocity should not exceed 6.0 feet per second. Exceeding 6.0 feet per second will cause scouring and excessive wear on the main, and will have higher energy costs. The current velocity is 5.67 feet per second at the 500 gpm pumping rate. Increasing the capacity of the station to accommodate peak flows will also require upsizing the forcemain.



To: Steve Fournier, Town Administrator  
Cc: Rick Malasky, Public Works Director  
From: Sean T. Greig, Supt. Water/Sewer  
Date: July 1, 2013  
Re: Bay Road Forcemain

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The original Bay Road station and forcemain was constructed in 1969, and the pump station was upgraded to a self priming station in 1983. The forcemain is original to the 1969 construction.

The 1983 pump station was designed to convey 500 gallons per minute (gpm) per pump, with one acting as a lead, and the second pump as a standby, as required by regulatory design. Recent draw-downs tests indicate pumping rates are 506 gpm for pump 1 and 500 gpm for pump 2.

The pump station is subject to seasonal high flows associated with spring time run-off. Flows in March 2010 peaked over 250,000 gallons per day (gpd). Both pumps are required to operate to convey these flows, which is not compliant with regulatory design standards that peak flows be conveyed with 100% redundancy. Based on preliminary analysis of the pump station flows and appropriate peaking factors, the design pumping rate should be closer to 800-900 gpm per pump.

Surcharging issues in the lowest level of the mill building (Bryant Rock) have been reported. The management of the mill building has installed a backflow prevention device to prevent sewage from flooding their lower level during high flow events. However, surcharged wetwell conditions during high flows prevent mill building sewage from flowing into the sewer during high flow events.

The existing 6-inch forcemain is over forty years old and the majority of the alignment is beneath the Lamprey River. Due to age and likely condition of the forcemain, steps should be taken to replace or augment the forcemain.

The Sewer Department recommends the Town authorize \$10,000 expenditure from sewer impact fees to perform an engineering evaluation on the Bay Road forcemain capacity and replacement. This evaluation would be the foundation for decision making and would be incorporated into the Department's Capital Improvement Plan.

## 6.4 Recommended Projects and Implementation Schedule

With the results of this study, it is recommended the Town implement the following design and construction projects to reduce I/I and identify additional I/I for removal:

**Table 17**

**Recommended Project List**

<i>Project Number</i>	<i>Project Name</i>	<i>Description</i>
1	Sewer Map Improvements	Replace graphic sewer map with GIS based sewer map
2	Sewer System Rehabilitation – Phase 1	Rehabilitation of MHs identified in this report
3	Cedar Street Sewer Replacement	Replacement of Sewers in Meter Basin 5, the area east of Cedar Street Pumping Station
<p><b>It is recommended that the success rate of SSES Phase I I/I removal projects (Project Numbers 2 and 3) be measured once completed. SSES Phase II (Project Number 4) would include a cost effective evaluation for future projects based on measured and justifiable I/I removal success rates from projects 2 and 3.</b></p>		
4	SSES Phase II	<ul style="list-style-type: none"> <li>a. Evaluation of I/I Removal (Projects No 1 and 2)</li> <li>b. Flow Isolation and Manhole Inspection</li> <li>c. Sewer TV Inspection (complete concurrent with Item b)</li> <li>d. Review of Sewer Pumping Station Run Times</li> <li>e. Smoke Testing and Dyed Water Studies</li> <li>f. House-to-House Inspections</li> <li>g. Cost Effective Analysis</li> <li>h. Phase II report with recommendations for sewer system rehabilitation</li> </ul>
5	Sewer System Rehabilitation – Phase 2	Rehabilitation of MHs identified in SSES Phase II report
6	Sump Pump Removal Program	Removal of sump pumps identified in SSES Phase II

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council  
Resolution #2013/2014-08  
Release of \$14,148 of Comcast Franchise Fees

WHEREAS, the Town of Newmarket desires to purchase mobile cable access equipment that will allow the Town/School to broadcast live meetings from anywhere in the town, and

WHEREAS, the agreement between the town of Newmarket and Comcast regarding cable access includes an annual capital contribution from Comcast of \$10,000 “for access channels’ facilities and equipment,” and

WHEREAS, the Town obtained three quotes and it was determined access a/v was the low cost provider, and

WHEREAS, the budget for the project is as follows:

**Source of Funds:**

Comcast Cable Franchise Fee – unspent remainder of FY2012	\$ 1,533
Comcast Cable Franchise Fee – FY 2013 contribution	10,000
Comcast Cable Franchise Fee – FY 2014 contribution	<u>2,615</u>
TOTAL:	\$ 14,148

**Use of Funds:**

Purchase of Equipment	<u>14,148</u>
TOTAL:	\$ 14,148

**THEREFORE. LET IT BE RESOLVED** that the Newmarket Town Council does hereby release \$14,148 of the Comcast Franchise Fee for PEG Access Capital Support, and authorize the Town Administrator to Enter into contracts for the purpose of purchasing Cable TV equipment.

*First Reading:* July 10, 2013  
*Second Reading:* August 7, 2013  
*Approval:* August 7, 2013

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_

Donna Dugal, Newmarket Town Clerk

# ACCESS A/V



July 22, 2013

Town of Newmarket  
Finance Office  
186 Main Street  
Newmarket, NH 03857

RE: RFP – # 14-0006 / Remote Broadcast Equipment & Public Address System  
DUE: Thursday, July 25, 2013 @ 4:00 p.m. EST

Kevin Long, Owner, on behalf of Access A/V, LLC (collectively referred to as "Vendor"), hereby submits an offer as contained in the written bid documents herewith ("RFP") to the Town of Newmarket in response to the RFP for Remote Broadcast Equipment and Public Address System, at the price(s) quoted herein in complete accordance with the RFP.

Vendor attests to the fact that:

1. Access A/V, LLC was established in May, 2005.
2. The Vendor is an authorized sales and service facility for the products specified in the RFP.
3. The Vendor has reviewed and agrees to be bound by the provisions contained in the RFP.
4. The Vendor has not altered any of the language or other provisions contained in the RFP document.
5. The prices Vendor has quoted in the RFP were established without collusion with other vendors.
6. The Vendor has read and fully understands this RFP.

Vendor's official point of contact is: Kevin Long, Owner  
(603) 224-2300  
[Kevin@accessavnh.com](mailto:Kevin@accessavnh.com)

Vendor's authorized signature: \_\_\_\_\_





Town of Newmarket  
Matthew Angell

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



603-659-3617 \*1304

603-659-3351 (fax)

MAngell@newmarketnh.gov

**Request for Proposal #14-0006**  
**Remote Broadcast Equipment and Public Address System**

You are cordially invited to submit a Bid for Remote Broadcast Equipment and Public Address System in accordance with the attached specifications, terms, and conditions. Prospective respondents are advised to read this information over carefully prior to submitting a proposal.

One copy of the Proposal must be submitted in a sealed envelope, plainly marked:

BID #14-0006 – Remote Broadcast Equipment and Public Address System  
Finance Office  
Town of Newmarket  
186 Main Street  
Newmarket, NH 03857

All proposals/bids must be received by July 25, 2013 at 4:00 pm EST

Matthew Angell,  
Interim Finance Director

**Town of Newmarket**  
**Request for Bid – Remote Broadcast Equipment and Public Address System**  
**Number – 14-0006**

**1. Introduction**

The Town of Newmarket, New Hampshire is requesting pricing information and availability of Remote Broadcast Equipment and Public Address System.

**2. General Requirements**

Vendors making proposals must respond in writing to all requirements of this Request for Proposal (RFP). Responses should reflect detailed considerations of the issues and opportunities presented by this specific project. Any additional information or tasks that are felt to be relevant by the responding firm should be included together with the submittal requirements.

No late, telephone, e-mail, or facsimile proposals will be accepted.

Costs incurred for the preparation of a proposal in response to this RFP shall be the sole responsibility of the vendor submitting the proposal. The Town of Newmarket reserves the right to select or reject any vendor that it deems to be in the best interest to accomplish the project specified. The Town reserves the right to accept the proposal on one or more items of a proposal, on all items of a proposal or any combination of items. The Town reserves the right to discontinue the select process at any time prior to awarding of a contract. The Town reserves the right to waive defects and informalities of the proposals.

Procurement information shall be a governmental record to the extent provided in NH RSA 91-A:4 and 5 and shall be available to the public. Proprietary information shall be considered a governmental record.

**3. Project Requirements**

The Town of Newmarket operates a local government access cable channel, which requires equipment for remote access and a public announcing system.

It is the intent of the Town to take the results of this bid and, after careful review and analysis of the prices and any possible options being offered, present the facts to the Town Council on the August 7<sup>th</sup> and obtain approval on September 4<sup>th</sup>.

Any deviations from the specifications must be so noted and any bid prices must be reflective of these deviations.

Questions should be directed Chris Williams at (603) 659-3617 x1321 or [cwilliams@NewmarketNH.gov](mailto:cwilliams@NewmarketNH.gov).

#### 4. Information Available

Qty.	Mfgr / Model #	Description
1	PegVault -SD	server
1	Datavideo SE-500 Video Switcher	
3	Sony EVID80 Robotic Cameras	
3	Visca to cat 5 adaptor	
3	50 ft cat5 cables	
1	Vaddio ProductionVIEW Camera Controller 999-5700-000	
3	6ft BNC Video Cables	
5	50ft BNC Video Cables	
3	BNC Barrels	
4	50ft AC Extension Cords	
1	25 AC Extention Cord /w/ 3 Outlets	
2	6 Outlet Power Strips	
1	Datavideo TLM-702 7" LCD Monitor Rack	
1	Datavideo RKM-572 Holder Mount	
2	12ft XLR-Female to RCA-M Cables	
1	Yamaha StagePass 500 kit	2 speakers, audio Mixer, amp, speaker stands + 3 50ft cables
1	Yamaha MG166C	16 Channel Audio Mixer (10XLR Mic Inputs)
1	MS-12-4-XL-50 Audio Snake	
10	SHURE MX412D/C Gooseneck Desktop Mics	
10	10' Cables	Mic Cables

**PRICING**

(a) Qty.	Mfgr / Model #	(b) Price Per Unit	(a)x(b) Cost
1	PegVault -SD	3139.00	3139.00
1	Datavideo SE-500 Video Switcher	946.00	946.00
3	Sony EVID80 Robotic Cameras	819.00	2457.00
3	Visca to cat 5 adaptor	99.00	297.00
3	50 ft cat5 cables	38.00	114.00
1	Vaddio Camera Controller 999-5700-000	1749.00	1749.00
3	6ft BNC Video Cables	11.00	33.00
5	50ft BNC Video Cables	22.00	110.00
3	BNC Barrels	3.00	9.00
4	50ft AC Extension Cords	25.00	100.00
1	25 AC Extention Cord /w/ 3 Outlets	28.00	28.00
2	6 Outlet Power Strips	9.00	18.00
1	Datavideo TLM-702 7" LCD Monitor Rack	799.00	799.00
1	Datavideo RKM-572 Holder Mount	191.00	191.00
2	12ft XLR-Female to RCA-M Cables	18.00	36.00
1	Yamaha StagePass 500 kit	998.00	998.00
1	Yamaha MG166C	375.00	375.00
1	MS-12-4-XL-50 Audio Snake	379.00	379.00
10	SHURE MX412D/C Gooseneck Desktop Mics	224.00	2240.00
10	10' Cables	13.00	130.00
		SHIPPING:	288.00
<b>Grand Total</b>			<u>\$ 14,436.00</u>

**CONTACT INFORMATION, SUSPENSION & DEBARMENT CERTIFICATE,  
AND SIGNATURE REQUIRED:**

Recent names and phone number information must be provided for at least three (3) other customers for whom these types of services have been provided.

Contact information:

Official Entity Name	Access A/V, LLC	Warranty/Guarantee	1 year
Address	8 Integra Drive	FOB Information	FOB destination, PPD
City, State, Zip	Concord, NH 03301	Availability	30 days est.
E-mail Address	Kevin@accessav nh.com	State of Incorporation	NH
Telephone Number	603-224-2300	Price holds for	30 days
Fax Number	603-224-2308	SSN or EIN	03-0563878

**Suspension and Debarment Certificate:**

I certify that this vendor has not been suspended or debarred from participating in any federal or State contract or grant.



# ACCESS A/V



July 22, 2013

Town of Newmarket  
Finance Office  
186 Main Street  
Newmarket, NH 03857

RE: RFP – # 14-0006 / Remote Broadcast Equipment & Public Address System  
DUE: Thursday, July 25, 2013 @ 4:00 p.m. EST

## REFERENCES

City of Rochester, NH  
ATTN: Celeste Plaia  
31 Wakefield Street  
Rochester, NH 03867

Phone: 603-335-7560  
Email: [celeste.plaia@rochesternh.net](mailto:celeste.plaia@rochesternh.net)

Andover Community Access & Media  
ATTN: Wess Murphy  
80 Shawsheen Road  
Andover, MA 01810

Phone: 978-475-9723  
Email: [wmurphy@andovertv.org](mailto:wmurphy@andovertv.org)

Manchester Public TV Service  
ATTN: Jason Cote  
1045 Elm Street  
Manchester, NH 03101

Phone: 603-628-6099  
Email: [jason.mpts@gmail.com](mailto:jason.mpts@gmail.com)

Kevin Coy  
Signature

7-14-2013  
Date

OWNER  
Title

## **BID PROTESTS**

1. Any actual or prospective bidder who is aggrieved in connection with the solicitation or award of a bid or contract may protest and seek resolution of complaints with the Purchasing Agent. A protest with respect to an invitation for bids or request for proposals shall be submitted in writing prior to the time for the opening of bids on the closing day for proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposal. In that event, the protest shall be submitted within three (3) calendar days after the aggrieved person knows or should have known of the facts giving rise thereto.
2. If a satisfactory resolution of the protest is not achieved by submitting a complaint with the Finance Director, the person submitting the protest shall submit a written appeal to the Town Administrator within three (3) calendar days of a decision by the Finance Director.
3. Purchasing procedures shall be stayed pending a decision of the Town Administrator unless the Town Administrator decides that the award of a contract is necessary to protect substantial interest of the Town.

## **BID, RFP, AND QUOTE TERMS AND CONDITIONS**

1. **BID ACCEPTANCE AND REJECTIONS:** The Town of Newmarket reserves the right to accept any bid, and to reject any or all bids; to award the bid to other than the low bidder if deemed "bid most advantageous to the Town;" to accept the bid on one or more items of a proposal, on all items of a proposal or any combination of items of a proposal and to waive any defects in bids.
2. **FINAL BID PRICE:** Terms and FOB point are always part of the bid. FOB point is always to be Newmarket, New Hampshire unless otherwise indicated by the bidder. It is the bidder's responsibility to so designate an FOB point other than Newmarket. If the bidder has any special payments or delivery clauses which could effect the final delivery price of an item up for bid, that too shall be made part of the bid. If, however, this is not included in the bid, the seller will be solely responsible for any increased prices due to any circumstances.
3. **LATE PROPOSALS/BIDS:** Any bids received after the specified date and time will not be considered, nor will late bids be opened.
4. **PAYMENT TERMS:** It is the customer of the Town of Newmarket to pay its bills within 20 – 30 working days following delivery of, and receipt for, all items covered by the purchase order. In submitting bids under these specifications, bidders should take into account all discounts, both trade and time, allowed in accordance with the above payment policy.
5. **BRAND NAMES:** When the item is offered of a brand that is not known for use and/or reputation and financial stability is not well and favorably known to these officials, bids on such unknown brand may be rejected because of this lack of knowledge alone. Prospective bidders with such unknown brand should give information concerning it to the Finance Director so that it may be checked into for bids for the coming year. The bidder will state in the proposal the brand name and any guarantees of the proposed materials. The brand name is to be for the material that meets all specifications.
6. **SUBCONTRACTORS:** Where a project involves utilizing subcontractors, and the project is completed satisfactorily, the Town of Newmarket reserves the right to request proof of payment to subcontractors by the general contractor prior to making final payment to the general contractor.
7. **PROPER DOCUMENTATION:** Any respondent to a bid request should sign off on and return to the Finance Department the original Bid Documentation Package which explains the scope of the bid request. Said signature, in the spaces provided, indicates receipt of, familiarity with and understanding of, and acceptance of the specifications provided, except as otherwise noted by the respondent.
8. **INDEMNIFICATION:** The Bidder will indemnify the Town against all suits, claims, judgments, awards, loss, cost, or expense (including without limitation to attorneys' fees) arising in any way out of the Bidder's performance or non-performance of its obligations under this contract. Bidder will defend all such actions with counsel satisfactory to the Town at its own expense, including attorneys' fees, and will satisfy any judgment rendered against the Town in such action.



9. BID RESULTS: The Finance Office will not respond to phone inquiries for Bid Results, other than to identify the apparent low bidder and its total bid price quotation. Individuals or company representatives may secure a comprehensive bid analysis of a particular bid request by either attending a bid opening (which is open to all interested parties); by coming to Town Hall after a bid opening and asking to look through the file.



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

**6. Old Business (continued)**

**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 (**Public Hearing Item**)
  
- ii. Resolution #2012/2013-60 Increase Sewer Rates (**Public Hearing Item**)
  
- iii. Resolution #2012/2013-63 Acceptance of a Grant from the Conservation Law Foundation and Authorization of the Town Administrator to Enter Into an Engineering Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis (**Revised**)

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**  
**Resolution # 2012/2013-63**

**Acceptance of a Grant from the Conservation Law Foundation and Authorization of the  
Town Administrator to Enter into an Engineering Contract for the Lamprey River Macallen  
Dam Removal Feasibility and Impact Analysis**

**WHEREAS**, the Town of Newmarket has owned the Macallen Dam since 2004 and the New Hampshire Department of Environmental Services, Dam Safety Bureau issued a Letter of Deficiency (LOD) in 2008 (revised in 2010) requesting the Town to correct deficiencies in the dam, with immediate costs to the Town of \$234,000 to address existing structural repairs and spillway modifications required to pass 100 year flood flows, with future costs ranging from \$1.1 to 4.6 million.

**WHEREAS**, the Town of Newmarket Town Meeting in 2011 voted to raise and appropriate the sum of \$45,000 through a special citizen petition warrant article for the purpose of evaluating the option of removal of the Macallen Dam, as a precedent to any proposed capital investment toward its repair, in order to, but not limited to, mitigating flooding in Newmarket from the Lamprey River.

**WHEREAS**, the feasibility study will provide pertinent information to enable the Town to make a well-informed decision on a preferred alternative at a future date.

**WHEREAS**, at that same Town Meeting, the Town was further authorized to apply for, obtain, and accept federal, state or other grants that may be available to subsidize the costs associated with this feasibility study.

**WHEREAS**, the Town Council established a Steering Committee, made up of three (3) citizens at large, a representative from the Conservation Commission, and the Lamprey River Watershed Association (LRWA) to work with the town staff and project partners from the National Oceanic and Atmospheric Administration (NOAA), New Hampshire Department of Environmental Services (NHDES), and the New Hampshire Fish and Game Department (NHFGD) to develop a Request for Proposals, select a consultant, and to secure additional funding for the study in January 2012.

**WHEREAS**, the Town of Newmarket has applied for and been awarded a grant from the Conservation Law Foundation (CLF) in the amount of \$40,000 towards this study, and

**WHEREAS**, the Town of Newmarket desires to enter into an Engineering Agreement to complete the feasibility study with Gomez Sullivan Engineers, P.C. who was selected through a qualifications-based Request for Proposals (RFQ/RFP) process in accordance with federal, state and local procurement requirements, and

**WHEREAS**, Gomez and Sullivan Engineers, P.C. has submitted their qualifications and a cost proposal to complete the feasibility study for the project (Attachment I) to include data

collection, field survey and mapping, hydrologic and hydraulic analysis, structural impacts, water supply impacts, sediment evaluation, recreational usage, cultural resources, fish passage, social issues, infrastructure, cultural resources, a review of modifications to the dam and removal alternatives, including cost estimates, visual renderings, participation in public meetings, and the drafting of a draft and final feasibility report.

**WHEREAS**, the Town staff has successfully negotiated a contract, and the Macallen Dam Steering Committee has endorsed the recommendation of the staff to enter into a contract with Gomez and Sullivan Engineers, P.C. in the amount of \$82, 389 to complete the study.

**NOW, THEREFORE, BE IT RESOLVED**, that

- 1) The Town Council hereby votes to accept the grant in the amount of \$40,000 from the Conservation Law Foundation.
- 2) The Newmarket Town Council does hereby approve the signing of a contract with Gomez and Sullivan in the amount of \$82,389 the funding to be from:

Town of Newmarket funds	\$ 42,389
Conservation Law Foundation	<u>\$ 40,000</u>
	<b>\$ 82,389</b>

First Reading Date:	June 5, 2013
Second Reading Date:	July 10, 2013
Final Town Council Approval:	July 10, 2013 ( <b>Tabled</b> )
Final Town Council Approval:	August 7, 2013

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

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Newmarket Town Clerk



GOMEZ AND SULLIVAN  
Engineers, P.C.

41 Liberty Hill Road  
PO Box 2179  
Henniker, NH 03242  
T (603) 428-4960  
F (603) 428-3973

July 1, 2013

Diane Hardy, Town Planner  
Town of Newmarket  
186 Main St.  
Newmarket, NH 03857

Re: Lamprey River Macallen Dam Removal Feasibility and Impact Analysis

Dear Ms. Hardy:

At the Newmarket town council meeting on June 19, 2013, council chair Gary Levy asked if we could reduce or eliminate the 10% direct cost markup that was included as part of our standard terms and conditions (see sheet in page 17/18 of our revised May 3, 2013 updated scope and cost estimate letter). Mark Wamser responded that we would have to talk with our management team before making such a decision.

We spoke with our management team, and they determined that we can reduce our direct cost markup to 5%. In our latest 5/3/2013 proposal, there was a total of \$14,202 that would have been potentially impacted by the 10% service charge, for an estimated fee of \$1,420. Reducing the direct service charge to 5% will reduce the anticipated direct costs to approximately \$710. This will reduce the total estimated study cost to \$81,679 from \$82,389. For the town's knowledge, the reason we include a service charge in our contracts is to cover the cost and overhead associated with the direct expenses. This includes costs associated with pre-financing direct expenses (because we must typically pay them before the town has been invoiced), and because our cost for professional liability insurance is based on our company's gross revenues, which includes direct expenses.

We appreciate the opportunity to participate in this Project, and look forward to starting the work upon the town council's approval. If you have any questions regarding our team, proposal, or service charges please do not hesitate to call me or Gary Lemay at 603-428-4960.

Sincerely,

*Mark Wamser*  
Mark Wamser, PE  
Water Resource Engineer

*Gary Lemay Jr*  
Gary Lemay  
Water Resource Engineer

cc: Tom Sullivan, Gomez and Sullivan

7/1/2013	Town of Newmarket				
Carol Sheehan	Capital Reserve Overview				
	Account #	Balance 7/1/2013	FY 13/14 Additions	FY13/4 Resolutions	Remaining Balance
Public Works	01-490-900-0012	611,122	130,000	0	741,122
Fire	01-490-900-0016	203,152	50,000	0	253,152
Library	01-490-900-0017	144,154	0	0	144,154
Police Vehicles	01-490-900-0018	120,658	47,256	0	167,914
Dispatch/Police Equipment	01-490-900-0019	102,190	0	0	102,190
Building Improvements	01-490-900-0020	324,545	0	0	324,545
Municipal Trans.Fund	01-213-000-3110	338,838	0	0	338,838
Town Clock	01-490-900-0022	9,666	0	0	9,666
Recreation Facilities	01-490-900-0021	133,184	2,000	0	135,184
Community Recreation		84,178	0	0	84,178
Technology	01-490-900-0076	27,376	0	0	27,376
Dam Capital Reserve	01-490-900-0078	41,562	0	0	41,562
Cemeteries	01-490-900-0079	9,912	3	0	9,915
Veterans Memorial Trust	01-490-900-0080	17,748	0	0	17,748
Cable TV	01-490-900-0034	71,671	0	0	71,671
Sidewalk Development		0	0	0	0
Downtown TIF	09-500-825-0181	907,243	0	0	907,243
Revaluation	01-490-900-0011	0	40,000	0	40,000
Downtown Infrastructure		34	0	0	34
Health Trust		1,114	0	0	1,114
Total General Fund		3,148,347	269,259	0	3,417,606
Water Capital Reserve		834,876	359,800	0	1,194,676
Water Surplus		2	0	0	2
Sewer Capital Reserve		641,080	100,000	0	741,080
Wastewater Legal	30-500-824-0002	909	0	0	909
Total Capital Reserve		4,625,214	729,059	0	5,354,273



For a thriving New England

CLF Massachusetts 62 Summer Street  
Boston MA 02110  
P: 617.350.0990  
F: 617.350.4030  
www.clf.org

July 25, 2013

Edward J. Wojnowski, Town Administrator  
Att: Diane Hardy, Town Planner  
Town of Newmarket  
186 Main Street  
Newmarket, NH 03857

RE: Macallen Dam Removal Feasibility Study—Contract Extension

Dear Mr. Wojnowski:

I am pleased to notify you we are able to extend the contract with the Town of Newmarket, N.H. (“Newmarket”) in connection with the Macallen Dam Removal Feasibility Study Project (“Macallen Dam Feasibility Project”) under the agreement between Conservation Law Foundation, Inc. (“CLF”) and Newmarket regarding the scope of services to be provided by Newmarket in connection with the project. Funds supporting this agreement are being made available to CLF by Restore America’s Estuaries (“RAE”) under the RAE Estuary Habitat Restoration Partnership with NOAA, NOAA Award NO. NA10NMF4630090.

1. Contract Documents: The agreement shall consist of this contract extension letter as well as the following document that is attached and incorporated into this letter by reference:

a. Attachment 1 – Macallen Dam Work Plan and Project Budget—Revised 7/25/13

2. Services: Newmarket agrees to expend these funds and provide those services outlined in the attached work plan (Attachment 1) and the terms of this agreement as specified, unless otherwise agreed to in writing beforehand with CLF.

3. Contract Amount: This contract is for the amount of \$40,000.00. Newmarket agrees to spend this money in conformity with the line item budget contained in Attachment 1. Any changes to the budget involving the expenditure of CLF funds or alterations in the source or amount of matching funding must be approved by CLF in advance in writing. Newmarket agrees to provide CLF with proper documentation supporting funded activities with interim reports and a final report. Funds will be disbursed to Newmarket on the basis of invoices. Newmarket further agrees to match all funds received hereunder on at least a 1.1-to-1 basis, utilizing non-federal funds and in-kind services and to maintain appropriate records to document the match for all funds received under this subcontract and well as other documents supporting the work undertaken under this contract for a minimum of three years from the date of completion of this contract.

4. Contract Period: This agreement covers the period from May 1, 2011 through April 30, 2014. Further extensions will not be possible.



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5. Alteration: Any alterations in the scope of work performed, the budget, or the contract period shall be submitted by Newmarket in writing to CLF and must be approved in writing in advance by CLF.

6. Reports: Newmarket agrees to submit to CLF written narrative and expense program reports as follows

Interim Reports:

- On or before September 1, 2013 covering the preceding six months.

Final Report

- On or before April 30, 2014

CLF will provide Newmarket with the proper forms for the reports and for any invoices under this contract.

7. Collaboration and Communication: The funds provided pursuant to this agreement are from the "National Partnership between the NOAA Community-Based Restoration Program and Restore America's Estuaries." Strong local and regional partnerships between CLF and NOAA's Restoration Center field-level staff are important to the national partnership and the success of restoration projects. Newmarket agrees to collaborate with NMFS program staff in implementing its scope of work as appropriate.

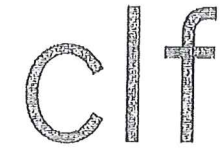
Newmarket further agrees to acknowledge the RAE-NOAA national partnership and CLF in communications with the media, the public, and elected officials about projects in the approved scope of work. Please refer to the national partnership as "National partnership between NOAA Fisheries' Community-Based Restoration Program and Restore America's Estuaries."

8. Financial Records: Newmarket agrees to maintain accurate records of all costs incurred in the performance of this work and agrees to allow CLF and their duly authorized representatives reasonable access to their records to verify the validity of expenses reimbursed under this agreement. Newmarket agrees to maintain their financial records, supporting documents and other records pertaining to this agreement for a period of three (3) years from the termination date of this agreement.

Accounting records must be supported by source documentation, such as invoices, bills of lading, purchase vouchers, payrolls and the like, and must be secured and retained for three (3) years in order to show for what purpose funds were spent. Payments should not be made without invoices and vouchers physically in hand. All vouchers/invoices should be on vendors' letterhead.

9. Community outreach and coordination: Community education is a core component of the national partnership between NOAA Fisheries' Community-Based Restoration Program and Restore America's Estuaries. Newmarket, working with its partners in the Macallen Dam Feasibility Project, will promote public education and involvement in connection with the project. Press coverage will also be developed for the project.





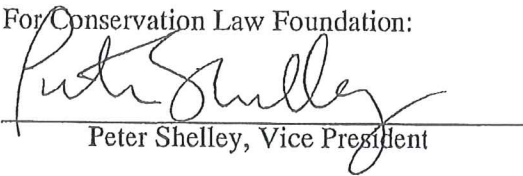
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For the Town of Newmarket:

  
\_\_\_\_\_

Date: 7/28/13

For Conservation Law Foundation:

  
\_\_\_\_\_

Peter Shelley, Vice President

Date: July 26, 2013

Attachment: Macallen Dam Removal Feasibility Study—Revised 7/25/13



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

**7. New Business/Correspondence**

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

None

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

i. Resolution #2013/2014-12 withdrawal of an Amount Not to Exceed \$8,000 From the Building Improvements Capital reserve Fund for the Purpose of Replacing Carpeting

ii. Resolution #20132014-13 Awarding #2 Heating Oil, Liquid Propane, Regular Gasoline, and clear Diesel Contracts

iii. Resolution #2013/2014-14 Agreement with Wright-Pierce for Engineering Services for the Upgrade of the Waste Water Treatment Facility

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**  
**Resolution #2013/2014-12**

**Authorizing the Withdrawal of an Amount Not to Exceed \$8,000 from the Building  
Improvements Capital Reserve Fund for the Purpose of Replacing Carpeting**

**WHEREAS**, the Town Council Chambers, Stairwells and the Town Offices Floor carpeting is in need of replacement; and

**WHEREAS**, the Director of Public Works secured three proposals; and

**WHEREAS**, the withdrawal of said funds from the Building Improvements Capital Reserve Fund requires an affirmative vote of the Town Council.

**NOW THEREFORE LET IT BE RESOLVED** by the Newmarket Town Council that it hereby authorizes the withdrawal of an amount not to exceed \$8,000 from the Building Improvements Capital Reserve Fund for the purpose of replacing carpeting in Town Council Chambers, the Town Hall stairwells and the Town Offices hallway.

*First Reading: August 7, 2013*

*Second Reading:*

*Approval:*

Approved: \_\_\_\_\_

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: \_\_\_\_\_

Donna Dugal, Town Clerk

**TOWN OF NEWMARKET, NEW HAMPSHIRE**  
**By the Newmarket Town Council**  
**Resolution #2013-2014-13**

**Relating to Awarding #2 Heating Oil, Liquid Propane, Regular Gasoline, and Clear Diesel Contracts**

WHEREAS, through a competitive bid process, the Town entertained proposals for #2 Heating Oil, Liquid Propane, Regular Gasoline, and Clear Diesel, and

WHEREAS, the proposals that are in the best interest of the Town are as follows:

<u>Bid</u>	<u>Provider</u>	<u>Cost per Unit</u>
#2 Heating Oil	Hanscom's Truck Stop, Inc.	Fixed Price - \$3.09/gallon
Liquid Propane	D. F. Richard	Fixed Price - \$1.69/gallon
Regular Gasoline	Hanscom's Truck Stop, Inc.	Price over rack - \$0.15/gallon
Clear Diesel	Hanscom's Truck Stop, Inc.	Fixed Price - \$3.30/gallon

**NOW, THEREFORE BE IT RESOLVED** that the Newmarket Town Council does hereby award energy contracts to D.F. Richard for Liquid Propane and Hanscom's Truck Stop, Inc. for #2 Heating Oil, Regular Gasoline, and Clear Diesel, and authorize the Town Administrator to enter into any related contracts.

*First Reading: August 7, 2013*  
*Second Reading:*  
*Approval:*

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

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Town Clerk

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

**Resolution #2013-2014-14**  
**Authorizing the Agreement with Wright-Pierce for Engineering Services**  
**for the Upgrade of the Waste Water Treatment Facility**

**WHEREAS** the Town of Newmarket has completed a detailed qualifications-based selection process to select a Consultant for engineering services related to the upgrade of the Wastewater Treatment Facility, and

**WHEREAS** the Town has negotiated a scope and fee for Preliminary Design that has been approved by Town Staff and the New Hampshire Department of Environmental Services and United States Department of Agriculture – Rural Develop, and

**WHEREAS** these services are required to comply with the conditions of the Administrative Order on Consent (AOC).

**NOW THEREFORE LET IT BE RESOLVED** by the Newmarket Town Council and the Town Treasurer with the approval of the Town Administrator are hereby authorized to engage Wright-Pierce for the Preliminary Design of the Wastewater Treatment Facility, with the Preliminary Design Fee established at \$415,000.00. The scope and fee for the Final Design will be established during the Preliminary Design and will be brought before the council for approval at that time.

*First Reading:* August 7, 2013

*Second Reading:*

*Approval:*

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

A True Copy Attest: \_\_\_\_\_  
Donna Dugal, Town Clerk



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

**7. New Business/Correspondence (continued)**

**c. Correspondence to the Town Council**

**d. Closing Comments by Town Councilors**

**8. Adjournment**